

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JULY 2, 1975

The regular monthly meeting of the Tippecanoe County Drainage Board was held in the County Council Room of the Tippecanoe County Court House on Wednesday, July 2nd, 1975 with the following members present: Bruce Osborn, William Vanderveen, Fred Hoffman, Robert L. Martin and Gladys Ridder.

Minutes  
Approved

Upon the reading of the minutes of the special called meeting held on June 13th, 1975, Bruce Osborn moved the minutes be approved as read. The motion was seconded by William Vanderveen. The following two letters are the result of that meeting:

Lafayette, Indiana  
June 17, 1975

RE: S. W. Elliott Ditch

Dear Landowner;

This report is to inform you as an interested landowner on that part of the S. W. Elliott ditch which is the main tile branch, that after hearing testimony and seeing evidence that there is a real need to take steps to eliminate the pond on Richard H. Smith's property and after due consideration it was recommended to the Drainage Board by the County Surveyor that the tile portion of the main ditch be changed in classification from one in need of periodic maintenance to one in need of reconstruction.

It should be made into an open ditch rather than tile. If this should be done the costs of reconstruction would be based on an assessment determined by benefits and damages to the various tracts involved.

Should you have any questions concerning this, please feel free to call or write the Tippecanoe County Surveyor.

Sincerely,

/s/  
Robert L. Martin, L. S.  
Tippecanoe County Surveyor

Lafayette, Indiana  
June 17, 1975

RE: Ilgenfritz ditch

Dear Landowner;

I am writing this letter in order that you may be informed as to the action taken by the Tippecanoe County Drainage Board at the meeting held on June 13, 1975.

It was brought out at the meeting that to perform any kind of maintenance at this time on the outlet of the Ilgenfritz ditch would most likely do some damage to properties located further downstream, especially those properties located on the Dismal Creek Ditch.

Since Dismal Creek Ditch is not presently established as a part of the legal drainage system of Tippecanoe County it was recommended that those owners affected by it's condition take steps to have it established as part of the legal system. Until this situation is taken care of, I will not undertake any cleaning or deepening of the Ilgenfritz Ditch. If you have any questions regarding this, please feel free to call the Tippecanoe County Surveyor's Office.

Sincerely,

/s/  
Robert L. Martin, L.S.  
Tippecanoe County Surveyor

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REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JULY 2, 1975 CONTINUED

The following letter was received from Dr. Andrew B. Schilling, P.P.:

May 23, 1975  
Ref. No. 384-75

The County Drainage Board  
County Courthouse  
Lafayette, Indiana 47901

RE: Review and comments on the proposed Acres-0-Lake Campground Project.

Gentlemen:

Enclosed kindly find one copy of a site plan in connection with the above referenced project.

This office is respectfully requesting your three member board as to reviewing, evaluating, and commenting on the drainage and sewerage aspects of this project.

The proposed campgrounds are planned at the intersection of Interstate 65 with State Road 38 in Tippecanoe County abutting the Western Pancake House and a number of residential homes in the area. Dr. Carr, a dentist who is one of the abutting owners has stated repeatedly both at the rezoning public hearing held by APC and the Board of Commissioners, that his property has been flooded by the placing of the Western Pancake House in this location. Furthermore, the APC Executive Director has spotted at the time of his site inspection traces of septic tank overflow in this project area.

Kindly review and report on this project prior to the June public hearing to be held by APC.

Very truly yours,

/s/  
Dr. Andrew B. Schilling, P.P.  
Executive Director

ABS/ssh

Lafayette, Indiana  
July 2, 1975

Dr. Andrew B. Schilling, P.P.  
Executive Director  
Area Plan Commission  
Tippecanoe County, Indiana

RE: Acres-0-Lake

Dear Sir:

The Tippecanoe County Drainage Board reviewed the site plan, as submitted, for the above project at it's regular meeting, held on July 2, 1975.

It was determined that the surface water treatment would be adequate for this type of development. Any review of the sewage aspect would necessarily be the responsibility of the Board of Health, therefore, this approval shall be for the surface water plan only.

Sincerely,

/s/  
Robert L. Martin, L.S.  
Tippecanoe County Surveyor

RLM/gr

Don Snyder, Clinton County Surveyor, Carroll Beeson, Montgomery Co. Surveyor together with Ellsworth Biesecker, Clyde C. Johnson, Frank Pletch, Clinton Co. Commissioners and Sam Boots, Don Yundt, Montgomery Co. Commissioners met with our Board to discuss the reconstruction of a part of the John McLaughlin ditch. Arthur Waddell was also present at the meeting.

Informal  
J. McLaughlin  
drain  
joint meeting

Mr. Snyder spoke for the many landowners of Clinton County who are in the watershed area of the tile portion of the McLaughlin drain. He said they were very much in need of a maintenance fund for the tile had many blow-ups. He said in their county one of the tile branches was referred to as the W. M. Milner ditch. The County Attorney said to set up a maintenance on that branch with the information given to those people that when the McLaughlin ditch is reconstructed that they will also be assessed on the main ditch.

Mr. Beeson said they had been so busy and were still not in position to set up a reconstruction or maintenance hearing on the McLaughlin ditch. Because the majority of the McLaughlin ditch is in Montgomery County, Mr. Beeson would have to be the ex-officio member of the joint Board and pretty much inform the rest of the Board when and what he planned to do. He could also delegate the work load to other members of the Board. Because Mr. Martin is a registered surveyor he would do the engineering field work with Mr. Snyder assisting him. Mr. Beeson did not feel that he had the time to give to this project as yet.

The law states that the president of the various boards appoint one member to serve on the joint board. Mr. Bruce Osborn will serve from Tippecanoe County, Ellsworth Biesecker will serve from Clinton County as Chairman of the Joint Board and Sam Boots from Montgomery County will serve on the Board and also as Secretary to the Board. Mr. Osborn moved that Mr. Biesecker make a feasibility study and all would go from there. Mr. Osborn moved that the meeting adjourn and the motion was seconded by William Vanderveen.

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REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JULY 2, 1975 (CONTINUED)

Chas. Kemmer (see below)

(absent)  
Robert F. Fields, Chairman

William Vanderveen  
William Vanderveen, Vice Chairman

Bruce Osborn  
Bruce Osborn, Board Member

ATTEST:

Gladys Ridder  
Gladys Ridder, Executive Secretary

Judge  
Kemmer

Judge Charles Kemmer appeared before the Board to request a waiver of the 75 foot easement on a tract of land in the Lydia Hopper Legal Drain watershed area. He asked the Surveyor if he would go to the site of the land his client wanted to purchase and help determine if the request would be necessary. The Board said when all of the information was gathered to come back and then the decision could be made. Mr. Kemmer will be placed on the agenda for the August 6th, 1975 meeting.

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD OCTOBER 1, 1975

The Tippecanoe County Drainage Board met in the County Council Room in the Tippecanoe County Council Room in the County Court House at 9:15 a.m., with the following members present: Bruce Osborn, Robert Fields, William Vanderveen, Robert L. Martin, Fred Hoffman and Gladys Ridder.

Minutes  
Approved

Upon the reading of the minutes of the August 6th and 20th, 1975 meetings, Bruce Osborn made the motion to accept the minutes as read. The motion was seconded by Robert Fields and made unanimous by William Vanderveen.

Meeting date  
Changed

The November meeting date falls on the day after election and the Council Room will be occupied. Also many of the farm people will be harvesting, so the Board felt it wise to change the date for the next meeting until December 10, 1975.

Nellie Ball  
Ditch  
Petition

The petition of the people in the Nellie Ball Legal Ditch watershed area was read and discussed. They had asked to be considered for reconstruction so the Board referred it to the Surveyor to prepare for a new reconstruction hearing.

9:30 a.m.  
Maintenance  
for  
Ray Skinner  
Ditch

Robert Fields opened the hearing on the Ray Skinner ditch by asking the Surveyor for his report and recommendations. The Surveyor read two letters received by the Board in connection with this ditch. One was from Mildred Ellison asking for assistance on her portion of the ditch and the other was from John B. Willig stating he was against a maintenance fund for he felt he received no benefit from the ditch.

Charles Kennedy was the only person in attendance. He expressed his complete approval of a maintenance fund and the \$1.00 per acre assessment as recommended by the Surveyor. Bruce Osborn made a motion to establish a \$1.00 per acre assessment on the Ray Skinner ditch. Robert Fields seconded the motion and William Vanderveen made it unanimous.

Ilgenfritz  
Ditch

Mr. Lewis Beeler, Mrs. James Phillips and Mrs. Thelma Clearwater appeared before the Board to ask for help in repairing the Ilgenfritz Legal Ditch. Even though a maintenance fund had been established on this ditch earlier, the Surveyor wanted the approval of the Board on this project especially since there had been so much controversy in that area. Mr. Beeler assured the Board that the repairs needed would definitely not shed a greater amount of water on those below in the Dismal Creek area but only protect their tile.

## REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD OCTOBER 1, 1975 CONTINUED

Upon motion of William Vanderveen, seconded by Robert Fields and made unanimous by Bruce Osborn, the Board instructed the Surveyor to make the necessary repairs.

Robert Fields opened the hearing on the maintenance fund for the John Blickenstaff ditch by asking the Surveyor to make his recommendations and to read his report. Mr. Martin complied and explained the need to call a new hearing. The amount of \$0.10 per acre assessment as is now collected for the John Blickenstaff ditch is inadequate and with present expenses being as much as they are he felt \$1.00 per acre was necessary.

Those in attendance were: Charles Kennedy, Theodore Dieterle, Keith J. Barger, Byron Skinner, Edith Sheese and Rachel C. Skinner.

Keith Barger questioned whether the 1400 feet of tile ditch was a part of the Legal drain. He said he would like to see a legal description of the ditch to know just what their money would maintain. Byron Skinner and Edith Sheese had questioned their acreage assessed to this watershed. With the records so confusing the Board asked the Surveyor to go out, determine just what did

10:00 a.m.  
J. Blickenstaff  
Maintenance  
Hearing

drain into the ditch so that once and for all the legal description could be established. Mr. Barger said that cement thrown into the roadside ditch at the bridge at 900S and 500E, east of the Theodore Dieterle farm caused much harm to the performance of this ditch. Mr. Osborn said he would have the Highway department look into this situation.

Many felt \$0.50 per acre would be enough but when faced with the amount of \$1,751.06 now due on this ditch thought the \$1.00 per acre assessment seemed more realistic. The SCS office had rebuilt a headwall plus repairs to the tile portion on Charles Kennedy and Marvin Hesler farms causing the indebtedness.

Upon motion of Robert Fields, seconded by William Vanderveen and made unanimous by Bruce Osborn the \$1.00 per acre assessment was established.

Order & Findings Upon the establishing of maintenance funds on the Ray Skinner and the John Blickenstaff ditches, and the Board signed the order and findings and the certificate of assessments.

Certificate of Assessments

William Vanderveen motioned to adjourn. Robert Fields seconded and Bruce Osborn made it unanimous.

ATTEST:

Gladys Ridder  
Gladys Ridder, Executive Secretary

Robert Fields  
Robert Fields, Chairman

William Vanderveen  
William Vanderveen, Vice Chairman

Bruce Osborn  
Bruce Osborn, Board Member

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD  
December 7, 1983

The Tippecanoe County Drainage Board met in regular session in the Community Meeting Room of the Tippecanoe County Office Building on Wednesday, December 7, 1983 at 8:30 a.m.

In attendance: Bruce Osborn, Chairman; Michael Spencer, Surveyor; George Schulte, Engineer; Fred Hoffman, Attorney; and Frances Bates, Secretary.

I Woodberry Planned Development - Robert Grove.

Mr. Robert Grove, representing John Fisher Engineering and Mr. H. Leroy Moore, developer, appeared before the Drainage Board to request Preliminary Approval for Woodberry Planned Development. This 31 acre development has a 36 acre total watershed and is presently drained by five different ravine systems with the largest ravine system draining north. The development proposes to route as much water as possible into one detention basin, rather than attempting to construct numerous smaller basins. Through the use of pipes, grading, possible swail, and open channel, about two-thirds of the development would be drained in the direction of the detention basin. The remainder of the development to discharge uncontrolled into the existing system. For 31 acres the pre-development flow is 20.7 cfs, a difference of 1.6 cfs would incur in the flow if the uncontrolled flow were included in the detention. Because of a 6" orifice plate required to control flow from the basin, possible maintenance problems could develop. Mr. Grove recommended depression of the basin one foot below the orifice plate and allowing silt to raise the basin to the desired level.

Woodberry  
Planned  
Development

Mr. Grove answered in response to Mr. Osborn's request that a petition to establish this area as a legal drain would be sought. He responded that his client had no problem with establishment of the legal drain, either all or a portion of the drainage system, depending on the Board's recommendation.

Mr. Schulte advised that all of the drainage system be included in the petition to establish a legal drain from the outlet to the Wildcat. This to include the 31 acres of the development plus the 5 acres which drain into the development.

Mr. Grove reported that the detention basin would be outletted into a 36" pipe under 100 N to the Wildcat Creek. Mr. Schulte stated that the area outletted into was low and flat with no defined channel. Mr. Schulte requested information as to emergency overflow from the detention basin. Mr. Grove reported the only relief to be the 36" pipe, the use of grading to control flow, with overflow possible over the road in several low places in extreme conditions.

Mr. Schulte noted existing erosion conditions at swails and a washed out head wall and recommended improvements in these areas. Mr. Grove concurred that erosion control measures need be noted in the construction plans. He stated that construction was scheduled for next Spring.

Mr. Osborn requested that easements be defined and Mr. Schulte recommended access off the County Road. Mr. Grove stated there would be no problem in defining access easements since this was a planned development. Mr. Schulte noted here that designation of drainage easements was required for a planned development. In response to Mr. Osborn's question, Mr. Grove stated that utility easements would be designated separately from drainage easements, with utility easements to be behind the drainage easement right of way.

Mr. Spencer requested if elevations had been set, particularly in regards to Lot 29 and Lot 25. Mr. Grove stated that elevations had been set, but he did not have the grading plans with him to provide detailed information. Mr. Grove reported these areas to have 4' of fill, the possibility of cutting a swail along back lots in this low area unknown. Mr. Schulte recommended an open channel, rather than pipes in this area.

The Tippecanoe County Drainage Board granted Preliminary Approval of the Woodberry Planned Development pending concurrence of absent Drainage Board members.

Discussion -Camelot & Lockwood Legal Drain -

Mr. Michael Spencer reported that a petition to establish Camelot and Lockwood drainage systems as a legal drain had been received. Mr. Spencer presented a plat of 13-23-4 showing acreage and property owners. Mr. Spencer reported that although Kovichs' had submitted a petition indicating ownership of 71 acres, only 6.08 acres were recorded in their name. Mr. Spencer estimated the total watershed to be 250 acres, therefore requiring 25 acres or 10% to verify this petition.

Camelot  
Lockwood

Per Mr. Hoffman's recommendation, it was agreed that a letter be sent to Tippecanoe Builders requesting verification of 10% ownership or requiring the signature of land owners of record for any lands claimed in the process of purchase, and also informing them that this legal drain would extend to the Wildcat Creek.

Dismal Creek

Mr. Spencer reported that Mr. Lahrman had contacted him requesting that a hearing be held to establish the Dismal Creek as a legal drain. This ditch located near Wea School, connecting to the Ilgenfritz Ditch. Mr. Spencer stated that the petition to establish the Dismal as a legal drain had been received. This petition, however, does not include the setting up of a maintenance fund or a request for reconstruction. Mr. Lahrman's plans being to petition for reconstruction of the Dismal once it is accepted as a legal drain. Mr. Spencer noted that it was Drainage Board Policy not to establish a legal drain unless a maintenance fund was established.

Dismal  
Creek

It was agreed that the logical procedure would be to combine the Ilgenfritz and the total length of the Dismal into one drainage system. Mr. Hoffman suggested that the State Department of Natural Resources be consulted, since the Dismal Creek is a natural waterway. Mr. Spencer noted that records on file indicate that Soil Conservation Service plans of 1948 were to dredge the Dismal at that time. Mr. Hoffman stated that if the Creek had prior work done on it, it would not be difficult to gain their approval for the establishment of a legal drain.

Mr. Hoffman recommended that a new legal description be written to cover the entire Ilgenfritz and Dismal watershed, that the establishment of the legal drain, and that the request for reconstruction be dealt with at one hearing, rather than holding numerous hearings.

Mr. Spencer stated that a petition to reconstruct the Ilgenfritz would be forthcoming, plans being to start at the Wea, dredge 7000' of the Dismal, and continue up the Ilgenfritz.

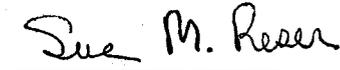
Mr. Osborn requested information of legal counsel as to whose decision it was to combine the drains, one of property owners or of the Drainage Board. Mr. Hoffman stated that legal drain establishment could be stopped by 51% of the owners. Mr. Hoffman recommended that the establishment of the legal drain and the establishment of the maintenance fund should be at the same time, in the event that the petition for reconstruction did not carry.

It was agreed to schedule a hearing to: 1) establish the Dismal Creek as a legal drain, 2) establish a maintenance fund on the Dismal, 3) propose the combining of the Ilgenfritz as a branch of the Dismal Creek main, and to duly notify all land owners in the watershed of the Dismal, the Ilgenfritz, and the Luther Lucas Ditch of said hearing.

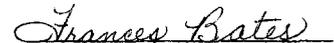
The Tippecanoe County Drainage Board was adjourned at 9:10 a.m.

  
Bruce Osborn, Chairman

  
Eugene Moore, Boardmember

  
Sue Reser, Boardmember

ATTEST:

  
Frances Bates, Secretary

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD  
January 11, 1984

The Tippecanoe County Drainage Board held their regular monthly meeting in the Community Meeting Room of the Tippecanoe County Office Building on January 11, 1984 at 8:30 a.m.

In attendance: Bruce Osborn, Chairman; Eugene Moore, Boardmember; Sue Reser, Boardmember; Michael Spencer, Surveyor; William Martin, Administrative Assistant; George Schulte, Engineer; Fred Hoffman, Attorney; and Frances Bates, Secretary.

I Election and Appointments - 1984

Mr. Fred Hoffman opened proceedings for the election of officers and the appointment of consulting staff for the Tippecanoe County Drainage Board for the year 1984.

Officers  
1984

President of the Board -

Eugene Moore nominated Bruce Osborn for President of the Drainage Board for 1984. Sue Reser seconded the motion. Bruce Osborn was elected President of the Tippecanoe County Drainage Board for the year 1984, and conducted the following proceedings.

Vice-President of the Board -

Sue Reser nominated Eugene Moore for Vice President of the Drainage Board for 1984. Bruce Osborn seconded the motion. Eugene Moore was elected Vice President of the Tippecanoe County Drainage Board for the year 1984.

The following appointments were made for the year 1984:

Frances Bates - Secretary of the Drainage Board  
Fred Hoffman - Drainage Board Attorney  
George Schulte - Drainage Board consulting Engineer

II King's Ridge Subdivision

Mr. Bob Grove and Mr. Joe Bumbleburg appeared before the Board as representatives of the King's Ridge Subdivision developer to request Final Approval of the drainage plans.

Mr. Grove explained changes which had been made since the request for Preliminary Approval was made. For purposes of storm water management, he explained that the 53 acres of the subdivision had been divided into two sections. The area near Eisenhower Road to have a detention basin in an outlet outletting into an intermittent stream tributary to the Wildcat. The second section being a steeper area which cannot be entirely served by a detention basin, with some direct runoff. This area requiring some over-detention and having a larger basin with access along the main road directly adjacent to the intermittent stream. This basin being larger in order to decrease the outflow and in order to over-detain, and therefore to make up for the direct runoff on site. Mr. Grove then indicated, on plans exhibited, those areas to have direct runoff and those to be directed into the basin. Mr. Grove stated that the attempt had been made to balance the areas of direct runoff with those areas of controlled runoff, so that the average total development runoff would be less than/or equal to the predevelopment runoff. To accomplish this balance, the outlets would need a .5 cfs per basin. After consultation with Mr. Schulte and Mr. Spencer, it was recommended that a 15 inch pipe be used with no orifice plate and a 3.5 cfs outlet on one basin, and an 8 inch orifice plate with 5 cfs on the other basin. These recommendations would allow more runoff after development than before development, but would provide greater ease of maintenance.

King's  
Ridge:SD

In response to Mr. Osborn's question as to the Wildcat being the final destination of the runoff water, Mr. Grove replied that it was, as before, to follow the natural path to the Wildcat, curb sections and high runoff areas to be routed into basins, and grassy areas behind houses to run off direct.

Mr. Osborn asked if the land adjacent on the other side of the road was owned by the developer to the stream. Mr. Grove replied that it was not, but that a narrow strip of land between the Wildcat and the development was privately owned, with other adjacent areas to be part of the First Wildcat Creek Park. Mr. Osborn asked if the plans would increase flow at any given point. Mr. Grove stated that they would not, since any increase would be routed to the detention basin and then through outlet pipes to the stream itself. Mr. Osborn asked if the plans would increase the flow onto adjacent, not development owned property. Mr. Grove replied that they would not, since runoff would be detained for that area. He stated that the 15 inch pipe would decrease, not increase, the runoff.

Mr. Hoffman requested that the route of the runoff to the Wildcat be explained. Mr. Grove stated that the 15 inch outlet pipe from the basin crosses Eisenhower Road and outlets on the downstream end of the twin culverts into the stream. The outlet pipe itself being in the right-of-way, the outlet held in the right-of-way, and the flow maintained within the right-of-way and not crossing any other properties. Mr. Grove could not state for certain if any footage of privately owned property was involved between where the Wildcat actually touches the right-of-way.

Mr. Spencer reminded the Board that questions concerning the Legal Drain were yet to be answered. Mr. Bumbleburg stated that if Final Approval were granted, that a letter of credit would be secured along with the petition for a Legal Drain. Mr. Grove explained for Mr. Osborn that 50 acres above and adjacent areas would be involved in the drain area.

Mr. Spencer stated that he had reviewed and made changes on the plans, and anticipated no problems with the changes being made. Mr. Grove noted that a letter would be forthcoming detailing the changes to be made as discussed. Mr. Spencer verified the calculations and scheme of the plans to be acceptable. Mr. Schulte agreed that the plans substantially comply with the ordinances, noting that the development area was a difficult design terrain. He restated that a greater runoff than normal had been allowed because of the terrain and in order to ease maintenance.

Mr. Moore made a motion that Final Drainage Board Approval be given to King's Ridge Subdivision. Sue Reser seconded the motion. Mr. Osborn granted the approval to be unanimous. This approval to be given contingent upon the following conditions: 1) That changes and corrections requested by the Drainage Board staff on the final plans be made; 2) That a petition to establish a Legal Drain be forthcoming, accompanied by a letter of credit.

III Camelot Subdivision, Parts IV & V

Mr. Robert Grove, representing Tippecanoe Builders, came before the Board to request Final Approval of drainage plans for Camelot Subdivision, Part IV & V. Mr. Grove stated that basic Preliminary plans had been carried through with few changes, the subdivision being rural in nature with large lots and not much increase in runoff after development. The final plans to include a northern upstream basin, larger than the existing basin, to lower flow from the 100 acres north and to decrease predevelopment overflow to the lower basin to 6 cfs in a 100 year storm, and to 12 cfs in a 50 year storm event. He stated that there would be some overflow still occurring from this basin, and that therefore a large concrete headwall structure to protect the roadway had been included. Mr. Grove also noted that erosion control measures had been provided in steep areas, including a temporary sediment basin.

Camelot  
IV & V

In response to Mr. Osborn's question as to this area being made part of the overall Legal Drain, Mr. Chris Kovich replied that it would be part of the Legal Drain to the Wildcat. Mr. Spencer and Mr. Kovich agreed that the new basin would relieve the problems on the lower basin.

Mr. Schulte stated that he had reviewed the plans, made changes, and agreed that the large basin, in contrast to a plan for many small basins, would be easier to maintain. Mr. Schulte noted that Mr. Grove had submitted plans for the revisions.

To clarify previous proceedings concerning the Legal Drain establishment, Mr. Hoffman quoted from the Drainage Board minutes of November 2, 1984:

Mr. Moore recommended that a legal drain be established before Final Approval was granted. Prior to final approval of construction plans, Mr. Osborn and Mr. Hoffman recommended that the legal drain procedure be instituted, that affected property owners be advised of development plans, and that Mr. Ruth be consulted for plan approval. Mr. Spencer recommended that Lockwood be included in the petition, since it is in the same watershed to the Wildcat. Assessments to be determined after the filing of the petition. Mr. Kovich requested Preliminary Approval of the concept so that construction plans could be formulated. Mr. Schulte cautioned, due to the proximity of the detention pond to the property owner on the north, that possible problems could occur with water being placed on this property. He recommended delay of construction plans until resolution of this possibility.

Camelot Subdivision - Part IV & V (cont.)

Mr. Schulte concurred that there was a possibility of water being placed on the property to the north in the event of a 200 or 300 year storm, but he believed this would not occur in a 50 year - 6 hour storm or in a 100 year storm event.

Mr. Chris Kovich stated that he had the final petition ready to submit, with the recommended additions to the original petition, as advised by Mr. Spencer, being completed. The petition, he stated, included the entire watershed area. Mr. Hoffman questioned if the petition included a legal description of the drain to be established, and if it noted the detention basin. Mr. Kovich replied that the petition included a legal description of properties per the tax records and a general description of the route of flow, but did not specifically detail a detention basin.

Mr. Spencer clarified that a more detailed drain description would be made, with the exact location to be given after survey. He noted of most importance that verification of easements be made to assure that these easements do contain the drain. Mr. Dave Kovich stated that all back easements of 50 feet were placed already per previous Drainage Board request.

Mr. Hoffman requested information as to cost responsibility for the legal drain establishment. Mr. Spencer quoted from the original petition he had received:

Page 1, Part 8:

The petitioners will pay the cost of notice and all legal costs, if petition is dismissed, and post a bond, if required, to cover the costs of such notice, in case the improvement is not established.

Mr. Hoffman recommended that a bond be posted to cover the costs. As to an estimate of costs, it was agreed that \$10,000.00 would be sufficient to cover the survey costs. Mr. Spencer agreed that previous work accomplished by Fisher Engineering would be helpful, but would still need to be verified, a line run, and a legal description written of the drain. As to cost responsibility for the establishment of the legal drain, Mr. Hoffman concurred that Part 8 of the petition would be sufficient. For Ms. Margaret Nolan, legal counsel for Tippecanoe Builders, Mr. Hoffman stated that a letter of credit in place of the bond would be acceptable, as long as some guarantee of cost responsibility was made, and that the petition did meet the 10% criteria.

Ms. Sue Reser moved that Final Approval be granted to Camelot Subdivision, Parts IV & V with the following stipulations:

- 1) That an approved petition be filed for establishment of the Legal Drain meeting ordinance criteria.
- 2) That a letter of credit or a bond be posted in the sum of \$10,000.00 to cover the survey costs.

Eugene Moore seconded the motion. Bruce Osborn made the motion unanimous. Final Approval was granted by the Tippecanoe County Drainage Board to Camelot Subdivision, Parts IV & V, with the above noted conditions.

IV Stewart Oil Company - Mr. Pat Cunningham, representing Stewart Oil Company, declined to attend.

V Dismal Creek - Legal Drain Establishment

Mr. Spencer reported that assessment lists and preliminary work had been completed on the establishment of the Dismal Creek Legal Drain. He requested that a hearing date be set by the Drainage Board so that notices could be sent. By consent, it was agreed to set a hearing date of March 7, 1984 at 9:30 a.m. The hearing to be held in the Community Meeting Room of the Tippecanoe County Office Building. The agenda to be:

- 1) To hear the petition for the establishment of the Dismal Creek as a Legal Drain.
- 2) To establish a maintenance fund for the Dismal Creek Legal Drain.
- 3) To combine the Dismal Creek, the George Ilgenfritz, and the Luther Lucas drains into a single drainage system.

Mr. Spencer explained that legal counsel had advised that assessments from the three drains be equalized, with the Lucas and Ilgenfritz landowners not to be assessed until the Dismal Creek maintenance fund had reached a comparable per acre level. Mr. Spencer noted that he anticipated the receipt of a Reconstruction Petition on the Dismal once it was made a Legal Drain, stating that it needed dredging, and advised that the maintenance fund establishment was necessary in the event that the Reconstruction Petition failed.

VI Elliott Ditch - no hearing date set at this time.

The Tippecanoe County Drainage Board was adjourned at 9:15 a.m.

Bruce Osborn  
Bruce Osborn, Chairman

Eugene A. Moore  
Eugene Moore, Boardmember

Sue M. Reser  
Sue Reser, Boardmember

Frances Bates  
Frances Bates, Secretary

ATTEST:

Camelot  
IV & V

Dismal  
Creek

REGULAR MEETING OF  
TIPPECANOE COUNTY DRAINAGE BOARD  
MARCH 7, 1984

The Tippecanoe County Drainage Board met in regular session Wednesday, March 7, 1984, at 8:30 a.m. in the Community Room of the Tippecanoe County Office Building.

In Attendance: Bruce Osborn, Chairman, Eugene Moore and Sue Reser, Boardmembers, Michael Spencer, Surveyor, Dan Ruth, County Highway Engineer, Fred Hoffman, Attorney, George Schulte, Engineer, and Maralyn D. Turner, Secretary.

I Tile Bids - 1984

Mike Spencer made recommendation to accept both tile bids for 1984 previously submitted by Economy Tile Company, P.O.Box 157, Economy, In 47339, and from Reed's Quality Tile Company, 10 West Hoop Street, Flora, In 46929, motion made by Eugene Moore to accept both bids, seconded by Bruce Osborn. The Tippecanoe County Drainage Board unanimously approved the motion.

Tile Bids

II LOCKWOOD III

LockwoodIII

Robert Grove, representing Tippecanoe Builders requested final approval on revised final drainage plan.

Major Changes: Storm Event and Lockwood Drive Culvert

Mr. Grove stated that old plan was based on 100 year storm event, would like to base new plan on 50 year storm event, changing antecedant moisture condition from 3 to 2. Mr. Grove purposed to use existing pipe and add 48" pipe beside it. Mr. Schulte agreed with quantity run off, but feels a 54" diameter pipe size would carry the run off, reason would be better maintenance and long term performance. Mike Spencer agreed to 1 - 54" diameter pipe. Dan Ruth stated: It isn't standard practice to use two different pipe sizes, feels he is not in position yet to make a decision, needs more information on subject. George Schulte recommended removal of small pipe, pipe can be salvaged without any problem and used elsewhere. Mr. Grove ask acceptance of 50 year criterion design, George said ordinance calls for 50 year design and normally a designer should check for 100 year to see what it does to local area and difference between 100 year high water and the house pad elivation, safety valves should be here. Chris Kovich asked who was going to pay for the removal of the pipe? Pipe was put in by developer, much discussion was given to who the 18" pipe belongs to, since it is County right of way, replacing with a different pipe size makes different condition. Mr. Kovich said, "if the County can use pipe elsewhere, fine", or if county will reaffirm what was state in letter. Mr. Bruce Osborn read letter dated November 22, 1983

Gentlemen:

This is to advise that Tippecanoe County Highway Department will assist in the purchasing and installation of Structure # 2 as shown on the construction plans of Lockwood Subdivision, Part 3.

Said Structure # 2 is in Lockwood Part 2 and consists of 90" of 54" C.M.P.

The County will pay \$2,500.00 and replace the asphalt base and surface where siad pips is placed.

Signed by, Bruce V. Osborn, President, Board of Commissioners of the County of Tippecanoe.

Letter to  
Tippecanoe  
Builders  
Lockwood

Gene Moore ask if changing pipe size would save builders lots. George Schulte answered question, that this would save buildrs lots, reason for replacing the existing eighteen inch (18") pipe is to

provide a positive outlet capable of passing the runoff from 100 year storm event from land upstream (offsite), as well as to provide a positive outlet from land owned by the builders. By replacing the eighteen inch pipe with a larger pipe Tippecanoe Builders gave up only one lot instead of three or four lots as originally planned to meet the drainage ordinance requirements. After much discussion Tippecanoe Builders are willing to go along with design and the County agreement. County will accept 18" pipe, pay the builder \$2,500.00 and replace the asphalt base and surface.

kbord III Blackbird Pond - Robert Grove Representing John Smith Developer

Property is located west of West Lafayette, Indiana, between Lindbergh Rd and McCormick Road west of Cherry Lane. The site contains 80 acres which is proposed for residential planned development. An impervious surface ratio of 45 percent is usually used and acceptable with Area Plan Commission. Site contains an existing eight acre pond. This pond receives runoff from approximately 300 Acres including the 80 Acre site the major portion of the upstream watershed is in agricultural use. The 80 Acres site is also in agricultural use at this time, runoff from this upstream area is conveyed to the site under Linbergh Road by two culverts; as 60 inch and 15 inch. The soils in this water shed range from Carlisle muck near the pond to a well drained Russell silt loam in the north portion of the watershed. The topography is near flat to slightly sloping with an overall difference in elevation in the watershed of 31 foot in 5,000 foot. The area is slow draining with a time concentration of one hour used for the upstream 225 acres. The existing pond is now drained to the southwest under McCormick Rd, through a 24 inch corrugated metal pipe. This pipe is almost entirely blocked. Therefore, it is not uncommon for water to overflow McCormick Rd at the discharge pipe. The difference in elevation between the Proposed Drainage Plan consists of piping storm water from the 80 Acres development for 10-year, one-hour storm to the existing pond, plus piping and channeling the 50 year storm runoff north of Lindbergh Road through the development to the pond. The only modification proposed for the pond is to clean out the existing 24" discharge pipe under McCormick Rd. The existing pond provides a large amount of storage, this being the basis of complete run off, effect on the pond. If 24" culvert were cleaned out the invert of culvert is elevation of 669, difference between the depth of water as result of the development the elevation raised 3.6". Mr. Robert Grove ask the Drainage Board to waive the following requirements as stated in Drainage Ordinance.

1. Since the pond in its natural condition supports fish, we are requesting that the ten foot depth requirement be waived.
2. Request that the natural slopes be accepted as stable.
3. Since the natural pond bottom and adjacent shoreline have a low gradient, request that the safety and maintenance ledge requirement be waived. We are proposing to provide a surface treatment such as stone from the permanent pool elevation to at least the 100 year storm high water elevation.
4. Since the pond now receives runoff from over 300 Acres, it is very unlikely that the pond would dry up. We are requesting that the means of maintaining the designed water level during prolonged dry periods be waived.
5. Since the pond is not man-made, it does not drain naturally. The only way to empty the pond would be by pumping over an extended period of time. We are requesting that the requirements for auxiliary means of draining the pond be waived.
6. Since the pond surface area is in excess of eight acres, natural aeration occurs which is evident from the existing aquatic life, therefore we are requesting that the aeration facilities requirement be waived.

Mr. John Leitner whose property is south of the proposed 80 Acres development was present and pointed out that drainage from the Purdue dairy farm property comes around and gets into pond, not sure amount of flow. Mr. Leitner would like to keep tile size the same (24") and requested to have Purdue clean their ditch, doing this would permit an even flow out of the pond and across his property. Drainage Board requested time to study the Drainage Ordinance before taking action. Things to be left open - Size of pipe, (may want to change from 24" to 36",) would be up to the developer that there is a good positive outlet downstream to get rid of the water. Board will take letter of 7 points under advisement and get back with the developer.

wood IV Willowood East Part III

t Part Final approval has been reviewed by Mike Spencer and George Schulte.

I Major Changes:

Revisions made in overall drainage plan, detention plan based on new 100 year flood elevation 616 from Department of Natural Resources.

Pipe under Strawsma drive problem with side ditch on east side of 400 E. pipes are undersized. George Schulte recommended it should carry a 25 year storm event. 40 Acres can get into ditch designed with 65 c.f.s. Water goes North to Railroad tracks and east across gully. Developer Galema & Strawsma. Property south of development is the problem. Drainage from the South through waterway was cut off with the First or Second section of subdivision. Maintenance of basin is a concern. Galema & Strawsma are willing to work with board for legal drain easement, put an access road (gravel to outlet structure.) Creek or stream that runs through development is extension of Crist Fassnacht ditch. Fassnacht ditch a tile ditch stops on Richard Harlow property on 500 E. south of 300 N. Mr. Hoffman asked if Fassnacht ditch was big enough to handle another legal ditch, this being one mile west and downstream from Fassnacht tile outlet. Developers are purposing to make legal drain within the Subdivision, giving county the right to go in and maintain basin and storm drainage structures. Developers must petition for a legal drain. Watershed would be Subdivision. Discussion of drainage problems which were created back 15 years with First Subdivision. Some of the area runs off directly, most of it is piped directly to the basin which requires 6" orifice plate to meet requirements, would like to crank it up to 8" the net discharge 2 c.f.s. George Schulte recommended 8". There being many problems, after much discussion board advised Mr. Grove to conduct further study on project and get back with board in two(2) weeks.

berry V Woodberry - Plan Development

lopment Mr. Hoffman asked to be excused since he had worked with Mr. Moore on this project.

Mr. Grove requested final approval. These items are to be taken care of before final approval will be given.

1. Detention basin to be made a legal drain.
2. Revised easement is wider on upper detention basin.
3. Show that he has increased storage volume by 6%.
4. Need calculations and report sealed by Personal Engineer and Registered Land Surveyor.
5. Show detention storage data on plans.
6. Index to plans.

Woodbury Plan Development approval contingent of the 6 items being changed to Drainage Board satisfaction.

## VI Hearing on Dismal, Ilgenfritz, and Luther Lucas Ditches

Dismal,  
Ilgenfritz  
Luther Lucas  
Ditches

Mr. Bruce Osborn read items to be considered in the Hearing:

1. Hear a Petition to establish the Dismal Creek as a Legal Drain.
2. Establish a maintenance fund for the Dismal Creek.
3. Combine the above noted drains into a single drainage system.

Dismal  
Ilgenfritz  
Luther  
Lucas  
Ditches

Names of those landowners at the meeting. H. LeRoy Moor, Woodberry Plan Development, James VaNess, Lafayette Engineers, Thelma Clearwater, Patricia L. House, Florence Moore, John C. Rice, Robert McCabe, Alan Kemper, Ralph Jackson, Lafayette, National Bank, Farm Manager, representing the Robert Wallace farm, Mary L. Kerkhoff, Robert C. Lahrman, Raul L. Hamman, P.O.A. representing Helen F. Kepner, Klaus & Martha Peters, Cathy Blue, Marjorie E. Phillips, Mrs. Charles McDonald, Duane McDonald, Weldon E. Vaughn, Agnes Vaughan, Louis P. Vaughan, Harold Boesch, Tom Sosbe, Ram Cloyd, and Jim Cloyd.

Mr. Hoffman, Attorney read petition:

Petition:  
Dismal Creek

IN THE MATTER OF THE DISMAL CREEK  
IN THE MATTER OF THE DISMAL CREEK DRAIN PETITION

Petition  
Dismal  
Creek

Robert Lahrman, petitioner, by his counsel, David A. Rosenthal of Rosenthal, Greives & O'Bryan and the undersigned petitioners are each qualified to file this petition, pursuant to I.C. 36-9-27-54 to establish a new regulated drain known as the Dismal Ditch which is now the existing Dismal Creek which runs from U.S.52 to the Wea Creek, entirely in Tippecanoe.

That the area affected by such drain is set forth on the map attached hereto.

That in the opinion of petitioners the proposed drain will;

- (1) improve the public health;
- (2) benefit a public highway in a county or a public street in a municipality;
- (3) drain the grounds of a public school; or
- (4) be of public utility as follows:
  - (a) to prevent serious erosion to valuable farm land;
  - (b) better drainage for tiled land which have outlets below ditch level;
  - (c) better maintenance for the ditch which has been neglected in the past;
  - (d) To establish a maintenance fund to correct any problems that may arise.

That in the opinion of petitioners the costs, damages, and expenses of the proposed drain will be less than the benefits accruing to the owners of land likely to be benefited by the drain.

It is understood that the petitioner shall pay the cost of notice and all legal costs, if the petition is dismissed. Signed by the following Landowners. Steven R. Hankins, Ray Jackson das Harold Boesch's petition, Robert Kochert, Donald L. Hankins, Louis R. Vaughan, Robert L. Peabody, Robert McCabe, Ruth V. Stewart, Mary Louise Kerkhoff, Kenny Farms, Inc., Charles I. Kenny, Jr., Thomas Price, Harold Boesch, Weldon E. Vaughn, Florence K. Moore, Betty Peabody, Agnes Marie Vaughan, John L. Miller, James J. Pilotte, Larry A. Schultz, Vincent Hatke, William R. Yost, Ruhl Robbins, Dan Dexter, H. Kenneth Hart, Karen Mellady, Lloyd J. Fidler.

Copy of letter of those who remonstrated.

Letters of  
Remonstrat-  
monce.

February 16, 1984

IN THE MATTER OF THE FOLLOWING DITCHES OR DRAINS Dismal Creek, George Ilgenfritz, Luth Lucas  
Gentlemen:

Reference is made to your Notice of Hearing dated January 20, 1984 addressed to Elias McCoy, 6423 S. 300 E., Lafayette, Indiana, indicating that 132 Acres located in Section 26, Township 22, Range 4, in the name of Elias McCoy is located in the watershed of one of the above ditches or drains and is subject to assessment for maintenance costs.

Elias McCoy is now deceased. Keltie McCoy Pendleton is the executrix of his estate and is the sole heir who is now the owner of the land described within the proposed Dismal Creek Legal Drain for the reason that the land described in the Notice is not in the Dismal Creek watershed but is on the Wea Creek watershed. All surface water from the land, and all water flowing through existing tile from the land, drains into Wea Creek and not into Dismal Creek.

Since the land in question is not to be benefitted by the proposed Dismal Creek Drain, it is inappropriate that it is assessed for maintenance.

Keltie McCoy Pendleton  
Executrix of the Estate of Elias McCoy and Landowner  
By: Paul D. Ewan, her attorney

March 2, 1984

To: Tippecanoe County Drainage Board

We are the owners of 11 Acres in which the Dismal Ditch runs through a portion of our property. Our objection to this is our concern what may gain from this action. We intend to use the land for wildlife. And our concern is about any future work to the ditch which may disturb the trees and wildlife. We are also interested in what right of ways we maybe subject to in the event any work is ever to be done. We will be in attendance on the hearing date, March 7, 1984.

Signed by: Mr. and Mrs. Thomas P. Sosbe

February 27, 1984

Tippecanoe County Drainage Board

Dear Sirs:

This letter is in reference to the S E ¼ N W ¼ of Sec 28, Twp.22, Range 3.

I am objecting to my land being placed in the Dismal Creek watershed. I have never seen the 40 Acres in question drain South or West. It was tiled in 1910 (approximately) into the Hopper Ditch that was never put under assessment by the Tippecanoe County Drainage Board. The 40 Acre tract was owned in the early 1900's by a woman named Hopper.

About 4 or 5 years ago, I retiled this 40 acre tract and hooked into the existing Hopper Ditch Main. This Main goes north and east coming out on Wyandotte Road by I -65. For the above reasons, I feel I am in the Dismal Creek Watershed. I would appreciate your removing this tract (S E ¼ of N W ¼, Sec. 28 Twp. 22 Range 3) from the assessment and clear up your records.

Sincerely,  
Lewis J. Beeler

Dismal, Ilgenfrita, and Luther Lucas Ditches Continued.

Letter of One letter received was in favor and reads as follows:  
In Favor: January 30, 1984

Tippecanoe County Drainage Board  
County Office Building  
20 N. 3rd St.  
Lafayette, In 47901

Attention: Mike Spencer

Dear Sirs:

I have received a notice of the meeting to be held regarding work to be done on the ditches in Wea Township. Since I am leaving tomorrow to go to Florida, where I expect to remain until the first of April, I wish to be recorded as favoring the making of the ditches into a court ditch. The suggested cost of \$1.00 per drained acre seems to be reasonable.

I have 78.6 in fee simple and a life estate in 320 Acres. Robert C. Lahrman farms these acres.

If there is anything else I can do in this cause, please let me know. My Florida address is: 1188 Pomper Lane, Naples, Florida, 33940

Very truly yours,  
Ruth V. Stewart

Mike Spencer, County Surveyor, explained the water shed area was taken from a map that the Soil & Water Conservation had drawn up in 1948 for the Dismal Creek area, he could see where that could be incorrect and ask the landowners who have problems or think their land doesn't drain into the ditch give their names and address, as soon as the weather permits he will be out in the area and work with them as well as go to the Soil Conservation, since they actually had drawn up the map in 1948. Soil Conservation has new aerial photographs. Mr. Klaus Peters had though his land was out of the area, but finds that the land is in the area, all his land drains to the west. Mrs. Catherine Blue joins Mr. Peters. Robert Lahrman reported that as they drove over the area they found alot of land that isn't on the 1948 map that is in the Dismal Creek ditch area. Mr. Hoffman as the landowners to give their names and address to Mike Spencer as he requested. Ralph Jackson representing Robert Wallace Farm Sec.19, Twp. 22, Range 3, containing 76.77 acres is assessed in both the George Ilgenfritz and the Dismal Creek Drainage, he requested this to be on record. Alan Kemper feels that  $\frac{1}{2}$  of his water goes into Wea Creek, legal description of property Pt  $s\frac{1}{2}$  SE $\frac{1}{4}$  Sec 26, Twp 22 Rge. 4. Forest Johnson said he thinks State Highway should have more acres, and he should have less acres. Bob McCabe same problem. Mr. Hoffman pointed out that would be taken out, but would have to check with the Highway. State Highway has 8 $\frac{1}{2}$  Acres in Dismal Creek, Highway does have some acreage in Ilgenfritz watershed. Board of Commissioners 41 Acres. Harold Boesch wants acreage checked. Harold Cloyd, Route 3, NorthManchester, Indiana wants acreage checked. Bruce ask Robert Lahrman to identify acreage that had been misses. Marie Crouse 40 Acres, check neighbor on west side of Crouse, check Kenny Farms on 450 road, ditch drains into Dismal goes to Road 500. Florence Moore requested her acreage be checked. Mike assured all that acreage would be checked and changes made accordingly.

Mr. Hoffman, Attorney, Stated: To make a legal drain a petition must be signed by 10% of the acreage involved or 25 % of assessed valuation. Total acres of the signed petition in favor was 1,596.224. Total acreage 6,857.154. The petition is good.

Mrs. James Phillips asked about weeds and willows in Ilgenfritz ditch and why Dismal was not a legal drain even though it has legal drains draining into it? Mr. Hoffman stated you can make anything a legal drain, unfortunately in the past alot of legal drains were made legal drains that didn't have a positive outlet, policy of Drainage Board now is to not permit that, they have to drain into the Wea Creek or the Wabash River so the water can get away, now the board has extended them to get an outlet, this is what the board has done to get the Dismal a legal drain. Ilgenfritz and Luther Lucas have a positive outlet.

Mr. Robert Lahrman gave an example and ask for verification of an Illegal Drain. Example: People have farmland, they survey it, it would not drain into these ditches, but by installing tile and running to the ditch getting water out that would not normally run that way. Would this be an illegal attachment to legal drain? Do they have to get permission to hook onto that? If they do, aren't they a part of that drain? Mr. Hoffman said, yes. Code specifically says that you can not attach onto a legal drain without the permission of the Drainage Board. Drainage act went into affect 1965, wasn't really working till the 1970's.

John Rice ask what benefits were going to be? Mr. Hoffman said he had traveled the ditch with Mike Spencer, found beaver dams and debris blocking ditches. Mr. Hoffman stated there would be no benefits till these items were cleaned out. Forest Johnson ask Bruce Osborn if it had been mentioned that Luther Lucas and Ilgenfritz ditches were in conjunction with Dismal? Answer yes. Luther Lucas and Ilgenfritz ditches are legal ditches? Answer yes. Why hasn't the outlet been cleaned out, due to the fact that there has been a maintenance fund for these two ditches? Maintenance Fund has legal description, point to point, beginning and end in water shed area, by law that's only place money had been spent on that particular ditch. Mr. Forest Johnson ask if any money had been spent and how does landowner go about maintaining the ditches? Answer to Mr. Johnson's questions. It is up to the Landowner to notify the Surveyor or Drainage Board of any problems or needs of maintenance to the ditches.

Mrs. Donald McDonald ask how much of a right-way is Drainage Board requesting? 75' on each side of ditch. Will ditch be straightened? Not under maintenance, maintenance only takes care of what is there. That would come under reconstruction. Mrs. Blue had questions about checking Widmer ground she feared lots would drain into her pasture land. Mike to check it out.

Eugene Moore moved the Board establish Dismal as a legal drain and establish a maintenance fund of \$1.00 per acre for the Dismal Creek, seconded by Sue Reser. Unanimously accepted by the Tippecanoe County Drainage Board.

Bruce Osborn ask that the ditch have a single name. Ditch will be known as Dismal Creek Ditch with branches of Ilgenfritz and Luther Lucas.

The proposed assessment is as follows:

PROPOSED ASSESSMENT METHOD TO EQUALIZE ACCOUNTS FOR DRAIN COMBINATION

The Luther Lucas Drain and the George Ilgenfritz Drain are established Legal Drains and have established maintenance funds with monies previously collected in these funds. The Dismal Creek has no funds. A method has therefore been proposed to equalize the amount per acre balance of these three accounts over

Dismal Creek, Continued

over a five year period.

Note: The drain watershed to which your property is being assessed is underlined at the top of your Hearing Notice.

By dividing the dollar amount in each drain account by the total number of assessed acres in that drain's watershed, the following balances are derived:

Dismal Creek	\$0.00 per acre balance
Luther Lucas	\$3.00 per acre balance
George Ilgenfritz	\$5.00 per acre balance

To equalize these three account balances, the following is proposed:

Dismal Creek, Landowners in the Dismal Creek watershed will pay assessments ( at the rate of \$1.00 per acre) for two (2) consecutive years, reaching a \$5.00 per acre balance at the end of this five year period.

Luther Lucas, Landowners in the Luther Lucas watershed will pay assessments (at the rate of \$1.00 per acre) for two (2) consecutive years, reaching a \$5.00 per acre balance. No assessments will be paid for the remaining three years of the five year period.

George Ilgenfritz, Landowners in the George Ilgenfritz watershed will pay no assessments during the five year period, since this account already had a \$5.00 per acre balance. At the end of the five year period, the three accounts will then be equalized at the \$5.00 per acre collected balance. Assessments collected after this five year period will be per Indiana Drainage Code as applicable to all Legal Drains.

Bruce Osborn ask for volunteers from lower end, upper and middle end of ditch to form a committee to help the Surveyor.

Alan Kemper ask question on bridges. Who is to maintain crossings on the ditch? Mike said, Landowners maintain their own crossing.

There being no further business to come before the board, the meeting was adjourned at 10:45 a.m.

*Bruce V. Osborn*  
*Eugene A. Moore*

BRUCE OSBORN, CHAIRMAN

EUGENE MOORE, BOARDMEMBER

*Sue M. Reser*  
 SUE RESER, BOARDMEMBER

ATTEST:

*Maralyn D. Turner*  
 MARALYN D. TURNER, SECRETARY

PUBLIC HEARING  
TIPPECANOE COUNTY DRAINAGE BOARD  
February 20, 1985

DISMAL  
CREEK  
PUBLIC  
HEARING

The Tippecanoe County Drainage Board met Wednesday, February 20, 1985, at 9:30 A.M. in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street for the public hearing to establish the Dismal Creek legal drain maintenance fund.

Those in attendance were: Bruce V. Osborn, Chairman, Eugene Moore, Board Member, David Luhman, Attorney, Michael J. Spencer, County Surveyor, and Maralyn D. Turner, Executive Secretary. Property Owners in attendance were: Keltie McCoy Pendleton, Florence Moore, Steven R. Hankins, Agnes Vaughan, Louis Vaughan, Marjorie Phillips, Robert W. McCabe, Harold Boesch, Ruth Boesch, Robert C. Lahrman, and Mary L. Kerkhoff. (List is on file)

Chairman, Bruce V. Osborn called the meeting to order, he ask Attorney, David Luhman to read a remonstrance dated, February 5, 1985, from Keltie McCoy Pendleton in regards to the Elias McCoy property. Total acreage 75, remonstrance was in regards to tract of land Pt W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec.26, Twp.22, Rge 4, 29 acres. Michael J. Spencer will meet with Mrs. Pendleton to discuss the acreage in question.

Michael J. Spencer, surveyor recommended the maintenance fund be established for the Dismal Creek legal drain with \$1.00 per acre assessment.

Discussion: Robert Lahrman thought \$1.00 per acre assessment had been approved. Michael J. Spencer stated that it was agreed at the March 7, 1984 meeting to make Dismal Creek a legal drain. Since that time, notices have been sent out with acreage changes and recommendations. All property owners were sent notices of acreage and amount of assessment.

Mr. Steven Hankins, ask if the \$1.00 assessment was for every acre drained into the Dismal Creek or was it for distance of drainage to Dismal Creek. Mr. Spencer answered that maintenance is for acreage, but in reconstruction this would make a difference. (Would be how property is benefitted or damaged).

Mrs. Florence Moore ask the total amount paid into Ilgenfritz. Mr. Spencer informed Mrs. Moore that Ilgenfritz is paid up, and the assessment was \$1.00 per acre.

Mr. Robert Lahrman ask if the board felt the \$1.00 per acre assessment was adequate. Mr. Steven Hankins ask the same question. Mr. Spencer answered that he felt it was adequate with the three ditches combined.

Robert Lahrman ask if the assessment amount could be changed at any other meeting. The property owners were informed that it could after proper notices with another public hearing. Mr. Robert McCabe ask if the money paid into the Ilgenfritz would be divided into Dismal Creek. Copies of the plan was distributed to the property owners with explanation of how the assessment was to be set up. Mr. Spencer explained the 4 years assessment.

February 20, 1985 Public Hearing Continued of Dismal Creek Minutes

Mrs. Marjorie Phillips question<sup>d</sup> her assessment, Mr. Spencer will meet with her, she thinks all her land drains into the Ilgenfritz not the Dismal Creek.

Eugene Moore moved the Drainage Board approve a \$1.00 per acre assessment to establish maintenance fund for the Dismal Creek Drain and the findings be signed by the Board. Unanimously approved with the second to the motion by Bruce V. Osborn.

Robert Lahrman ask about a reconstruction meeting, how fast a petition can be established and the procedures. To establish a reconstruction fund, the same procedures apply as in getting petitions for a maintenance fund. Petitions have to be signed by 10% of property owners. Surveyor and Drainage Board are willing to work with property owners in getting information for petitions.

There being no futher business the meeting adjourned at 9:15 A.M.

The board set a date to reschedule the reconvened meeting that was cancelled for February 15, 1985 to be Monday, February 25, 1985, at 9:00 A.M. in the Community Meeting Room of the Tippecanoe County Office Building. Minutes for this meeting precede this record of minutes.

*Bruce V. Osborn*

BRUCE V. OSBORN, CHAIRMAN

*Eugene R. Moore*

EUGENE R. MOORE, BOARD MEMBER

*Not present.*

*SUP. W. SCHOLER* BOARD MEMBER

ATTEST: *Maralyn D. Turner*  
MARALYN D. TURNER, EXECUTIVE SECRETARY

The Tippecanoe County Drainage Board met Wednesday, August 7, 1985 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana for the regular meeting at 8:30 A.M.

Chairman Bruce V. Osborn called the meeting to order with the following in attendance: Bruce V. Osborn Chairman, Eugene R. Moore and Sue W. Scholer Board Members, Michael J. Spencer Surveyor, Fred Hoffman Attorney, George Schulte Drainage Engineer, and Maralyn D. Turner Executive Secretary. Others in attendance are on file.

SHAWNEE CREEK

David Nesbitt property owner, presented pictures of Shawnee Creek in the area of which he has concern. Description of the area is Sec. 36, of Jackson Township extending to road 1300 South through Todd Farm to Nesbitt/Todd property line, a distance of 160 rod. Shawnee Creek from 1300 South through remainder of Tippecanoe County has been kept in good condition (Tippecanoe/Fountain County Line). This has been kept clean by the property owners along the Shawnee Creek. Area in question is the 160 rod. Mr. Nesbitt has tried to talk to the property owner and gets no place. Mr. Nesbitt wants to know what his options are to make this a county ditch. After finding his options he is willing to contact the other property owners to proceed in making Shawnee Creek a legal ditch. Discussion: Is Shawnee Creek a Legal Drain? Michael Spencer gave the following report. In 1947 a petition to reconstruct clear into Fountain County is on file, and in 1952 ended up in court, at that time some changes were made. There is no Maintenance Fund. Files do not state the facts. Question is it a legal drain or does it come under Natural Resources statue. A County tile empties into Shawnee Creek south of 1300 South. Mr. Spencer stated that this is a legal question as property owner won't let Mr. Nesbitt on his property to see what can be done. Mr. Nesbitt is willing to do work at his own expense. Mr. Hoffman will check Tippecanoe County Superior Court records of Cause #279-1948. He will then let Michael Spencer know his findings. If this is a legal stream the property owner does not have to let him on his property, but if it is a legal drain he can go on other property, If it is a stream, to make it a legal drain will have to contact the Natural Resources Department to get permission. Guessing that it was a legal drain, would there be more acres in another county(still need to find the facts). Michael Spencer feels that Tippecanoe County has more acres in the watershed area than Fountain County, there would be some drain into Montgomery County. Michael Spencer will let Mr. Nesbitt know the findings and what procedures he will have to do to proceed with this matter. Mr. Nesbitt is just interested in the 160 rods, no further.

SEASONS FOUR PART II

Alfred Buckley developer of property on South 18th Street, Summertime Trail, and 300 South along the Elliott ditch. Drainage Board had passed on 200 lots in 1979, builder allowed the preliminary plat to expire on parts, the developer is now going at it piece by piece, 19 lots have been developed, approval has been given for an additional 24 lots which drainage has been approved on in the past, a larger detention pond has been installed along Summertime Trail and South 18th Street (six years ago within the old ordinance). Approval had been given National Homes in 1973, all the developer is asking for at this time is reapproval for the 24 lots. John Fisher was engineer for the original and now Paul Coutts is the engineer for the project. Construction Plans are the same except two lots have been taken out making the lots bigger than what they originally had been, increasing the frontages by 10'. Changes are in the Construction Plans not the drainage plans, changes in construction plans decreases the run off. Michael Spencer and George Schulte stated all were in compliance with drainage ordinance. Sue W. Scholer moved that approval be given on the revised Construction Plans for Seasons Four Part II, seconded by Eugene R. Moore, Unanimous approval given.

BUCKRIDGE PART I

Buckridge Part I

David Kovich developer ask for Final Drainage Approval for Buckridge Part I. After discussion Sue W. Scholer moved to give conditional final approval on Buckridge Part I and that developer be notified by letter as soon as the board receives maintenance bond and has as built plans. Seconded by Eugene R. Moore, Unanimous approval given.

DISMAL CREEK

Dismal Creek

Chairman Bruce V. Osborn ask about Tax Assessments being sent for Dismal Creek. Michael Spencer stated that the board had thought they had information for spring billings in the Auditor's office, but the Auditor said it was received too late, therefore the board requested the Auditor send billing for spring and fall now. Mr. Hoffman stated to have billings sent as soon as they are ready for both installments, it would be legal.

Mr. Osborn had to leave the board meeting, Vice Chairman Eugene R. Moore continued the meeting.

MCCARTY LANE INDUSTRIAL SUBDIVISION

McCarty Lane Industrial Subdivisio

Pat Cunningham representing McCarty Lane Industrial, Robert Verplank developer ask for Preliminary approval for 21.5 Acres, watershed area is in subbasin which consists of 44 acres that drains south to McCarty Lane then East along McCarty Lane to a catch basin, water goes into tile that goes on east in an underground tile, outletting in to the Layden branch of Elliott ditch which goes onto the Wilson Ditch. There are two 24" catch basins on east on each side of road. An 18" and 24" corrugated pipes under road act as an equalizer for surface water. This is in city, but board is asking for approval since the site is tributary to Elliott Ditch. Putting Detention Pond in SE corner on Lots 17 & 18 from there it will outlet into McCarty Lane side ditch, it has been designed for 10 and 100 year storm event as County requires. Evaluation was done at the 2-24" catch basin at 100 year, could get 100 cfs going to the area, after development 100 year 90 cfs would be decreasing the over all 100 year effect. Capacity of 24" pipes are about 50 cfs, they were never designed to carry 100 year rain. Question was ask about water back up. Mr. Cunningham said that most county drains were built on 10 and 50 year storm events, therefore there would be some back up on the 100 year. Mr. Spencer stated that the run-off caculations meet the drainage ordinance requirements. Question: What are you going to do with the 10 inch catch basin, are you going to grade to the east and go all the way to where the old Layden ditch crossess or stops at the 10" catch basin? George Schulte stated he was satisfied with the calculations which Pat Cunningham has presented on the existing conditions, he would like to see all drainage go to the Kepner Ditch, as it is the only positive outlet in the area. Mr. Cunningham will have to get approval from the City for his set backs etc. Sue W. Scholer moved to give preliminary approval to McCarty Lane Industrial Subdivision for Part I and Part II. Seconded by Eugene R. Moore, motion carried

INTERNATIONALCHURCH OF THE FOUR SQUARE GOSPEL

Intl' Church of the 4 Square Gospel

John Fisher engineer for the development ask for Final Approval of Drainage Plans. Mr. Spencer stated that Mr. Fisher had presented plans at the July board meeting, but there had to be somethings added to the plans, eroision control, side slopes, cross section of detention area, Construction Plans are in the surveyors office and they meet all requirements. Sue W. Scholer made motion to grant final approval to International Church of the Four Square Gospel drainage plans. Seconded by Eugene R. Moore, motion carred.

MCCUTHEON HEIGHTS SUBDIVION PART II

McCutheon Heights Subdivison PartII

John Fisher ask the board to go out and make an inspection of the area. Michael Spencer stated he had been to the area, the board agreed to go to the site.

There being no further business the meeting adjourned at 9:35 A.M.

Bruce V. Osborn Chairman

Sue W. Scholer Board Member

Eugene R. Moore Board Member

ATTEST: Maralyn D. Turner  
Maralyn D. Turner, Executive Secretary

The Tippecanoe County Drainage Board met in regular session on Wednesday, January 8, 1986 at 8:30 A.M. in the Tippecanoe County Office Building, Community Meeting Room, 20 North Third Street, Lafayette, Indiana.

Chairman Bruce V. Osborn called the meeting to order. Those in attendance were: Bruce V. Osborn Chairman, Eugene R. Moore and Sue W. Scholer, Board Members, Michael J. Spencer Surveyor, Fred Hoffman Drainage Attorney, and Matalyn D. Turner Executive Secretary.

Chairman Osborn turned the meeting over to Attorney Fred Hoffman for the election of officers.

Mr. Hoffman ask for nominations from the floor for President of the Board, Eugene Moore nominated Bruce V. Osborn President of the Board, seconded by Sue W. Scholer, there being no other nominations, Sue Scholer moved the nominations be closed, seconded by Eugene Moore. Mr. Osborn was unanimously elected President of the Drainage Board for 1986. Bruce Osborn ask for nominations for Vice-President, Sue Shcoler nominated Eugene R. Moore Vice-President, unanimously approved that Eugene Moore serve as Vice President.

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January 8, 1986 Regular Meeting Continued

Sue W. Scholer was nominated by acclamation as Secretary of the Board. Sue W. Scholer moved to appoint Maralyn D. Turner Executive Secretary, Mr. Fred Hoffman Drainage Attorney, and George Scholte Drainage Engineer. Unanimously approved by the Board.

986  
SSESS-  
ENTS

1986 ASSESSMENTS:

Fred Hoffman attorney read the list of 1986 Ditch Assessments for approval. Those to be made active are Charles Daughtery, Thomas Haywood, F.E. Morin, William Walters, Luther Lucas ditch to be assessed two consecutive years (1986&1987). Those that will continue to be active are: Jesse Anderson, E.W. Andrews, Julius Berlovitz, Herman Beutler, Michael Binder, John Blickenstaff, N.W. Box, A.P. Brown, Buck Creek (Carroll County) Orrin Byers, County Farm, Darby Wetherill (Benton County) Marion Dunkin, Christ Fassnacht, Martin Gray, E.F. Haywood, Harrison Meadows, Lewis Jakes, Jenkins, James Kellerman, Frank Kirkpatrick, John A. Kuhns, Calvin, Lesley, Mary McKinney, Wesley Mahin, Samuel Marsh (Montgomery County) J. Kelly O'Neal Emmett Raymon (White County) Arthur Richerd, John Saltzman, Abe Smith, Mary Southworth, William A. Stewart, Gustaval Swanson, Treece Meadows, Lena Wilder, Wilson-Nixon (Fountain County), Simeon Yeager, S.W. Elliott, and Dismal Creek. Sue W. Scholer moved that the ditch assessment list for 1986 be approved as read, seconded by Eugene R. Moore, Unanimous approval given. A letter to the Auditor with attached list of 1986 Ditch Assessments will be forwarded.

ODRIDGE  
UTH

WOODRIDGE SOUTH

Michael Spencer surveyor, presented the drainage plans for the Woodridge South, at the December 4, 1985 board meeting it was decided that the landowners would take care of the detention basin behind the two lots and they they would check into increasing the release rate from a 10 year storm event to 25 year storm to make the basin smaller. George Schulte has looked at the plans and finds the plans in order, Michael Spencer recommended the board give final approval to the detention area for Woodridge South. Eugene Moore made motion to give final approval to Woodridge South, seconded by Sue W. Scholer, Unanimous approval.

Sue W. Scholer ask the board to review Allen County's proposed section pretaining to Subdivisions in their Drainage Ordinance, the board members agreed to study.

JAMES  
KIRPAT-  
CK  
DITCH

JAMES KIRPATRICK DITCH

Need to assess landowners within the James Kirpatrick watershed in order to get back \$6,000. 00 spent for the drainage study in 1981, December. State Board of Accounts requested this be done.

MCLAUGHLIN  
IN  
DITCH

MCLAUGHLIN, JOHN DITCH

A letter needs to be sent to Montgomery County requesting total amount of expenses to date on the John McLaughlin ditch so that we can collect our share of expenses in Tippecanoe County.

ELLIOTT  
DITCH

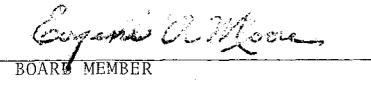
ELLIOTT DITCH

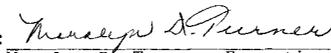
A hearing will be set sometime in 1986 for increasing maintenance fund on the Elliott ditch.

There being no further business, meeting adjourned at 8:50 A.M.

  
CHAIRMAN

  
BOARD MEMBER

  
BOARD MEMBER

ATTEST:   
Maralyn D. Turner, Executive Secretary

April 2, 1986 - Regular Drainage Board Meeting

April 2, 1986  
Tippecanoe County Drainage Board

The Tippecanoe County Drainage Board met Wednesday, April 2, 1986 at 8:30 A.M. in the Tippecanoe County Office Building, Community Meeting Room with Chairman Bruce V. Osborn calling the meeting to order.

Those present were: Bruce V. Osborn Chairman, Eugene R. Moore and Sue W. Scholer Board Members, Michael J. Spencer Surveyor, George Schulte Drainage Board Engineer, J. Fredrick Hoffman, Drainage Board Attorney, and Maralyn D. Turner Executive Secretary, others present are on file.

Maple Point Enterprises, Inc. was ask to present their request, not all representatives were present, therefore they ask to be heard later.

CROXTON WOODS

CROXTON  
WOODS

Robert Grove representing Croxton Woods Developer Mrs. Croxton, ask for final drainage plan approval. Project has been reviewed by Michael Spencer and George Schulte along with Mr. Grove. Michael ask questions in regards to: 1) Inlet structure behind Flower Shop on tile that comes under building. 2) Maintenance. Mr. Grove stated that he is not sure who would take care of the maintenance, he would have to ask the owner and her attorney as to who they want to handle maintenance. Mr. Hoffman suggested that it would be the county. Mr. Grove agreed. This would have to be to the outlet. Doesn't do any good to the upper part without the lower. Michael Spencer pointed out that this is underneath Teal Road and State Road 43, outlet crosses under building, into Durkee's Run on to the Wabash. After hearing this, Mr. Hoffman withdrew his statement. Mrs. Croxton owns the office building next to the Flower Shop, two ravines come down and tie together behind the office building, tile is 30" concrete tile (behind Building) goes on west under State Road 43. Mr. Hoffman ask what would happen if the people would put up a wall to keep water from getting to the ravine. Mr. Grove said that it would just push the water back up the ravine. Sue Scholer ask, at this point the water has been getting out, correct. Michael Spencer stated yes, but must realize there has been no development above to create a problem. Bruce V. Osborn ask, Land to be assessed for the maintenance, who is the owner? Mr. Grove stated that it depends on how the outlet is described. Mrs. Croxton owns the area, is planning on selling the office portion, the ravine comes down cuts across the Flower Shop, she now owns 98% and doesn't own the outlet. No one knows who owns the Flower Shop. After much discussion. Mr. Grove stated that Mrs. Croxton did not create the problem and they are doing everything that they can. Mrs. Coxton has given up a lot (\$7,000.00) to help the situation, more would cost her another \$3,000.00. Question, Could the other people help out? Would like to see the other people help. Legal Drain: Mr. Grove was ask if he could get their concurrence to make a legal drain, he stated he didn't know, would have to talk with the landowners. Mr. Hoffman stated that a meeting should be held with all property owners. Michael Spencer stated that it really is just Mrs. Croxton, the Flower Shop owner and the State Highway Department. Mr. Hoffman ask that a letter be sent to the property owners and the State Highway Department, with the State Highway Department see what they have in mind for the future. Mr. Bruce V. Osborn ask that Mr. Grove get the names so that a letter could be sent to the property owners. No action was taken. Mr. Grove will bring information back to the June 4, 1986 Drainage Board Meeting.

MAPLE POINT ENTERPRISES, INC.

MAPLE  
POINT  
ENTERPRISES

Joe Bumbleburg attorney, Judith Hammon President of Development, and Mark Houck engineer were present, Mr. Bumbleburg stated that they have two(2) kinds of problems, one a technical problem which Mark Houck presented later in the meeting in regards to Storm Events with Hobbies Ditch and the Wilson Branch. The other the board received a letter dated March 27, 1986 asking for the approval on two items: 1) Ditch side slopes - approval to MPE to change the existing slopes from a 2:1 ratio to 3:1 ratio. 2) Easement reduction - approval to reduce existing easements from 75 feet from the top of each bank to 25 feet. These matters had been discussed with Michael Spencer. The Board will give approval to change slopes under the guidance of the Surveyor. Bruce B. Osborn ask, you want to reduce easement to 25' on both sides? YES! Sue Scholer ask if this was in essence from the last presentation? YES! Michael Spencer said he could live with the reduction, but it was up to the Drainage Board. This is in an urban area and it is inevitable that dirt will have to be hauled, he feels this is enough room to haul dirt. Bruce Osborn disagrees with the surveyor, Mr. Osborn stated, he personally would be willing to give reduced easement on one side, maintain the 75' on the other, option would be the developer. Mr. Bumbleburg ask, on the side that is chosen for the 75' would the board entertain a request for an encroachment so the developer could use it for parking etc. Bruce stated that this had been done previously, but it needed to be understood that it may have to be torn up at some time at the owners expense. Michael stated that the dirt can not be spread on parking lot. Discussion in regards to spoil on the 75' easement. What happens to the spoil? Mark Houck feels the development in the area there would be no problem with spoil, he feels the area is not going to deteriorate. Mr. Osborn feels there should be no holding facility on an easement. Sue Scholer assumed the developer had come back with request because of the discussion in the last board meeting, March 5, 1986, their concern of having detention on the easement and then who is going to maintain them and the problem that may come. As it looks they have not eliminated wanting to use detention storage. Encroachment would be to the detention not the parking lot? Mark Houck stated, NO in response to the last meeting, instead of asking for 25' open space-10' one side plus putting both in easement. Can we reduce the easement thereby get those things out of the way. This would move this over and would provide access on both side of the ditch if a 10' were insignificant. Mark thought this was the major complaint at the last meeting. Originally they had plans to have one big lake, now they are looking at several small lakes, have stuck with the 75' easement, pond will be dry most of the time. Board would like for them to come in with the side they want to reduce. Again Sue Scholer stated she feels that the board is looking at plans today that the developer will bring back at the next meeting, answer is yes. They are trying to hold twice as much water that they are required to hold. In the long run as the entire watershed is developed. After much discussion. Sue Scholer moved to approve request for changing ditch side slopes of the existing side

April 2, 1986 Drainage Board Meeting Continued

slopes from a 2:1 ratio to 3:1 ratio under the guidance of the County Surveyor seconded by Eugene R. Moore, unanimous approval.

Eugene R. Moore moved to give approval on reduction of easement to 25' on one side and 75' on the other after the 3:1 slope and the developer have the choice of the side, seconded by Bruce V. Osborn, motion not carried as the board voted 2 to 1.

ILGENFRITZ ILGENFRITZ

Michael Spencer had a call from Mary Ann Smith a property owner, banks have broken out, he feels that sand bags will not hold it any longer, therefore he requested permission to hire a bull dozer to push the banks back up, would really like to have a dredger, but bull dozer will do. The area that needs repairs is on the easement, Alvin Pilotte property. Eugene R. Moore moved to give the surveyor permission to get a bull dozer to push the bank up, seconded by Sue W. Scholer, motion carried.

BRITT DRAIN BRITT DRAIN:

Mr. Hoffman ask the board to give the Britt Drain property owners a time limit for the Maintenance Agreement to be presented as it has gone to long. Eugene R. Moore moved to give the property owners six months from todays date, April 2, 1986 (time Limit) to have Maintenance Agreement signed and work completed, seconded by Sue W. Scholer, Unanimous approval.

ELLIOTT DITCH ELLIOTT DITCH

Michael wanted the board to know that we had print outs of the ditch and had discussed with the Data Processing Director ways to be helpful in making mailing etc for a hearing, after much discussion Eugene R. Moore and the board suggested the Drainage Board go before the Data Board at their April 7, 1986 meeting 10:00 A.M.

HOFFMAN DITCH HOFFMAN DITCH

Michael said holes had been dug and they had got shots for elevation, George Schulte, Robert Gross and he had walked the ditch, they will be getting plans and cost to the board soon.

SHAWNEE CREEK SHAWNEE CREEK  
JAMES PARLON

A hearing will be at the next board meeting May 7, 1986 at 9:00 A.M. James Parlon Ditch is already a legal ditch, the hearing is to make the Shawnee Creek a legal drain, then combining the Shawnee Creek and Parlon ditch into one legal drain, Shawnee Creek.

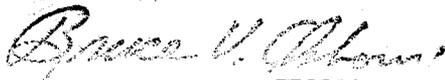
BUCK CREEK DITCH BUCK CREEK DITCH

Eugene Moore and Bruce Osborn had attended a reorganization meeting of Joint Board, Tippecanoe County and Carroll County for the Buck Creek Ditch, Michael Spencer surveyor was in attendance.

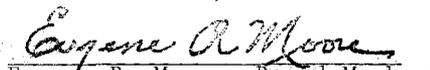
HADLEY LAKE HADLEY LAKE PROJECT

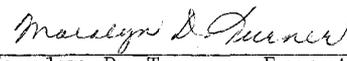
George Schulte wanted the board to know that he and the surveyor will attend a meeting April 9, 1986 in Indianapolis with the Department of Natural Resources, George will be presenting proposed reconstruction plans and recommendations.

There being no further business to come before the board, the meeting was adjourned at 9:50 A.M.

  
Bruce V. Osborn, Chairman

  
Sue W. Scholer, Board Member

  
Eugene R. Moore, Board Member

ATTEST:   
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, JANUARY 6, 1988

The Tippecanoe County Drainage Board met Wednesday, January 6, 1988 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana 47901.

Chairman Bruce Osborn called the meeting to order at 8:30 A.M. with the following being present: Eugene R. Moore and Sue W. Scholer Boardmembers, Michael J. Spencer Surveyor, Mark Houck Drainage Consultant, J. Frederick Hoffman Drainage Attorney, and Maralyn D. Turner Executive Secretary. Others present are on file.

This being the first meeting of the year Chairman Osborn ask Mr. Hoffman to preside over the meeting to conduct the election of officers.

Mr. Hoffman asked for nominations for Chairman, Sue W. Scholer nominated Bruce V. Osborn Chairman, seconded by Eugene R. Moore, there being no other nominations Mr. Osborn was elected Chairman of the Board.

Mr. Hoffman asked for nominations for Vice-Chairman, Sue W. Scholer nominated Eugene R. Moore, seconded by Bruce V. Osborn, there being no further nominations Eugene R. Moore was elected Vice-Chairman of the Board.

Sue W. Scholer moved to appoint J. Frederick Hoffman Drainage Board Attorney, seconded by Eugene R. Moore, unanimous approval.

The Board had agreed to have Mark Houck as Drainage Board Consultant.

Sue W. Scholer moved to appoint Maralyn D. Turner as the Executive Secretary of the Drainage Board, seconded by Eugene R. Moore, unanimous approval.

Mr. Hoffman read the Active Ditches for the year of 1988.  
E.W. Andrews, Julius Berlovitz, Herman Beutler, Michael Binder, John Blickenstaff, M.W. Box, A. P. Brown, Buck Creek (Carroll County) Train Coe, County Farm, Darby Wetherhill (Benton County), Christ Fassnacht, Marion Dunkin, Christ Fassnacht, Issac Gowen (White County) Martin Gray, Thomas Haywood, E.F. Haywood, Harrison Meadows, Lewis Jakes, Jenkins, James Kellerman, Frank Kirkpatrick, John A. Kuhns, Mary McKinney, Wesley Mahin, Samuel Marsh (Montgomery County) F.E. Morin, Hester Motsinger, Audley Oshier, Emmett Raymon (White County) a letter of January 5, 1988 is on file from White County requesting ditch be active, Arthur Rickerd, Abe Smith, Gustavel Swanson, Treece Meadows, Wilson-Nixon (Fountain County) Simeon Yeager, S.W. Elliott, Dismal Creek, and Shawnee Creek.

Ditches which have been inactive and need to be made active are Jesse Anderson, Dempsey Baker, Floyd Coe, Shawnee Creek.

Inactive ditches John Amstutz, Delphine Anson, Newell Baker, Nellie Ball, A.P. Brown, Alfred Burkhalter, Orrin Byers, Grant Cole, J.A. Crips, Chas Daughtery, Fannie Devault, Jess Dickens, Thomas Ellis, Martin V. Erwin, Elijah Fugate, Rebecca Grimes, Fred Hafner, E.F. Haywood, George Ilgenfritz, George Inskeep, Eugene Johnson, F.S. Kerschner, Amanda Kirkpatrick, James Kirkpatrick, Calvin Lesley, John McCoy, John McFarland, Absalm Miller, Ann Montgomery, J. Kelly O'Neal, Lane Parker, James Parlon, Calvin Peters, Franklin Resor, Peter Rettereth, Alexander Ross, James Sheperdson, John Saltzman, Ray Skinner, Joseph C. Starrett, Wm A. Stewart, Alonzo Taylor, Jacob Taylor, John Toohay, John VanNatta, Harrison Wallace, Sussana Walters, William Walters, McDill Waples, J&J Wilson, Franklin Yoe.

Luther Lucas ditch is made inactive and to be combined into the Dismal Creek ditch.

Mr. Osborn asked if first and second alternates could be appointed to be representatives for Tri-County ditches? Mr. Hoffman advised the board to go ahead and appoint them, if this isn't proper action can be taken later. The following representative and alternates were appointed for the following ditches.

Hoffman ditch, Eugene R. Moore, Sue W. Scholer was appointed first alternate and Bruce V. Osborn second alternate.

McLaughlin ditch, Bruce Osborn, Eugene R. Moore first alternate, and second alternate Sue W. Scholer.

Michael stated he had received a letter from Benton County in regards to the Darby Wetherhill ditch and he asked the board to appoint a representative and alternates for this ditch.  
Sue W. Scholer is representative, first alternate Eugene R. Moore, second alternate Bruce V. Osborn.

Otterbein Ditch representative will be Sue W. Scholer, first alternate Eugene R. Moore, second alternate Bruce V. Osborn.

Michael asked that the Secretary send letters to each county informing them of the appointments.

Michael Spencer presented a Petition received from Purdue Research Foundation to vacate a portion of the Dempsey Baker Ditch lying south of the north right-of way line of County Road 350 North and lying in the east half of the southeast quarter, Section 1, Township 23 North, Rge 5 West, and the North 50 acres more or less of the West half of

## January 6, 1988 Drainage Board Meeting Continued

the south west quarter, Section 6, Township 23 North, Range 4 West, all in Wabash Township, Tippecanoe County, Indiana.

Michael stated a hearing date would have to be set when assessment list is received.

Bruce Osborn asked where they were going with the water? Michael stated he felt it was through holding ponds then metered out to the same place it has always gone, Hadley Lake.

Bruce Osborn stated the board has never vacated a portion where it still drains through the existing legal drain. Mr. Hoffman answered no, if they are going to use the drain they can't vacate, if they are not going to use it then it can be vacated. Mr. Hoffman stated there would be a question of taking them out of the Watershed in regards to assessments. They will still have to pay their assessment as they are remaining in the watershed, the Purdue Research should be notified of this. If this is for the upper end this will help. Mark Houck stated there is a problem of metering at the same rate, but it will increase the volume of water going to Hadley Lake. They will have to meet the ordinance.

Many questions need to be answered before action is taken.

## VALLEY FORGE

Valley Forge

Michael J. Spencer informed the board that a letter of Credit for \$62,000.00 to cover half the cost of installation of the permanent drainage system, this was through Tippecanoe Development Corporation. Roy Prock is new owner of Valley Forge he wants to substitute a new \$62,000.00 letter of credit for the other one since he is the new owner. Michael has talked with Mr. Hoffman there will be no problem to do this, accept the construction bond needs to be secured for deposit for Mr. Prock just like originally had been presented by Tippecanoe Development Corporation before the old one can be released and except new one from Mr. Prock. Mr. Hoffman stated they will have to present an agreement along with the Letter of Credit then the other can be released.

## MEETING TIME CHANGE

Eugene Moore moved to change meeting time of the Drainage Board from 8:30 A.M. to 9:00 A.M., seconded by Sue W. Scholer, motion carried.

## JOHN HOFFMAN DITCH

JOHN HOFFMAN DITCH

Bruce Osborn called the meeting to order at 9:15 A.M.

Tri-County Board representatives are Eugene R. Moore Tippecanoe County, William Lucas Clinton County, and Charles Sutton Carroll County.

Mr. Hoffman conducted election of officers.

William Lucas nominated Eugene R. Moore as Chairman, seconded by Charles Sutton, there being no other nominations Eugene Moore was elected Chairman.

Eugene R. Moore nominated William Lucas as Vice-Chairman, seconded by Charles Sutton, there being no other nominations William Lucas was elected Vice-Chairman.

Eugene R. Moore nominated Maralyn D. Turner as Secretary, seconded by Charles Sutton, there being no other nominations Maralyn D. Turner was elected Secretary.

Mr. Hoffman was chosen to serve as the Attorney for the board when the board was first formed, he will continue to serve.

Mr. Osborn thanked the property owners for coming to this informal meeting. He informed them that nothing would be decided officially, it is an opportunity for the property owner to see what has happened up to this time.

After Michael J. Spencer presents the project questions may be asked.

Michael J. Spencer, surveyor introduced those present Maralyn D. Turner, Secretary, J. Frederick Hoffman Attorney, Sue W. Scholer, Bruce V. Osborn, and Eugene R. Moore Tippecanoe County Commissioners, William Lucas Clinton County Commissioner and Neal Conner Clinton County Surveyor, Grover West Carroll County Surveyor, and Charles Sutton Carroll County Commissioners, and Mark Houck Tippecanoe County Drainage Consultant.

Mr. Spencer presented Construction Estimates in Phases I, Alternate I, Alternate II, Alternate III, and Alternate IV, and Phase II. This estimate was done by Robert Gross engineer with Stewart Kline and Associates.

Mr. Spencer asked for questions.

Bob Power asked if there was tile in there at the present time? Answer yes, Phase I the tile would come out. Alternate I would be to dig the tile out approximately 6" below the existing tile, under Alternate II lowering it 4'. This is to gain grade. The area being discussed on the ditch is at 900 E.

Lola Harner asked how are you digging 4' and stopping at 900 East wouldn't you have to continue on west? Michael answered they would have to continue west of 900 East, this wouldn't be to far west as the ravine system drops off.

Mr. Power asked if a bridge would have to be put across 900 East? Michael stated they

felt the culvert was the right size and would carry the water, it is just too high.

Mr. Power asked if a tile could be put in without tearing up the road? Michael stated he did not think this could be done without tearing up the road.

Mr. Moore asked how many acres in the watershed? Total acres 2420. There may be a difference of 80 acres, this would be checked.

Mr. Power asked how much is coming out of maintenance fund? There is no maintenance fund on the ditch at this time, if a tile hole breaks it is up to the landowner to do the repairs.

Jesse Barr asked would the soil change? Answer the dirt will not be changed, just better drainage. Mr. Barr asked if the ditch was going to be the same size at 1025 East. Answer at the road 1025 108" round pipe, two 72" round pipe, two 84" and at 900 East 14'10" X 9'1" structural plate pipe arch.

Neal Dexter asked how much water will come down into Coffee Run ditch. Michael stated the same amount of water would be coming down. Mrs. Harner and Mr. Dexter were concerned about the erosion and damage.

Mr. Hoffman asked if there was a positive outlet. Answer it goes into a ravine system that eventually gets to the Wildcat creek. Mr. Hoffman asked how far from the end of the legal drain to the Wildcat. Answer give or take one and half to two miles.

LaVonne Scheffee had concern of gravel and the culvert being closed shut. Michael stated this is the reason he has pointed out the culvert sizes at the different road crossings.

Elwood Burkle asked that the cost be discussed. Mr. Spencer pointed out that the last page of the estimate summarizes the cost.

Mr. Spencer explained the Indiana Drainage Codes to the landowners. The decision is made by the property owners.

Mr. Barr asked who is responsible for drainage on property? County is responsible for the road crossings, property owners is responsible for drainage on their own property.

Elwood Burkle asked what depth would tile be? Answer some of the cuts would be 10-11 feet deep from the existing ground. Banks would be a lot higher than they are now. Michael stated at 900 East 1/4 mile east it is 5 feet below the bottom of the existing water way.

Mr. Hoffman stated the property owners should consider extending the legal drain down to the Wildcat to maintain the valleys, as there is problems if you don't have a positive outlet especially one with this size. There is no control over the valleys as it is now. He felt this would not add that much to the cost.

Jerry Frey stated he is constantly fixing blow holes. It is getting continuously worse. They are finding that the tiles are shifting. He feels the major problem is at the outlet. It has been severely neglected. There are tree roots and tiles that have floated up out of the system. He feels the first thing to do would be fixing and opening up the outlet.

Mr. Power asked in the estimate has consideration been taken in the area west of 900 East? No. Mr. Power felt this would be essential. Michael answered until a legal drain is extended down that way they can't do anything with it, they can do some corrective measures directly downstream from the road. He has to work with the starting and stopping points of the ditch, this is what he had to work with.

At this point Mr. Hoffman explained the procedures of making legal drain west of 900 East.

Malcomb Miller stated he agrees with Jerry Frey's statement. Mr. Miller's concern is the hardship the assessments would make for the property owners.

Jerry Frey stated they can't seem to hold the blow holes, each spring they are back and bigger holes. Mr. Frey doesn't know what causes this except another ditch was added about four years ago this makes more pressure from the upland it's coming down in such a velocity causing the problem.

Debbie Lineback asked what kind of time frame are you talking about as she carried petition in 1982. Mr. Hoffman stated it probably wouldn't take the time that he did previously.

Mr. Moore asked the feeling of the property owner.

LaVonne Scheffee asked if there was any rules in regards to health and sanitation? Thirty years ago when they purchased their property you couldn't jump over the ditch, now there is refrigerators and other debris making the ditch level. She doesn't understand why the farmer doesn't have to keep it cleaned out. She complained about the road grader grading gravel making a wall at the ditch.

Mr. Osborn stated the board is powerless in regards to debris in the ditches until there is a maintenance fund set up. Maintenance fund is needed.

## January 6, 1988 Drainage Board Meeting Continued

Jerry Frey asked who has authority? Mr. Hoffman explained the board is the authority.

Mr. Frey is for starting a legal drain with a maintenance fund, but he feels that the money should be brought forward to be spent on opening up the outlet and fixing the main tile. Try to get by with what they have with maintenance.

Malcomb Miller supports Mr. Frey's statement.

Mr. Moore asked Michael if a maintenance fund could be set up and just clean or does it come under reconstruction?

Michael stated they would be maintaining what there is now.

Mrs. Scheffee asked how this would help? Mr. Hoffman stated it would be taking the ditch back to it's original condition.

Mr. Lucas asked if there was an estimate for a maintenance clean out? NO. Michael felt it would just take a week to get an estimate put together. Mr. Lucas stated it would probably take two years to get a maintenance fund set up. Michael stated for a few years the fund could be set at a high figure and then lowered.

Debbie Lineback stated when she carried the petition around and 80-90% of the property owners stated it should be an open ditch, it never worked from day one.

Elwood Burkle stated that those living north and east of the Clinton and Carroll County line would receive no benefits by opening the bottom portion yet they would be paying for it. There are too many obstruction.

Dale Fossnock stated: His ancestors stated that when the ditch was put in, it never worked.

Glen Kelly stated there were six of them that worked on the ditch where the tile comes out. This was 30 years ago.

Mrs. Glen Kelly stated it cost her \$100.00 to get a petition in 1982 out of her pocket. She was informed that there is a standard petition form now and there would be no cost for the petition. Mrs. Kelly stated they have willows and to get rid of them the water has to be taken care of.

Glen Kelly stated there are two 6" raises in the ditch, one is on the Bogan property and the woods.

Question was asked was it constructed that way? Yes. When the ditch was built it was built by the people.

Michael stated the grade can be checked.

Mr. Barr would agree to keep the water going.

Mr. Scheffee stated when they first came to the area there were no problems he feels it has to be open all the way.

Mrs. Kelly stated they have two ponds on their property, water is over the road most of the time, getting out is a problem most of the time. Even when it was dry this summer it was wet.

Mrs. Harner stated this has been a problem for many years.

Mrs. Scheffee stated a lot of the problem was created when 900 East was reconstructed.

Grover West asked how many small acreages were in the watershed. His concern is the break down in lots and acreage.

Mrs. Harner stated the assessment doesn't seem fair.

Kenneth Walker stated there is peat in the area of the Ford property, reason for so much water in the area.

Neal Conner stated that it would be spring of 1989 to get a maintenance fund in to affect.

After much discussion Mr. Spencer asked for show of hands.

Phase I Alternate I, Phase II Dig Open ditch up to where the two branches come together and tile system. Approximate Cost \$200.00 acre. Vote 7.

Open Ditch all the way. Approximate Cost \$242.00 per acre. Vote 8.

Maintenance. Assessment per acre to be set possible classifications. Vote 5.

The vote going for an open ditch all the way Mr. Spencer will get estimates and hold another meeting to present findings to the property owners.

There being no further business the meeting adjourned at 10:30 A.M.

*Bruce V. Osborn*

Bruce V. Osborn, Chairman

*Sue W. Scholer*

Sue W. Scholer, Boardmember

*Eugene R. Moore*

Eugene R. Moore, Boardmember

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner  
Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, JANUARY 4, 1989

The Tippecanoe County Drainage Board met in regular session Wednesday, January 4, 1989 at 9:00 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

The meeting was called to order by J. Frederick Hoffman, County Attorney for the reorganization of the Drainage Board for 1989. Those present were: Bruce V. Osborn, Eugene R. Moore, Sue W. Scholer, Michael J. Spencer, J. Frederick Hoffman, and Maralyn D. Turner, others in attendance are on file.

Mr. Hoffman asked for nominations for Chairman of the Board. Bruce V. Osborn nominated Eugene R. Moore as Chairman seconded by Sue W. Scholer, there being no further nominations Eugene was elected Chairman of the Board.

Mr. Hoffman asked the newly elected Chairman Eugene R. Moore to preside over the meeting.

Eugene Moore asked for nominations for Vice-Chairman, Bruce V. Osborn nominated Sue W. Scholer for Vice-Chairman, seconded by Eugene R. Moore, there being no further nominations Sue W. Scholer was elected Vice-Chairman.

Eugene R. Moore asked for nominations for Secretary, Bruce V. Osborn nominated Maralyn D. Turner as Secretary, seconded by Eugene R. Moore, no further nominations from the floor for secretary Maralyn D. Turner was elected.

Bruce V. Osborn moved to appoint J. Frederick Hoffman as Drainage Attorney for the year 1989, seconded by Sue W. Scholer, unanimous approval.

Mr. Hoffman read the Ditch Assessments for Active and Inactive ditches. The following ditches being Inactive for 1989 are: John Amstutz, Jesse Anderson, Dempsey Baker Newell Baker, Nellie Ball, A.P. Brown, Orrin Byers, Floyd Coe, Grant Cole, J.A. Cripe, Fannie DeVault, Jess Dickens, Martin V. Erwin, Elijah Fugate, Rebecca Grimes, Geo Ilgenfritz,

George Inskeep, Lewis Jakes, E.Eugene Johnson, F.S. Kerschner, Amanda Kirkpatrick, John A. Kuhns, Calvin Lesley, Luther Lucas, John McCoy, John McFarland, Absalm Miller, Ann Montgomery, J. Kelly O'Neal, Lane Parker, James Parlon, Calvin Peters, Franklin Resor, Peter Rettereth, Alexander Ross, James Sheperdson, John Saltzman, Ray Skinner, Joseph C. Sterrett, Wm. A. Stewart, Alonzo Taylor, Jacob Taylor, John Toohey, John VanNatta, Harrison Wallace, Sussana Walters, McDill Waples, Lena Wilder, J&J Wilson, Franklin Yoe.

The following ditches read are Active Ditches: E.W. Andrews, Delphine Anson, Juluis Berlovitz, Herman Beutler, Michael Binder, John Blickenstaff, N.W. Box, Buck Creek(Carroll County), Train Coe, County Farm, Darby Wetherill(Benton County), Marion Dunkin, Crist/Fassnacht, Issac Gowen(White County), Martin Gray, E. F. Haywood, Thomas Haywood, Harrison Meadows, Jenkins, James Kellerman, Frank Kirkpatrick, Mary McKinney, Wesley Mahin, Samuel Marsh(Montgomery County), Hester Motsinger, Aduley Oshier, Emmett Raymon(White County), Arthur Richerd, Abe Smith, Mary Southworth, Gustavel Swanson, Treece meadows, Wilson-Nixon(Fountain County), Simeon Yeager, S.W. Elliott, Dismal Creek, Shawnee Creek.

The following ditches read were made Active for 1989: Alfred Burkhalter(Clinton County), Charles Daugherty, Thomas Ellis, Fred Hafner, James Kirkpatrick, F. E. Morin, William Walters, and Kirkpatrick One. Michael Spencer wanted the Martin Gray to be included in the Active, it had been read as active, but for the records read in the Make Active. Sue W. Scholer moved to activate the ditches as read, seconded by Bruce V. Osborn, unanimous approval.

Alfred Burkhalter ditch joint with our County the Board secretary should send a letter to the Tippecanoe County Auditor and the Clinton County Auditor.

Michael stated in June 1987 a hearing was held to combine the Treece Meadows branch with S. W. Elliott ditch. These maintenance funds need to be combined and treated as the S.W. Elliott ditch. Sue W. Scholer moved to combine the maintenance funds on the Treece Meadows with the S. W. Elliott ditch treat them all as one, seconded by Bruce V. Osborn, unanimous approval.

J. Frederick Hoffman asked if the Treece Meadows was considered designated branch under the S. W. Elliott ditch? Michael answered it is; Treece Meadows has a beginning point and ending point.

Michael Spencer received a letter signed by two property owners, Malcomb Miller and Jerry Frey on the John Hoffman requesting that the board set up a maintenance fund. A hearing was held in 1988 for reconstruction, this did not go too well. Some were going to try to contact the downstream property owners to make it a legal drain all the way down to Coffee Run. Hearing nothing these property owners are requesting a maintenance fund.

Mr. Hoffman stated this is the ditch that does not have a positive outlet. Correct. They hope to make a positive outlet with the maintenance funds.

Michael will have to make a maintenance report before a hearing can be held. Discussion continued.

Jim Strother property owner 3876 Kensington Drive concerned about drainage of the Orchard Park Subdivision. Michael told Mr. Strother he had received Preliminary submittal that was requested from the engineer to supply with more information, but that

HOFFMAN  
DITCH

information has not been received. Michael will notify Mr. Strother when he receives the information and when the project comes before the board.

Sue W. Scholer asked Don Sooby, of the Lafayette City Engineer office where are we on McCarty Lane, is it progressing. Mr. Sooby stated a public hearing will be held January 26, 1989, no other meeting has been set up.

There being no further business the meeting adjourned at 9:25 A.M. Next meeting will be February 1, 1989.

*Eugene R. Moore*

Eugene R. Moore, Chairman

*Bruce V. Osborn*

Bruce V. Osborn, Board Member

*Sue W. Scholer*

ATTEST: *Maralyn D. Turner*  
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR Meeting January 3, 1990

The TIPPECANOE County Drainage Board met Wednesday, January 3, 1990 in the Community Meeting room of the TIPPECANOE County Office Building 20 North Third Street, Lafayette, Indiana.

Those present were Bruce V. Osborn and Sue W. Scholer, Board Members; Michael J. Spencer, Surveyor; Todd Frauhiger, Drainage Consultant; J. Frederick Hoffman, Drainage Attorney; and Maralyn D. Turner, Executive Secretary, others present are on file.

The meeting was called to order at 9:00 a.m. by Drainage Attorney J. Frederick Hoffman. Mr. Hoffman stated that it is time for election of officers for a new year.

Bruce V. Osborn nominated Sue W. Scholer for chairman of the board, seconded by Sue W. Scholer, motion carried, there being no other nominations from the floor Sue was elected Chairman of the Board.

Sue W. Scholer chairman continued the meeting asking for nomination for Vice Chairman, Sue W. Scholer nominated Bruce V. Osborn as Vice-Chairman, seconded by Bruce, motion carried, there being no other nominations from the floor Bruce was elected Vice-Chairman.

Bruce V. Osborn nominated Maralyn D. Turner as Secretary, seconded by Sue W. Scholer, there being no other nominations from the floor Maralyn was elected Executive Secretary.

Bruce V. Osborn moved to accept J. Frederick Hoffman's continued services as Drainage Attorney for the year 1990, seconded by Sue W. Scholer, motion carried.

Michael J. Spencer recommended to continue the services of the Chris Burke Engineering, LTD as Drainage Engineer Consultant for the year 1990. Bruce V. Osborn moved to accept Michael's recommendation, seconded by Sue W. Scholer, motion carried.  
1990 DITCH ASSESSMENTS

Fred Hoffman read the following ditches to be made Active for assessments in May 1990. Jesse Anderson, A.P. Brown, Orrin Byers, John McFarland, Ann Montgomery, and the J. Kelly O'Neal.

Ditches that are In Active are: John Amstutz, Dempsey Baker, Nellie Ball, N.W. Box, Alfred Burkhalter, Floyd Coe, Grant, Cole, J. A. Cripe, Fannie Devault, Marion Dunkin, Jess Dickes, Martin V. Erwin, Crist/Fassnacht, Elijah Fugate, Rebecca Grimes, Harrison Meadows George Ilgenfritz, George Inskeep, Lewis Jakes, Jenkins, E. Eugene Johnson, F. S. Kerschmer, Amanda Kirkpatrick, James Kirkpatrick, John A. Kuhns, Calvin Lesley, John McCoy, Mary McKinney, Absalm Miller, Lane Parker, James Parlon, Calvin Peters, Franklin Resor, Peter Rettereth, Arthur Richard, Alexander Ross, James Shepherdson, John Saltzman, Ray Skinner, Joseph C. Sterrett, Wm A. Stewart, Alonzo Taylor, Jacob Taylor, John Toohey, John VanNatta, Harrison Wallace, Sussana Walters, McDill Waples, J. & J. Wilson, Franklin Yoe, and Shawnee Creek.

Ditches that are Active are: E. W. Andrews, Delphine Anson, Herman Beutler, Michael Binder, John Blickenstaff, Buck Creek (Carroll County), Train Coe, Darby Wetherill (Benton County), Thomas Ellis, Issac Gowen (White County), Martin Gray, Fred Hafner, E.F. Haywood, Thomas Haywood, James Kellerman, Frank Kirkpatrick, Wesley Mahin, Samuel Marsh (Montgomery County), Hester Motsinger, Audley Oshier, Emmett Raymon (White County), Abe Smith, Mary Southworth, William Walters, Wilson-Nixon (Fountain County), Simeon Yeager, S. W. Elliott, Dismal Creek, and Kirkpatrick One.

Bruce V. Osborn moved that the ditches that were read to be made active become active on the May 1990 Assessment, seconded by Sue W. Scholer, motion carried.

COUNTRY CHARMS

John Fisher asked that this be continued until next meeting February 7, 1990.

TRASH TRANSFER

John Fisher presented site drawings. Outlet goes into the Flood Plan. Mr. Hoffman asked who owns the Flood Plan? Leroy Barton. Question as to if it would increase the flow and the speed onto Barton. Question do you have permission from Mr. Barton? Answer - No. Mr. Hoffman stated that permission should be received from Leroy Barton. Mr. Fisher stated they are providing rip-rap, it will not increase the velocity. Mr. Fisher pointed out that they had met with the Soil Conservation and have worked out the one condition of erosion control. Mr. Hoffman asked if Mr. Barton knew about this meeting? NO. Presentation and discussion continued.

Bruce V. Osborn asked John Fisher to explain the plans to the Barton's.

Michael stated that the water is tributary to that area now, it will go through a pond now instead of sheet drainage.

Mr. Hoffman stated they should have their chance to object, so that they can't say we are damaging their property.

Sue W. Scholer stated there are two recommendations made.

1. The erosion control. 2. The calculations.

Bruce V. Osborn moved to give approval to the drainage control for the Trash Transfer with exception of #9 and the other recommendations as stated in the Christopher Burke

COUNTRY  
CHARMS

TRASH  
TRANSFER

Engineering, LTD review, plus letter from downstream from Burton's, seconded by Sue W. Scholer.

✓  
DIMMENSION

DIMENSION CABLE

CABLE

George Schulte engineer from Ticen and Associates presented site plans. Property is located in the Treece Drainage Watershed area. The water shed area was analyzed to determine the high water elevation that would be in the channel. Their detention storage volume that they calculated was above the high water elevation of the ditch along north property line. They did decrease the allowable release rate from 2.11 cfs down to .4 cfs, there is about 3.3 acres in the site. They are increasing the volume required for storage on site.

Sue W. Scholer asked about the plans for maintenance on that ditch? Basically they are assuming that the owner would maintain the entire site, this is reason for putting 3-1 slopes on the ditch.

Mr. Hoffman asked if it was a new ditch, George again stated it is an existing ditch. The ditch at this time is full of brush, weeds, etc, it is not a legal drain.

George stated they are asking for final drainage approval.

Mr. Hoffman asked if George's client would be willing to participate in the cost of a more substantial drainage improvement in the area. Mr. Shulte stated he could not answer that question, but he feels he would be willing.

Bruce asked if conditions had been met? Michael Spencer answered, no, there is one other conditions and that is that the City of Lafayette review this project, as of January 2, 1990 this area is in side the City Limits as is Wal-Mart.

Mr. Sooby has not seen the plans presented. Discussion continued.

Mr. Hoffman stated this is not a subdivision, but should have the same kind of restriction as subdivisions. Mr. Hoffman asked that a letter be received from the developer stating they will participate in their fair share of the improvement when the major improvement is made. Michael asked if he was talking about facility on site. Answer-yes. Maintenance on site and that they would assist in making that area a part of the legal drain, and that they will participate in the cost of improving the Wilson Branch. Michael asked if they should provide a letter stating that they will maintain their on site system. Mr. Hoffman stated he would like for it to be in form that can be recorded, so it will run with the land should the land be sold.

George asked what things are needed for approval? 1. Participate in the improvements of the Wilson Branch. 2. Cost of improvements. 3. Maintain the one on the premises, and if they don't the County would have the right to maintain it and assess the cost. Incorporate the existing drain on the north side of the site into the Treece drain or Wilson Branch.

A letter is needed from the owner for the above mentioned items to Michael. Michael asked that the city review and give their approval be added as they are involved.

Sue asked if the board understands correctly that the City still wants that maintenance to run to the County on the regulated drain. Mr. Sooby answered, he thinks that is correct.

Bruce V. Osborn moved to give approval with the four recommendations being met, seconded by Sue W. Scholer.

WAL-MART

WAL- MART

Clifford Norton representing Wal-Mart and George Davidson of Horne Properties presented drainage plans. Michael stated the plans meet the county restriction on the limited release rate. Michael pointed out at the last meeting Mr. Long was present and brought up the fact of emergency routing for drainage which is a problem in this area, and at that time Michael stated he had Christopher Burke Engineering LTD looking at the Wilson Branch from Ross Road where the Simon improvement would end with the 100 year design flow in the channel. He had him look all the way up through Treece Meadows on what design would be required or Channel section would be required to get from Ross Road up to Treece Meadows. Michael has received the report this morning. Basically what he says in his report is to properly move the 100 year storm event from the north end of Treece Meadows or where open channel turns and goes back west through the Subdivision, looking at approximately 40 foot bottom width on the channel and 2-1 side slopes from there down to the Wilson Branch in some fashion. They have had some preliminary locations for the channel so he would have some idea for lengths to work with as far as grades to get the water down there, basically at this time to pass the 100 year storm event is to provide a 40 foot bottom width channel with 2-1 side slopes down to the Wilson Branch, then continue down the Wilson Branch taking out the trees and re-grading the bottom and side slopes down to Ross Road in order to get the water to the regional detention facility that will be constructed. Michael stated this is a starting point as there are allot of alternatives that can be put in there. This is basically what Channel section they are looking at. The crossings of Creasey Lane and McCarty Lane will need bridge openings of approximately 600 square foot openings to pass the 100 year storm event. Bruce asked if this was visible? Mr. Norton stated anything is visible. Bruce asked if this was to go in during the other construction? Michael answered it would take a petition for re-construction of the Wilson Branch of the Elliott ditch. Michael feels that we are at the point now where a petition is needed from the watershed area. More study is needed. While the land is open is the time to get something started. Cost estimates and plans will have to be put together. Michael can not put a time element on it, the area is hot enough for development and something needs to be done. Discussion of petition.

WAL-MART CONTINUED  
JANUARY 3, 1990 DRAINAGE BOARD MEETING

Mr. Davidson stated that Wal-Mart has no problem at all to work with the rest of the watershed and are willing to pay their fair share of the assessment.

Tom McCully representing Long Tree Limited went over what Long Tree Limited went through when they were developing Burberry Subdivision. The problem is at the South end at Treece drain and Wilson Branch, pipe put in 1978 creates constriction of everything upstream from there. Discussion of Cost in 1978, and the over all problem of the area. At that time the owners agreed to put an assessment based upon the cost, which amounted to approximately \$1,000.00 per acre. Today's presentation does try to address the problem all the way from the north end of Treece down to the Wilson Branch on down to the Elliott ditch. Tom stressed that if we don't look at an over all picture we are not going to get anything accomplished. What has to be done is as property is developed everybody agrees to participate to get the problem corrected. At this time we have an open ditch going into a 24" pipe. Discussion continued.

Tom McCully stated that probably this should be an Urban drain not a rural drain. Convert to Urban drain and reconstruct. Long Tree Limited is willing to cooperate. Again he stressed that everybody is going to have to be in agreement that the problem needs corrected and go from there. The longer this goes the more expense it is going to be. Discussion continued.

Michael stated that in the interim there is a plan that could be done temporarily to get the emergency routing out of the Subdivision. This is going to take cooperation from the people involved.

Bruce asked Mr. Norton if they are going to be asking for road cuts on Creasey, answer yes, they have two entrance, and one on Highway 26.

Mr. Hoffman stated Wal-Mart will have to have some type of document stating they will participate in and pay their fair share of the cost of the improvement, and maintain what else they will be putting in there, if they don't the county will have the right to go in and maintain, then assess them for the cost.

Sue Scholer suggested that Michael call a meeting with all property owners involved in the development.

Michael stated that Burke Engineering brought to his attention that this could be a lengthy project, but in the mean time the board should look at a temporary diversion swale, not a major structure. Mr. Hoffman asked if there was a place for it and Michael replied it can be done, however it will not be easy. Michael stated this would be everybody north of Treece Meadows who wants to develop. Michael wanted more time to think. Mr. Sooby was concerned about property owner saying let the other guy do it.

Mr. Davidson asked Michael if he was satisfied with their drainage analysis, answer - yes.

Mr. Norton stated there are two ways that Wal-Mart can go. He asked if the board could give approval subject to meeting the qualifications to avoid another meeting or bring up all the criteria that they need to submit and have another meeting.

Sue W. Scholer stated that the board would be requiring all the essential things stated and final approval passed would be subject to all things presented to Michael and approved by the attorney and the City of Lafayette. Sue stated possibly the board should make a requirement as Wal-Mart goes through the process of their development some of the other things needed will be based on getting a meeting and something temporary with all people involved who are developing in that area.

Mr. Davidson again stated they would agree in participating in what ever effort is made out in that area. They would like to leave the meeting this morning with some idea of construction cost so they can build their budget. He stated they could have a letter back to Michael tomorrow committing to the things the board is trying to accomplish.

Michael Spencer and Don Sooby will work together to come up with satisfactory proposals. Don stated that lionslyng share of the burden may fall on Wal-Mart to do something temporary, as no body wants to do anything until their development is ready to move. Wal-Mart wants to move ahead with their development and if the interim facilities are necessary for this to get board approval, but not the total cost is going to fall on Wal-Mart. Discussion continued.

Michael asked if a credit could be given back to Wal-Mart at a later date of what they would put in on the interim? Mr. Sooby stated that the interim facility is not going to contribute much toward the long term, it really isn't a down payment on the ultimate facilities.

Mr. Davidson asked how will the development fully affect the Treece Meadows. Michael answered hopefully up to a 100 year storm event by calculations it should reduce the downstream affect, its above the 100 year storm event that is of concern. Currently there is 80 cfs coming off for a 10 year storm. Discussion continued.

Sue W. Scholer asked what needs to be done to get the total process going?

Mr. Hoffman stated if Michael feels there is a need for reconstruction as an Urban drain Michael should report that to the Board and then the process can start for making it an Urban drain for reconstruction. That's on the long term. A Petition is not needed all that is necessary is a letter from Michael Spencer surveyor stating that it needs to be an Urban drain and it can be done as an Urban drain. Statement should state that if it is reconstructed as an Urban drain it will drain the area properly. Michael should present a letter to the Board.

Mr. Hoffman agreed with Mr. Sooby's statement that Wal-Mart is going to have to pay most of the cost of the temporary facility as the other property owners can say they are not ready to develop and we don't see the need for this until we develop. Discussion continued.

Items needed from Wal-Mart are: Letter of Commitment for Maintenance of the drain facilities that they build. In the letter a commitment for participation in the original program and that Wal-Mart pay their fair share of reconstruction and if they do not maintain the drainage on their property the county would have a right to come in and do the maintenance and make assessment for the cost. Mr. Hoffman wanted this to be in a recordable fashion so it will run with the land.

The Wal-Mart was asked to come back Tuesday January 9, 1990 at 9:30 A.M. for re-convened session. Due to not having a quorum of Board Members the January 9 meeting was postponed until Wednesday January 17, 1990 at 9:00 A.M..

## STATE ROAD

## STATE ROAD 38 PROJECT AGREEMENT

## 38 PROJECT AGREEMENT

Agreement with the State on Hwy 38 the detention pond and drainage. The County will receive \$50,000.00 if it is installed prior to the time the State goes to work on the 38 Project, if the County does not have it installed the County does not get the \$50,000.00 and the State puts it in. This is based on when the work starts. Discussion.

Fred stated that he and Michael had reviewed the agreement and it meets the standards. This goes along with the meeting held October 1988 on the Highway 38 Project. Agreement is on file.

Bruce V. Osborn moved to accept the agreement of State Highway 38 and the water problems, seconded by Sue W. Schuler, unanimous approval.

## ORCHARD PARK

## ORCHARD PARK

Michael Spencer Surveyor, presented Fee Proposal prices to provide field survey for the Orchard Park Legal Ditch Project. Earlier two different companies had presented prices for doing surveying work for the project. There was quite a bit of difference in the prices submitted so a more defined scope of work was presented to different companies and Michael has received the following submittals.

Todd Frauhiger read the Companies and their figures this is for the entire watershed area. This would include aerial mapping, contour map for the watershed, all existing pipes within the water shed, their reaches and sizes, inverts, the ravine system all the way down to the Wildcat creek.

Ticen Shulte and Associates	\$31,900.00
John E. Fisher	\$22,372.00
MTA	\$21,680.00
Vester's and Associates	\$24,990.00

The services that were included are:

Aerial Control Survey. Vertical and Horizontal survey to provide control for aerial mapping will be provided.

Establish Baselines. Baselines will be established, referenced, and tied to the horizontal mapping control. These base lines will follow, as closely as possible, the flow lines of the defined ravines.

Investigation of Existing Storm Sewer Facilities. Existing storm sewers and culverts within the watershed will be located, identified and surveyed for length and elevation. This information will be provided in the form of survey field notes. Aerial Mapping of the ravine will be provided, scribed on mylar. Contours will be at one foot intervals, scale will be 1"=100' or as other wise specified. Baselines will be superimposed on the mapping.

THE ITEMS READ ARE NEEDED FOR THE ENTIRE WATERSHED

Descriptions of Easements. Descriptions of proposed easements from each land owner involved will be provided. Easements will most likely be described as a horizontal distance beyond a specified elevation on the bank of the ravine.

Todd stated the quicker the surveyors could get started the better they could get a proper survey, each would like to get to it as soon as possible and no later than February as leaves will be starting and they can not get a true picture. One of the figures presented is only good through February. After that date it may increase the aerial photography figure. If it is delayed longer it could be late 1990 before work could be completed.

Time is needed to go through the presentations, Michael will come back at the next meeting with findings.

Meeting recessed until Tuesday January 9, 1990, January 9, 1990 meeting was re-scheduled for Wednesday January 17, 1990.

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

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

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

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

**CARROLL COUNTY JOINT DRAIN**

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

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

Hubert Yount, seconded. Motion carried.

**DRAINAGE BOARD ATTORNEY CONTRACT**

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

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

Nola J. Gentry, seconded. Motion carried.

**ACTIVE AND INACTIVE DITCHES**

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

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

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

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

#### DISCUSSION ON TILE BIDS

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

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

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

#### JOHN HOFFMAN DRAIN

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

Mike read the proposal into the minutes.

#### TO WHOM IT MAY CONCERN:

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

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

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

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

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

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

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

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

Discussion followed.

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

#### HADLEY LAKE DRAIN

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

#### PINE VIEW FARMS

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

Discussion followed.

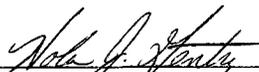
Mike Spencer recommended preliminary approval to the Board.

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

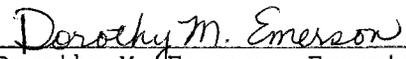
Hubert Yount, seconded. Motion carried.

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

  
Keith E. McMillin, Chairman

  
Nola J. Gentry, Member

  
Hubert D. Yount, Member

ATTEST:   
Dorothy M. Emerson, Executive Secretary

**Tippecanoe County Drainage Board**  
**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
<b>94</b>	<b>Shawnee Creek</b>	<b>6639.28</b>	<b>-0-</b>
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	Toohey, 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
<b>94</b>	<b>Shawnee Creek</b>		<b>\$1.00</b>	<b>\$6,639.28</b>	<b>\$3,411.51</b>
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 ASSESSMENT	1996 4 YEAR BALANCE	YEAR END
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

February 4, 1998

regular meeting

## **Those present were:**

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

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

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

## **MIKE MADRID COMPANY**

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

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

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

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

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

## **DRAINAGE BOARD 1998 CONTRACTS**

### **Attorney**

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

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

**Engineering Consultant**

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

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

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

**1998 ACTIVE AND INACTIVE DITCH LIST**

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

**ACTIVE DITCH LIST**

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

**INACTIVE DITCH LIST**

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

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

**OTHER BUSINESS**

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

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

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

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

**MINUTE BOOK**

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

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

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

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Ruth Shedd, President

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Shelli Muller, Secretary

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Kathleen Hudson, Vice President

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John Knochel, Member



# 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 3<sup>rd</sup> 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.

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Ruth Shedd, President

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Kathleen Hudson, Vice  
President

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Shelli Muller, Secretary

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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 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner Shedd calling the meeting to order.

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

ACTIVE

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

INACTIVE

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

Calvin Peters Saltzman Skinner Ray William Stewart	Peter Rettereth  Abe Smith  John Toohey Sussane Walters  Franklin Yoe	Alexander Ross  Mary Southworth  John VanNatta McDill Waples  Jenkins  S.W. Elliott	John    Lena    Hadley
<b>Shawnee Creek</b>			
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.

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Ruth Shedd, President

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Shelli Muller, Secretary

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Kathleen Hudson, Vice President

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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 3<sup>rd</sup> 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	<b>Shawnee Creek</b>	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.

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Kathleen Hudson, President

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Doris Myers, Secretary

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John Knochel, Vice President

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Ruth Shedd, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**November 5, 2003**  
**Regular Meeting**

**Those present were:**

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

**Approval of October 1, 2003 Minutes**

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

**Lindberg Village Planned Development**

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

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

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

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

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

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

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

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

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

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

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

## **OTHER BUSINESS**

### **Brookfield Heights Complaints**

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

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

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Ruth E. Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**March 3, 2004**  
**Regular Meeting**

**Those present were:**

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

**Approval of February 4, 2004 Minutes**

KD Benson made the motion to approve the February 4, 2004 minutes as written and Ruth Shedd seconded the motion. The motion carried.

**Raineybrook Part 2 Section 2**

Pat Jarboe and Meredith Buyer of T-Bird Design appeared before the Board to request final approval for Raineybrook Subdivision Part 2 Section 2 Subdivision. Meredith stated this section of the subdivision's plans complied with the previously submitted development plans. The Surveyor stated there was a swale along the rear of lots 243 through 253 and based on the proposed grades and contours it was not clear if the swale was within an easement. Clarity would be required and would be noted as the construction plan approval process was followed. The Surveyor reviewed the requirement for restrictive Covenants. The Surveyor was prepared to recommend final approval with conditions as stated on the February 26, 2004 Burke memo to include the condition of clarity concerning the drainage swale at the rear of lots 243 through 253. KD Benson moved to grant final approval with the conditions stated by the Surveyor, as well as those noted on the February 26, 2004 Burke memo. Ruth Shedd seconded the motion. Raineybrook Subdivision Part 2 Section 2 was granted final approval with conditions as stated on the February 26, 2004 Burke memo, as well as the required homeowners association covenants and clarity of the swale along the rear of lots 243 through 253.

**Benjamin Crossing Section 4 and Section 5**

Mr. Brandon Fulk of Schneider Engineering Corporation appeared before the Board to request final approval for Benjamin Crossing Subdivision Section's 4 and 5. The site was located at the northeast corner of County Roads 250 East (Concord Road) and 450 South in Wea Township. Brandon stated the conditions listed on the February 26, 2004 Burke memo would be met. The Surveyor stated the following additional conditions. He stated there was erosion at the outlet pipe for pond one (1) that was adjacent to Concord Road, as well as a fair amount of sediment at the Concord Road culverts. He required a plan to be in place to rectify the erosion and sediment collected on the East side of the Concord Road culvert and the erosion over top of outfall for the remainder of the Kirkpatrick tile drain. Brandon stated after further study, the eight-inch (8") outlet pipe for the Northeast pond would be changed to two (2) ten inch (10") outlet pipes. The Surveyor asked if those pipes were in place at this time. Brandon stated they were not. The Surveyor noted the placement of the outlet pipes in question would be required before any work began on Sections 4 & 5. Brandon stated they could comply with that condition. The Surveyor noted that due to the spring planting season, it was important to have those pipes in place as soon as possible. In summary, the Surveyor stated he was prepared to recommend final approval with conditions as stated on the February 26, 2004 Burke memo as well as the following additional conditions: A solution and reasonable time frame must be in place to remove sediment and rectify the erosion problem on the outlet for pond one; also assurance must be given for the placement of two (2) ten inch (10") outlet tiles for the Northeast corner pond before any site preparation, etc. was started.

KD Benson made the motion to grant final approval for Benjamin Crossing Section 4 with the conditions listed on the February 26, 2004 Burke memo in addition to those conditions noted by the Surveyor. Ruth Shedd seconded the motion. Benjamin Crossing Section 4 was granted final approval with conditions as stated on the February 26, 2004 Burke memo, a solution and reasonable time frame must be in place to remove sediment and rectify the erosion problem on the outlet for pond one, also that assurance must be given for the placement of two (2) ten inch (10") outlet tiles for the Northeast corner pond before any site preparation, etc. was started. KD Benson then made the motion to grant final approval for Benjamin Crossing Section 5 with those conditions listed on the February 26, 2004 Burke memo, as well as those additional conditions as stated previously by the Surveyor concerning the erosion and sediment correction and the two (2) ten inch (10") outlet

pipes to be in place before site preparation was started. Ruth Shedd seconded the motion and Benjamin Crossing Section 5 was granted final approval with the conditions listed on the February 26, 2004 memo, and those additional conditions noted by the Surveyor. The Surveyor then added that CP Morgan had been active in pond safety, however he wanted to insure placement of warning signs and the installation of grates over the outlet pipes shown on the construction plans.

**The Retreat at Hickory Ridge  
Ravenswood at Hickory Ridge  
Hickory Ridge Subdivision**

Tim Beyer of Vester & Associates appeared before the Board to request final approval for The Retreat at Hickory Ridge Planned Development, Ravenswood at Hickory Ridge, and Hickory Ridge Subdivision. The overall watershed (approximately 116 acres) drained to Wea Creek. Three (3) detention ponds would be involved in the developed area. The Retreat at Hickory Ridge site was located on thirteen (13) acres west of County Road 250 East (Concord Road) between County Roads 450 South and 500 South in Wea Township and would consist of 50 single-family residences. The Retreat at Hickory Ridge P.D. storm sewer system would discharge to an off-site detention pond (Pond No. 1) located to the north within Ravenswood at Hickory Ridge. The off-site pond would discharge downstream to a detention pond (Pond No. 2) to the west within the Hickory Ridge Subdivision before being released to an existing natural drainage channel to the north of the developed property. Ravenswood at Hickory Ridge (formerly known as the Overture) was a part of the Hickory Ridge Development and located on twenty (20) acres in the northeast corner of the overall development. Ravenswood would consist of twenty (20) four-plex condominium units, with a future planned church on seven and half (7 1/2) acres. Hickory Ridge Subdivision site was located on seventy-three (73) acres and would consist of 180 single-family residences and two (2) stormwater detention ponds numbered 2 & 3. Pond No. 2 outlets to a natural drainage channel to the north and Pond No. 3 would outlet to a natural channel to the west. The development was previously reviewed under Hickory Ridge Estates Phase 1 and granted final approval with conditions on Nov. 7, 2001. However construction on that project was never started. Mr. Beyer stated they would comply with the conditions as stated for all three projects on their February 26, 2004 Burke memos.

Regarding The Retreat at Hickory Ridge the Surveyor recommended final approval with conditions listed on the February 26, 2004 Burke memo as well as the condition of recorded covenants for a homeowners association and installation of grates for the outlet pipes. KD Benson motioned to grant final approval for The Retreat at Hickory Ridge with the conditions listed on the February 26, 2004 Burke memo as well as those conditions stated by the Surveyor. Ruth Shedd seconded the motion. The Retreat at Hickory Ridge was granted final approval with the conditions listed on the February 26, 2004 Burke memo, and the conditions of recorded covenants for a homeowners association and grates installed on the outlet pipes.

Regarding Ravenswood at Hickory Ridge Subdivision, Tim stated they would obtain and provide an easement for the swale when they appear before the Board for the final approval of the future church project. The Surveyor recommended final approval with the following conditions; a homeowners association must be formed and the covenants recorded, installation of grates for the outlet pipes, warning signs for the ponds, as well as the conditions listed on the February 26, 2004 Burke memo. KD Benson made the motion to grant final approval for Ravenswood at Hickory Ridge with the conditions listed on the February 26, 2004 Burke memo as well as those noted by the Surveyor. Ruth Shedd seconded the motion and Ravenswood at Hickory Ridge was granted final approval with conditions as listed on the February 26, 2004 Burke memo, the condition of a homeowners association with recorded covenants, grates installed on the outlet pipe, and pond warning signs.

Regarding Hickory Ridge Subdivision, the Surveyor stated a waiver for direct discharge was warranted. KD Benson motioned to grant a waiver for direct discharge to Hickory Ridge Subdivision and Ruth Shedd seconded the motion. The waiver was granted. The Surveyor then gave a drainage overview of the entire development for the Board. In response to the Surveyor's inquiry about an outlot shown on the plans, Tim stated it was a wooded area that would possibly be a park in the future. Tim stated that trees and foliage would remain on the lot for environmental purposes. The Surveyor stated a meeting between Vester & Associates with T-Bird Designs was warranted. (T-Bird designs were currently working on a project downstream.) Pat Jarboe representing T-Bird Design approached the Board and stated he had received a drainage study from Tim already but he would like to meet with Tim and someone from Christopher Burke's office to review the drainage for the entire area. In response to KD's inquiry, Tim stated all the downstream owners had been notified. The Surveyor then stated he was prepared to recommend final approval with the conditions as listed on the February 26, 2004 Burke memo along with the addition of recorded covenants of a homeowners association, grates on all outlet pipes, warning signs for the ponds and a joint meeting between Vester & Associates, T-Bird Designs and possibly Christopher Burke Engineering. KD Benson made the motion to grant final approval for Hickory Ridge Subdivision with the conditions as listed on the February 26, 2004 Burke memo and those noted by the Surveyor. Ruth Shedd seconded the motion. Hickory Ridge Subdivision was granted

final approval with conditions as listed on the February 26, 2004 Burke memo and the additional conditions of recorded covenants for the homeowners association, grates on all outlet pipes, warning signs for the ponds, and a meeting between Vester & Associates, T-Bird Designs and possibly Christopher Burke Engineering.

The Surveyor stated the Drainage Easement listed on the Agenda would be carried over to April's Drainage Board meeting.

At that time John asked for public comment. As there was no public comment, KD Benson moved for adjournment and the meeting was adjourned.

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John Knochel, President

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KD Benson, Vice President

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Ruth Shedd, Member

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Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**Minutes**  
**August 4, 2004**  
**Regular Meeting**

**Those present were:**

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

**Approval of July 7, 2004 Minutes**

KD Benson made the motion to approve the July 7, 2004 Drainage Board minutes and Ruth Shedd seconded the motion. The July 7, 2004 Drainage Board Minutes were approved.

**Elliott Ditch/Richard & Marilyn Smith**

Mrs. Marilyn Smith 4340 Newcastle Road Lafayette Indiana approached the Board to express her concerns with the Elliott Ditch. Mr. Richard Smith was also in attendance. Mrs. Smith stated as owners of the Black Walnut Farm on Newcastle Road they had been involved with drainage for a number of years. She stated the following:  
Quote "The Elliott tile portion from our farm which is the beginning of the tile portion up to 400 South was replaced in 1993. It was replaced with a vinyl nylon covered tile the purpose of which was to keep soil and other things from getting into the tile so that the water would flow freely. The tile system was not meant to be a sewer system and by the installation of a drain across the road at Boland Heights, they put in a storm drain. I watched on June 11<sup>th</sup> when we had so much rain, much gravel and dirt went into that drain. I feel that it is plugged up at that point. Our low land did not drain and it is still wet. Across the road what is farmed by John Rice, the water is still standing and it should have been drained a long time ago. We had an unusual amount of water at that time as you know and we do realize that the contour of the land around our area is such that water is going to find its way to our low land. However it has drained quite well since 1993 until this year. I do feel that this storm drain, which I have pictures to show you shows dirt around the storm drain these were taken this week. They have dug a ditch and funneled the water into this tile drain and made it into a storm sewer and it should never have been done in this manner. We would like action to take this up and clean out the tile, which I think is plugged at this point, partially plugged, and return it to the tile system it was intended to be. We have other problems with this drainage system. The water from the Dismal Ditch, formally Ilgenfritz Ditch also finds its way to our pond, our low land. In 1982, Alvin Pealot dug away the levy so that the water from that watershed would come down into our low land. The County at this time didn't want to make him unhappy nor did they want to make Mrs. Shrock unhappy by cleaning out that ditch so that the water would go down the Dismal ditch, as it was suppose to do. We have been unhappy because of this but it didn't make any difference us being unhappy. They didn't want to cross Alvin Pealot and Mrs. Shrock. So this is another area that needs attention. That ditch needs to be cleaned out so that the water that goes down the proper channel. There are many problems associated with our drainage problems. Those are the two major ones. We would appreciate your attention to this matter. Thank you." Unquote

At that time John Knochel referred to the Surveyor. The Surveyor stated he had received both of their letters. He had intended to respond after he investigated all the points that were brought up. The office had checked some of them already. There was a little bit of dirt at the bottom of the tile at Boland Heights and that would be cleaned out. He stated he had asked them to seed that and they had not. He had made several visits to that location since the rain a month ago. The office was still investigating. He has also spoke with Mike Peabody who farms the Pealot ground now. As soon as the crops were out, he would go back in with Mr. Peabody and take a look at that concern. The outlet at the railroad tracks at S.R. 38 was surveyed just last week and it appeared that it was partially obstructed. When Mike Spencer replaced that stretch of the Elliott, Steve was Highway Director and so was familiar with the drainage problem. He was onsite last week and spoke with one of the tenant farmers that farm with Jack Lahrman. Every standpipe and inlet found from the outlet to the Smith's property had been checked repeatedly. At this point a *major* obstruction had not been found. Assuming the shots prove true on the partially obstructed outlet, he would try to get it cleaned out this fall. As of last week the tile was running about half full and flowing well. While the water was standing in the Smith's low area, the water was backed up in standpipes 3-5 feet. This led him to believe there could be a blockage somewhere. Presently since the water is down it seemed to be running well. Steve noted as soon as the crops were out- the tile would be checked for breakdowns or blowouts. Also he would look at the situation between Ilgenfritz and Elliott. He would respond to each and every one of Mr. & Mrs. Smith's questions and concerns. He stated he would meet with Mr. & Mrs. Smith on site to review his findings. John Knochel thanked Mr. & Mrs. Smith for their attendance and comments.

### **Lindberg Village G.B. Land**

Tim Beyer with Vester & Associates appeared before the Board to present Lindberg Village General Business land and request conceptual approval. The developer, Derrin Sorenson, was in attendance as well. The site was located on 13.23 acres at the southeast corner of Lindberg Village Subdivision west of County Road 300 West (Klondike Road) between County Road 200 North (Lindberg Road) and County Road 250 North.

Tim presented an overall view of the Lindberg Village development for the Board. He stated the drainage plan was approved in March 2001. In the original drainage report there were approximately 4.4 acres in the southeast corner of the site that ran directly into the storm sewer and outlet into the drainage channel downstream of the site. An additional 2.25 acres in the southeast corner could outlet into the existing storm sewer while staying within the previously approved release rates from the pond to include the downstream channel runoff rates. The G.B. area outlet into the storm sewers on the north side of Lindberg Road then crossed the road (West of Klondike) to the south side and eventually to the drainage channel downstream. Tim stated the 2.25 acres was originally designed to go to the pond and based on the analysis there was no change to the previously approved release rates.

The Surveyor agreed the analysis was within the ordinance, however the Board had been inundated with complaints from a couple landowners in that area. He felt the drainage for the overall area was probably improved; however the outlet to the west of the development was an old regulated drain not under maintenance. The tile southeast of the site was also private with several breakdowns and outlet approximately 800 to 1000 feet south of Lindberg Road. The problem was with the old tile system and although the volume of water had not increased, the same amount of water for a longer period of time would complicate and increase the problem to the tile system. This tile was the major problem for Frances Gaylord to the north and east of the intersection. In response to K.D.'s inquiry Dave Eichelberger stated there would be no change in the volume or peak runoff. The Surveyor has had previous discussions with the developer and the project's engineers of intercepting the water in the ditch located on the west side of the ditch along Klondike and incorporating it into their system. Steve noted there were at least one-maybe two culverts under Klondike Road. The Developer stated a substantial swale had been constructed to keep water off of the Sturgeon property. Tim Wells noted there was a catch basin at the southeast corner of the Sturgeon property.

After the discussion, K.D. Benson made the motion to grant conceptual approval for the Lindberg Village General Business land and Ruth Shedd seconded the motion. Lindberg Village General Business land was granted conceptual approval.

### **Tipmont REMC Concord Station**

Alan Jacobson with Fisher & Associates appeared before the Board to present Tipmont REMC Concord Station and request final approval. The project was located on 1.183 acres on the south side of County Road 800 South and east of County Road 350 East (Concord Road) in Lauramie Township. (Previously the site was platted as Outlot 1 in McCool Minor Subdivision.) Access to the electrical distribution substation would be from County Road 800 South and a 12-inch metal culvert would be installed under the drive. An on site detention pond was proposed. The existing drainage flowed downhill through a natural channel, passed under a culvert at the intersection of Concord Road and 800 South and ultimately discharged into Wea Creek. Two transmission bays would be constructed however only the South Bay would be built at this time. Due to the path of the runoff this project was brought in front of the Drainage Board. Steve stated as a standard rule and due to the increased amount of drainage calls/ complaints, the documentation of downstream drainage would be required for approval of projects. Alan stated although a visual inspection had been done the written documentation was pending. Notification to the downstream owner was completed.

The Surveyor recommended final approval with conditions as stated on the July 29<sup>th</sup>, 2004 Burke memo, as well as revision of the word "should" to "shall" in Condition 1. KD Benson made the motion to grant final approval with conditions as stated by the Surveyor. Tipmont REMC Concord Substation was granted final approval with the conditions as stated on the July 29<sup>th</sup> Burke memo as well as the revision stated by the Surveyor.

### **Mason's Ridge**

Pat Jarboe with T-Bird Designs appeared before the Board to present Mason's Ridge and request a waiver of the Standard Stormwater requirements as well as final approval. The site was located on 64 acres across from the new Wea ball fields and immediately northeast of the intersection of County Road 150 East (South 18<sup>th</sup> Street) and Wea School Road. It would provide 90 single residential lots. The watershed of approximately 240 acres was involved with this project. An existing channel south of the subdivision site between Wea School Road and County Road 150 East would be cleaned and regraded. Hickory Ridge Subdivision lies to the east and Crestwood Subdivision Part Two to the north. The project would incorporate stormwater discharges from these developments into the proposed storm sewer drainage system. Pat stated due to the direct release to Wea Creek and location of the site within the Wea Creek watershed a waiver was warranted. Pat stated the

floodway of the Wea Creek was substantially outside and to the south of Wea School Road. The plan was to remove the lower portions of the subdivision out of the flood plain entirely and the conveyance would travel through the remaining portion of the flood plain. Pat stated the flood plain certification was presently pending at APC. The Surveyor noted the project could not move forward without the certification. Pat stated that a Drainage Easement would be recorded and obtained from the downstream owner John Decker. The Surveyor recommended granting the waiver of the Standard Stormwater requirements. KD Benson motioned to grant a waiver of the Standard Stormwater requirements. Ruth Shedd seconded the motion and a waiver for the Standard Stormwater requirements was granted. The Surveyor then recommended final approval with the conditions on the July 29, 2004 Burke memo also a condition for the requirement of a Public Drainage Easement for the area of Wea School Road and South 18<sup>th</sup> Street- the John Decker property. Also condition number four to include independent testing and certification by a professional engineer. Ruth Shedd seconded the motion. Mason's Ridge was granted final approval with conditions listed on the July 29<sup>th</sup>, 2004 Burke memo as well as the recorded drainage easement from the downstream owner and the addition of required independent testing certification to condition four of the aforementioned Burke memo.

#### **Shawnee Ridge Phase 4**

Tim Beyer with Vester & Associates appeared before the Board to present Shawnee Ridge Phase 4 and request a waiver from the Standard Stormwater requirements as well as final approval.

The site was located on 52.2 acres north of County Road 600 North and east of State Road 43 in Tippecanoe Township and would provide 79 single-family lots. Twelve (12) acres of the site lie within the flood plain of Burnett Creek. The site was north of the previous phases and east of Hawks Nest Subdivision. The runoff would be collected and routed to either an existing dry bottom detention pond constructed previously during Phase 1 or a wet bottom detention pond to the north end of the site. Also a portion of the site would drain to an existing ravine on the east side and eventually to Burnett Creek.

As the developer was reluctant to remove the natural vegetation at that location, in a 100-year storm a very small portion of the pond would encroach onto the lots. Tim requested a waiver for the wet bottom detention pond to be located on residential lots (Outlot B). Tim stated the backup would amount to approximately a foot of water in a 100-year condition. Therefore to leave the vegetation in its natural state a request for a waiver of the Standard Stormwater requirements was warranted. He then requested final drainage approval for Shawnee Ridge Phase 4. With the condition of a satisfactory covenant protecting the vegetation aforementioned, the Surveyor stated he was prepared to recommend a waiver for the Standard Stormwater requirements for the Shawnee Ridge Phase 4. At that time John Knochel asked for any public comments.

Vicki Gossen of 6319 Gallegos Drive Lafayette Indiana otherwise known as lot 39 of Hawks Nest Subdivision Phase 3 approached the Board. She expressed her concern for the drainage conditions of the previous phase and in particularly the west side of the project site or Outlot A. The drainage of Outlot A had caused severe erosion of the ravine that meandered through Hawks Nest. She stated erosion maintenance had been done on the ravine, however the continued erosion presented a real and present concern for the lot owners involved. She had spoke at the March Area Plan meeting and at that time was encouraged to attend this meeting. With the rain events to date the erosion had worsened. The footers underneath her retaining wall were exposed carrying away up to a foot of dirt during the June rainfall event. After the June rainfall a culvert on the upstream side of the ditch was completely under water and shooting water at the outlet. She noted the pond had drained within four (4) hours. This caused huge boulders on the Oliveras property (installed to protect the bank) to fall away from the bank. Vicki stated since the riprap at the outlet was replaced and cement added, what did slow the runoff down somewhat now released it at a much faster rate. The Surveyor, local DNR Soil & Water representative Sue Gerlach, regional DNR Urban Water representative Chuck Westfall made a site visit after the rainfall. Mr. Westfall stated he would speak with the developer and try to reach a solution. Vicki requested immediate action for the following safety concerns: Two (2) 15-inch drains had no covering and an abandoned "well or culvert" had an open grate covering. She then presented the Board with a review of Phase 4 Drainage Study from Sue Gerlach DNR Soil & Water Representative containing several bullet points and pictures of the area in question. Margaret Olivares of 5331 Gallegos Drive Lafayette Indiana also known as lot 42 Hawks Nest Subdivision Phase 3 then approached the Board. She stated they have sustained extensive damage to their yard due to the condition of the ditch. In five years she had witnessed a much faster flow of water not an increased amount of water. She also expressed the need of a solution to this problem.

The Surveyor stated he had made several site visits to both the Shawnee Ridge development site as well as the Hawks Nest subdivision site. He had walked the ravine system from Shawnee Ridge Pond to the Hawks Nest Pond on two occasions. In addition, he had walked from the Shawnee Ridge pond to a couple lots past the Gossen property on many occasions. He stated there was definitely an erosion problem. It was obvious the water was moving very fast when the black plastic temporary outlet pipe blew the all the way down to the Hawks Nest pond and caused erosion of the ditch. The pond had topped three times and each time it was repaired. The last time the depth of the riprap was increased and grouted. He had not

made a site visit since that was done a couple weeks ago. He felt with some maintenance work the channel could be reinforced and realigned. He stated however, the developer was within the conditions of the ordinance. He then discussed with the developer Mr. Brian Keene suggestions made by Mr. Westfall of DNR. Mr. Keene stated he was meeting with Mrs. Olivares after the meeting to discuss ways of stabilizing the bank. Regardless of the development the Surveyor stated it was a ravine and erosion could be expected after heavy rains. However it was his opinion over the last three or four years, the topping of the dam and the blowing out of the temporary dam had accelerated the erosion of the ravine. He felt it would be fair for the developer to offer some remedy that would assist in the expense of the maintenance needed. The Surveyor then asked Tim Beyer if he had revisited the calculations since the blowout of the temporary structure. Tim stated to date he had not, but would review those again.

The Surveyor then noted other concerns with this project were the grading plan and the building pad elevations. He expected Mr. Beyer to work out those issues with him to insure the preservation of as many trees as possible. He believed easements were warranted. Vicki Gossen asked if the bullet points from Sue Gerlach would be considered as well. She felt bullet point # 4 specifically should be implemented. The Surveyor would review and give the points due consideration. He felt there were good comments, but some were outside of the County Ordinance.

K.D. Benson suggested a special Drainage Board meeting in the next couple of weeks to give the parties a chance to iron out their problems. Tim noted that they were required to submit plans to Sue Gerlach for approval and any comments she may have. The Surveyor then gave permission to the Developer to begin construction of the North Pond. Vicki stated she did not have a problem with that. KD Benson made the motion to grant a waiver for the Standard Stormwater requirements and Ruth Shedd seconded the motion. A waiver for the Standard Stormwater requirements for Shawnee Ridge Subdivision Phase 4 was granted. KD Benson then made the motion to continue Shawnee Ridge Subdivision Phase 4 project until August 17, 2004 at 1 p.m. Ruth Shedd seconded the motion and Shawnee Ridge Subdivision Phase 4 project was continued until August 17, 2004 at 1 p.m. KD Benson thanked the developer Brian Keene and Tim Beyer for their willingness to work together to find a solution to the problems at this site.

**Steve Murray**  
**Carrington Estates/ Swales**

KD asked the Surveyor if he had a chance to review the complaints by Patti Mason in regards to swales at Carrington Estates. Steve stated he had sent his project manager out this morning to the site to take pictures and had not had a chance to review. KD requested the Carrington Estates/Swale issue be added to the agenda for the August 17<sup>th</sup> meeting at 1 p.m. John Knochel instructed the secretary to add the Carrington Estates/swale issue to the agenda for the August 17<sup>th</sup> meeting at 1 p.m.

As there were no more public comments, KD Benson motioned to adjourn the meeting. Ruth Shedd seconded the motion and the meeting was adjourned.

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John Knochel, President

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KD Benson, Vice President

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Brenda Garrison, Secretary

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Ruth Shedd, Member

**Tippecanoe County Drainage Board  
Obstruction Petition Hearing  
Fitzgerald/Mitchell vs. Brooks/Lahrman/Fox  
December 8, 2004**

**Those present were:**

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

**Obstruction Petition Hearing/ Fitzgerald/Mitchell vs. Brooks/Lahrman/Fox  
Landowners present:**

Patrick Fitzgerald, Mary Lou Fitzgerald, Jay and Anona Mitchell, Joyce Cauley, Mary Ann Kot, Ken Brooks, Ron Fox

Commissioner Knochel opened the hearing and referred to Tippecanoe County Surveyor Steve Murray. Surveyor Murray expressed his gratitude toward Dave Eichelberger and Zach Beasley for their efforts in respect to this project. Mr. Eichelberger donated much of his time toward this project. Surveyor Murray turned the meeting over to Dave Eichelberger for his findings.

Mr. Eichelberger proceeded with a PowerPoint presentation. The first slides were pictures taken starting at the upstream end of the pipes at the Lahrman crossing to the downstream end. Commissioner Knochel pointed out in a photograph the grassy vegetation that was growing in the bottom of the ditch and asked if that could prohibit the flow. Mr. Eichelberger replied, yes, that is grassy vegetation growing in the bottom of the ditch, which did cause the flow to be restricted through that area. In another photograph, Mr. Eichelberger pointed out a fence that crossed the ditch approximately 200 feet north of the Lahrman crossing which, in flood conditions, could cause a restriction of flow in about half the flow area. The fence would be a place for debris to get caught and restrict the flow. Mr. Eichelberger reviewed the last two slides of the presentation, which showed diagrams of the cross-section and profile of the ditch.

Mr. Eichelberger paused a moment from the presentation to explain two different analysis he & Mr. Beasley performed. The first was a hydrologic analysis, which determined how much water was getting to the Brook crossing in various rainfall events. They reviewed the entire watershed; soils, land use and other features which, when applied to a computer model, calculated the amount of runoff and flow rate for that area. The second was a hydraulic analysis; with this analysis features were input into a computer model that calculated the water surface elevation within the ditch during different rainfall events. They looked at 2-foot contour, surveyor information, slope and flow rate data, then applied that data to a computer model. First the model was run

without the Brook crossing, then the crossing was added and run again to give a comparison in water surface elevation. What was also discovered, using the contour and survey information, was a low area just to the east of the Brook crossing. Because it provided a place for the water, which didn't flow through the Brook crossing, to flow around, the low area caused a damping effect on water surface elevations. The rainfall events ran were 2, 5, 10, 50 and 100-year. The last two slides shown indicate the 100-year event.

In summary, Mr. Eichelberger explained that, with the two models and the analysis of the Brook crossing, there is an obstruction in the flow of water. However, the effects of that obstruction were dissipated before getting to the outlet of the Lahrman crossing. In other words the Brook crossing did not create any adverse affects or additional impact on the tile outlet. If the Brook crossing were removed there would be no real impact.

Commissioner Benson asked if the ditch was cleaned out would that lower the water surface elevation in the ditch. That was correct, Surveyor Murray stated.

Pat Fitzgerald, 6124 Wyndotte Road, asked what the margin of error was in the study? Mr. Eichelberger stated minimal. Surveyor Murray stated with today's technology it reduced the margin of error down significantly. Surveyor Murray asked Mr. Eichelberger to estimate what this study would have cost had he charged the client. Mr. Eichelberger replied an estimate would be ten to fifteen thousand dollars.

Pat Fitzgerald displayed pictures of the June rainfall event. The pictures indicated backed up water flowed over the road. Surveyor Murray stated that the June 2004 rainfall was more than a 100-year rain event. Along with the fence crossing, the ditch could add to the back up of water.

Surveyor Murray stated the ditch was in need of being cleaned out. If and when the ditch was cleaned out, it would lower the channel bottom profile and in turn lower the water surface profile.

Mary Ann Kot, 5115 South 575 East, was concerned about the flooding that occurred not only in the June rain, but every time it rained a lot. She would like to make sure the cleaning of the ditch didn't make the flooding worse on her property. She requested when the ditch was to be cleaned; it would also include the entire waterway to the outlet at the Illgenfritz drain. Surveyor Murray stated his recommendation was to dredge the ditch from the new corrugated steel pipes at the Lahrman Crossing to the outfall at the Illgenfritz drain. He stated the Illgenfritz drain was a County Regulated Drain, which had been cleaned out approximately 8 years ago. He had recently assessed the condition of the Illgenfritz drain and stated it was in need to be cleaned out again.

Ron Fox, 5353 US52 South, suggested taking the ditch that currently bends back to the West towards US52 and re-routing it toward the northeast to straighten the bend out and bypass the road side ditch along US 52. He also suggested the landowners along Wyndotte Road re-route their water to the roadside ditch of Wyndotte. Surveyor Murray

stated the this ditch was not a county maintained drain, so anything done had to be at the expense of the landowners within it's watershed. Surveyor Murray stated after researching this project and looking at aerials from the 1950's the ditch was pretty squirrely. In the 1960's aerial it showed the ditch being straighten out and more defined. That indicated someone studied the ditch and found the best route was the way it currently ran. More than likely this ditch had not been cleaned out since, which meant it needed a little maintenance. He stated on average county maintained drains were cleaned out every 10 to 15 years.

Mary Ann Kot asked who was responsible for the ditch cleaned out? Surveyor Murray stated INDOT should bear the expense of cleaning out the side ditch along US52. Mr. Luhman stated this ditch was not a county maintained drain, so the responsibility lied with the landowners in which the ditch ran through. How the landowners distribute the cost of the maintenance was up to the landowners within the watershed. The County Drainage Board does not have any authority to make that decision because it was not a county maintained drain. Mary Ann Kot stated a problem might occur if a landowner along the drain decides not to clean their portion of the ditch. Mr. Luhman stated that was correct. The reason this ditch was before the Drainage Board was because of the Obstruction Petition filed. The Board was asked to determine if the Brook Crossing was impeding the flow of water in the ditch.

Commissioner Benson asked if the landowners couldn't come to an agreement or resolution on their own could they file another obstruction petition against the fill that was causing the ditch not to flow properly. Mr. Luhman stated they could file a petition, but the Board had to determine if it was an intentional obstruction. Mr. Luhman stated the landowners could file a petition to make the drain become a County Regulated Drain.

Commissioner Knochel summed the findings of the Obstruction Hearing up by stating Mr. Eichelberger and Mr. Beasley with their analysis find the Brook Crossing not to be an obstruction that hindered the flow of water at the tile outlet. The neighbors within the watershed of the ditch would have to work together and find a solution.

Surveyor Murray stated in closing the Surveyor's Office would help research options in distributing the cost and oversee the work was done properly.

Commissioner Knochel recessed to prepare for the regular Drainage Board Meeting.

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Shelli Muller, Acting Secretary

**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.

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KD Benson, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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Ruth Shedd, Member



# Tippecanoe County Drainage Board

## Minutes

March 2, 2011

### Regular Meeting

#### Those present were:

Tippecanoe County Drainage Board 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. Tippecanoe County Drainage Board President Thomas Murtaugh was absent.

#### Approval of Minutes

David Byers made a motion to approve the December 8, 2010 Regular Drainage Board minutes as written. John Knochel seconded the motion. The December 8, 2010 Drainage Board meeting minutes were approved as written.

#### Election of Officers

John Knochel made a motion to nominate Thomas Murtaugh as the 2011 Drainage Board President. David Byers seconded the motion. John Knochel made a motion to nominate David Byers as Vice President. David Byers seconded the nomination. Thomas Murtaugh was elected the 2011 Drainage Board President and David Byers as the 2011 Drainage Board Vice President.

#### Appointment Drainage Board Secretary

John Knochel made a motion to appoint Brenda Garrison as the 2011 Drainage Board Secretary. David Byers seconded the motion. The 2011 Drainage Board Secretary was appointed as stated.

#### County Road 50 South Reconstruction

Jim Pence with Schneider Corporation appeared before the Board to present County Road 50 South Reconstruction for final approval. The site was located at the intersection of CR 50 South and CR 550 East and extended approximately 5570 feet along the present route. The project would be completed in two separate phases. The first phase would consist of starting at County Road 550 East and extend to the east line of the Wyandotte School property. The second phase would begin at the said east line of the school property to the proposed McCarty Lane Extension just west of County Road 675 East. The road would be widened up to approximately 20 feet and become asphalt throughout the project length. Storm water runoff would discharge to existing side ditches. Jim stated proof of landowner notification would be submitted once receipt of mail certification was obtained. He confirmed specifically Edwin & Doris Verkwitz 495 South 675 East Lafayette Indiana 47905 were notified. Runoff from a depression area north of their tract would route through a culvert and outlet in the ditch along their tract. Jim stated he would follow up on this notification. He noted he was conferring with Mike Spencer of the County Highway department regarding water quality along the county road. He requested final approval from the board. The Surveyor recommended final approval with the conditions as stated on the February 25, 2011 Burke memo. John Knochel made a motion to grant final approval with conditions as stated on the February 25, 2011 Burke memo. David Byers seconded the motion. County Road 50 South Reconstruction was approved with the final conditions as stated on the February 25, 2011 Burke memo.

#### Cottages on Lindberg

Pat Cunningham with Vester and Associates appeared before the Board to present Cottages on Lindberg for preliminary approval only. The site was located northeast of the intersection at County Road 250 West and County Road 200 North (Lindberg Road) and contained approximately 18 acres. The previous owner of the tract planned a tree farm at the location; however the plan was never followed through. The present project would consist of approximately 129 cottages single family and duplex along with amenities. An existing 24 inch storm sewer was designed to convey runoff from the site to the detention ponds which were located to the east and within the Willowbrook Apartments site. The two ponds were designed previously and intentionally oversized to include any future development of the 18 acre site. He noted watershed for that area was approximately 85 acres. Pat further stated there was a small area at the southeast corner of the tract which drained uncontrolled; however the bulk of the emergency routing would be conveyed through the 24 inch culvert at the northeast corner of the site. Responding to the Board's inquiry, Pat stated the small area of runoff sheets off into the McCormick Place area. He stated additional work was anticipated regarding the storm sewer design. He requested preliminary approval for the project to proceed. The Surveyor reiterated their request was for preliminary approval only at this time. Additional design work would be required before final approval was requested. He then recommended preliminary approval for Cottages on

Lindberg as requested. John Knochel made a motion to grant preliminary approval for Cottages on Lindberg with the conditions as stated on the February 26, 2011 Burke memo. David Byers seconded the motion. Cottages on Lindberg was granted preliminary approval with the conditions as stated on the February 26, 2011 Burke memo.

### **Hawthorne Lakes - Redesign**

Jim Pence from Schneider Corporation appeared before the Board to present Hawthorne Lakes Redesign for final approval. This project was originally a 180 lot subdivision which was granted final approval during the December 3, 2003 Drainage Board meeting. The site was located at the northeast corner of County Road 550 East and the future McCarty Lane extension. The said site consisted of approximately 43 acres and the lots were reduced down to 156 in total. The Berlowitz Regional Detention Facility was located north of the site. Stormwater from the site would be conveyed to the facility. The Felbaum branch tile of the Berlowitz Regulated Drain (main-north of the site) was located within the site. The intent originally was to intercept the branch tile with their projects infrastructure; however the future McCarty Lane extension plans indicate the interception of the branch tile. Jim stated the timing of the interception of the branch tile was a concern with the proposed development. It was planned to develop the northwest quadrant in the spring. Depending on the timing of the McCarty Lane extension it may be necessary to temporarily reroute the branch tile around the Phase 1 project, then return to the board with a Vacation of the Felbaum Branch tile Petition. A diversion swale located above the proposed 72 inch culvert (part of the future McCarty Lane infrastructure) was planned to divert approximately 1.7 acres of the site runoff as well as the offsite area from the east to the Berlowitz Regional Detention Facility. The Surveyor reiterated timing issues were a concern regarding the Felbaum Branch tile vacation/relocation at this location. The developer would have to work very closely with the Surveyor office as well as the Highway department as it was his responsibility to resolve this issue. The Surveyor noted there was a Petition to Encroach on the J. Berlowitz Regulated Drain for the Hawthorne Lakes project on today's agenda and informed the Board the Petition regarding the Felbaum branch of the Berlowitz Regulated Drain would be presented next month. He recommended approval for the Petition to Encroach on the J. Berlowitz Regulated Drain today as well final approval with conditions as stated on the February 25, 2011 Burke memo for the Hawthorne Lakes project. John Knochel made a motion to grant approval for the Petition to Encroach on the J. Berlowitz Regulated Drain. David Byers seconded the motion. The Petition to Encroach on the J. Berlowitz Regulated Drain regarding the Hawthorne Lakes project was approved as submitted. John Knochel then made a motion to grant final approval with the conditions as stated on the February 25, 2011 Burke memo for Hawthorne Lakes Redesign. David Byers seconded the motion. The Hawthorne Lakes Redesign project was granted final approval with the conditions as stated on the Feb. 25, 2011 Burke memo.

### **2011 Drainage Board Professional Engineering Services Contract /Christopher B. Burke Engineering LTD.**

The Surveyor presented the 2011 Proposal for the Drainage Board Professional Engineering Service contract submitted by Christopher B. Burke Engineering LTD. He stated the contract amounts had not changed from the previous year and recommended acceptance. The Board Attorney stated he had reviewed the contract and concurred with the Surveyor. John Knochel made a motion to accept the 2011 Drainage Board Professional Engineering Services with Christopher B. Burke LTD as submitted. David Byers seconded the motion. The 2011 Drainage Board Professional Engineering Services contract with Christopher B. Burke LTD. was accepted as presented.

### **2011 Proposal for Drainage Board Legal Services/Hoffman Luhman & Masson P.C.**

The Surveyor presented the 2011 Drainage Board Legal Services contract with Hoffman Luhman & Masson P.C. and noted contract amounts had not changed from the previous year contract. He then recommended the acceptance of said contract. John Knochel made a motion to grant acceptance of the 2011 Drainage Board Legal Fees contract with Hoffman Luhman & Masson as presented by the Surveyor. David Byers seconded the motion. The 2011 Drainage Board Legal Fees contract with Hoffman Luhman & Masson P.C was accepted as presented.

### **Zachariah Beasley**

#### **2011 Regulated Drain Status List/ 2011 Regulated Drain 25 % Rate Increase list**

The Surveyor presented the 2011 Regulated Drain Status list to the Board for approval. He reviewed the process of submission for the public. He noted attached to the status list were thirteen regulated drains listed for a onetime Regulated Drain 25% Rate increase as Indiana Drainage Code allowed. The increase on those thirteen drains would start in the present year. (Please note: Status and Regulated Drain 25% Rate Increase lists in their entirety would be included in the official minutes and directly follow official minutes of this month) The Surveyor noted many of these drains had balances which required the assessment to be active at this time. He also noted the drain assessment was established on most of the drains in the 1970's and did not reflect today's economical situation. Therefore he would be reviewing them for possible landowner rate hearings in the future. He recommended the Board accept and approve the 2011 Regulated Drain Status List as well as the 2011 Regulated Drain 25% Rate Increase list. John Knochel made a motion to grant acceptance and approval of the 2011 Regulated Drain Status List. David Byers seconded the motion. The 2011 Regulated Drain Status List was approved as

submitted. John Knochel made a motion to grant acceptance and approval of the 2011 Regulated Drain 25% Rate Increase list. David Byers seconded the motion. The 2011 Regulated Drain 25% Rate Increase list was approved and accepted as presented. The lists would be filed with the Auditor to be placed immediately on the 2011 tax assessment rolls.

#### **2011 Regulated Drain Surveyor's Classification Report**

The Surveyor then submitted the Surveyor 2011 Regulated Drain Classification Report to the Board. He noted the Indiana Drainage Code provided for this list to be presented to the board from time to time. Also it was required to indicate those regulated drains in need of periodic maintenance, reconstruction and the regulated drains in need of being vacated. He stated this report established the three needs and included additional information of drains in need of a rate increase hearings etc. He then recommended the Board accept and approve the 2011 Regulated Drain Surveyor's Classification Report as submitted. John Knochel made a motion to accept and approve the 2011 Surveyor's Regulated Drain Classification Report as submitted to the Board. David Byers seconded the motion. The 2011 Regulated Drain Classification Report was approved and accepted by the Board. (Note: The said report will appear in its entirety directly follow the official minutes of this month.)

#### **Dismal Creek Regulated Drain/Ilgenfritz Branch Quotes Results**

The Surveyor informed the Board he sent out quote requests regarding the Ilgenfritz Branch of the Dismal Creek Regulated Drain Maintenance project. He was in receipt of the following three; Birge Farm Drainage-\$31,597.50, Fairfield Contractors Inc. - \$35,840.00, Lauramie Excavating Inc. - \$25,136.00. The project was awarded to Lauramie Excavating. He had met onsite with them and reviewed the project. Approximately two miles of dredging was planned as soon as weather permitted. He reviewed the location utilizing G.I.S indicating the location as south on US 52 right on Co. Rd. 450E (just south of Veterans Memorial Parkway ) and south to the intersection of Co. Rd. 500 South. The scope of the dredging project would begin at the confluence of Ilgenfritz Branch and Dismal Creek located south of Co. Rd. 500 South approximately ½ mile west of 450 East. The dredging would continue to Co. Rd. 575 East. John Knochel made a motion to accept the Lauramie Excavating quote in the amount of \$25,136.00. David Byers seconded the motion. Lauramie Excavating was awarded the Maintenance Dredging project for the Ilgenfritz Branch of the Dismal Creek Regulated Drain.

#### **S.W. Elliott Regulated Drain Branch #11 Update**

The County Surveyor's office received a Request for Relief and Release from Impact Drainage Area regarding Branch #11 of the S.W. Elliott Regulated Drain from Mr. Gary Schroeder 5650 East 700 South Lafayette Indiana 47909 which was dated February 14, 2011. Since this document was just recently submitted the Surveyor requested the Board take it under advisement and give him and the Drainage Board Engineering consultants time to review it then report back to the Board. Responding to John Knochel's inquiry, the Surveyor confirmed there was a present study underway regarding this drainage area. John Knochel made a motion to take the Request for Relief and Release from Impact Drainage Area regarding Branch #11 S.W. Elliott Regulated Drain area under advisement. David Byers asked Mr. Schroeder (in attendance) if that was agreeable with him and he stated it was. David Byers seconded the motion to take the said document under advisement. The Surveyor and the Boards Engineering Consultant would review the Request for Relief and Release from Impact Drainage Area regarding Branch #11 S.W. Elliott Regulated Drain and report back to the Board at a later date.

#### **Bonds:**

##### **Chapelgate Sr. Apartments Performance Bond #929519927**

The Surveyor presented Chapelgate Senior Apartments Performance Bond #929519927 dated February 15, 2011 written by Western Surety Company, submitted to his office by TWG Construction LLC. in the amount of \$200,000.00. He recommended acceptance of the Bond. John Knochel made a motion to accept the Performance Bond #929519927 as submitted. David Byers seconded the motion. Chapelgate Senior Apartments Performance Bond #929519927 submitted by TWG Construction LLC. in the amount of \$200,000.00 was accepted by the Board.

#### **Other Business:**

##### **Ordinance #2011-01-CMDB Uniform Fee Schedule/ Amendment of Alcohol Certification Fees**

The Surveyor presented Ordinance #2011-01-CMDB Uniform Fee Schedule Amendment of Alcohol Certification Fees for approval. The Ordinance had previously been approved in December by the Commissioners as well as Drainage Board; however the verbiage regarding alcohol permits required revision. The Amended Ordinance was processed through the Commissioners for first and second reading and required the Drainage Board approval to finalize. John Knochel made a motion to approve the Ordinance #2011-01-CMDB/Amended Uniform Fee Schedule as presented. David Byers seconded the motion. The following votes were taken: John Knochel yes/ David Byers yes/ Thomas P. Murtaugh absent. Ordinance #2011-01-CMDB Uniform Fee Schedule (Amendment of Alcohol Certification Fees) better known as "Ordinance #2011-01-CMDB Amending Tippecanoe County Code Repealing Section 155.18 Adding New Section 155.18", "Adopting an

Administrative Fee in Relation to the Certification of Alcoholic Beverage Permits by the Tippecanoe County Surveyor” was approved as submitted to the Board.

**Clarian Arnett Health Services/J. Berlowitz Regulated Drain #08 Partial Vacation Revised**

The Surveyor presented a revised order to partially vacate a portion of the J. Berlowitz#08 Regulated Drain. He explained this was previously approved by the Board in the December 8, 2010 Drainage Board meeting in relation to the Berlowitz Regional Storage Facility Agreement with Clarian Arnett Health Services and in particular the partial vacation description of said drain. The order involved the Berlowitz tile portion which was routed through the subject property only. The Attorney confirmed Order #2011-01-DB amended Order #2010-12-DB Vacating a Portion of the Berlowitz Regulated Drain in the County of Tippecanoe, Indiana. more specifically the attached document known as “Exhibit B” and the typo error therein. The Exhibit document’s instrument number therein was corrected to read **07020231**. He recommended the Board approve the Amended Order indicating the correct Instrument number. John Knochel made a motion to approve Order #2011-01-DB. David Byers seconded the motion. Order #2011-01-DB Amending Order #2012-12-DB “Vacating a Portion of the Berlowitz Regulated Drain in the County of Tippecanoe, Indiana” was approved as submitted. John Knochel made a motion to approve the Amended Order #2011-01-DB as submitted. David Byers seconded the motion. Order #2011-01-DB was approved by the Board.

**Public Comment**

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

Absent  
Thomas P. Murtaugh, President

David S Byers  
David Byers, Vice President

Brenda Garrison  
Brenda Garrison, Secretary

John Knochel  
John Knochel, 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 75<sup>th</sup> 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.



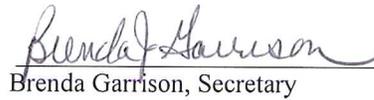
Thomas P. Murtaugh, President



David Byers, Vice President



John Knochel, Member



Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**September 7, 2016**  
**Regular Meeting Minutes**

**Those present were:**

Tippecanoe County Drainage Board President Tracy Brown, Vice President Thomas P. Murtaugh, member David S. Byers, Surveyor Office Project Manager James Butcher (proxy for Surveyor), 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 with the Surveyor Office was also in attendance. County Surveyor Zachariah Beasley was absent.

**Approval of Minutes**

Thomas Murtaugh made a motion to approve the August 3, 2016 Drainage Board minutes. David Byers seconded the motion. Motion carried.

**Concord Ridge Subdivision**

Robert Langager from Schneider Corp. appeared before the Board to request approval for Concord Ridge Subdivision project. The site was located between Co. Rd. 450South (north side) and Co. Rd. 500South (south side) and consisted of approximately 70.4 acres. He noted the project was located across from the Roberts Ridge Subdivision. The site's runoff was routed onsite north and south through storm sewers and vegetated swales to two detention basins. One of the detention basins was located in the northern portion as a wet detention basin and one in the southern portion as a dry detention basin. The drainage plan routed the tract's southern portion runoff to the Ilgenfritz Branch of the Dismal Creek Regulated Drain. The northern portion ultimately outlet to the J.N. Kirkpatrick Regulated Drain and was located within the J.N. Kirkpatrick Drainage Impact Area; therefore this portion's runoff rate was more restrictive. The southern portion of the site was not under the restrictive runoff rates as it was not located within the said impact area. He presented the Petition to Encroach on the Ilgenfritz Branch of the Dismal Creek Drain to be approved as well by the Board. He then requested approval of this project. Project Manager James Butcher (proxy for Surveyor Beasley) informed the Board a variance to the runoff rate for the northern portion of the site was requested as well. Mr. Langager agreed. Mr. Langager noted the variance was related to the allowable release rates to the J.N. Kirkpatrick Ditch during the 10 and 100 year storm events. The projects planned drainage would lower the release rates which would directly impact Roberts Ridge Subdivision. Mr. Butcher reviewed the project site and plans utilizing the G.I.S. site for the Board and attendees. He recommended approval by the Surveyors office for the Petition to Encroach on the Ilgenfritz Branch of the Dismal Creek Drain. He recommended approval of the requested variance as recommended in the September 6, 2016 Burke memo. He stated the Surveyors office recommended approval with the conditions noted on the September 6, 2016 Burke memo for Concord Ridge Subdivision.

Tracy Brown asked for public comment on this project. Pam Roberts 3741 East 500South Lafayette Indiana 47909 approached the Board. Ms. Roberts stated the following: "my name is Pam Roberts, my little bitty subdivision is in the southeast corner across the road from said property and I would like to make the Board aware of the terrible drainage condition that continues to exist and has existed forever. Now what you see in the southeast corner is the low spot in that area. (Topographical) Now I have some pictures here to give you some idea of what's going on and what has been going on, if I may." (She presented pictures to the Board at that time.) "I have numbered these pictures and I will explain what they are. To note if you do not live in that area, you are not aware of these problems. This property has been farmed for I don't know how long and they put in a drainage tile without the County's approval. It seriously flooded my property for years. I continued to complain and got no resolution, because the ditching was terribly inadequate. Another problem you have is the water table is at 11 feet, which you don't know unless you live there and try to put in a basement. Now I don't know if they are going to put in a pond there in the southeast corner which was originally suggested to do, if that is still on the table I don't know." Project Manager James Butcher stated "It is. There will be a pond in the southeast corner of the development and that would outlet to a ditch which they are going to build that will take the water straight down" Pam Roberts stated "Right beside me, yes see what happens when you try to put in a pond when the water table is 11 feet?" Dave Eichelberger Engineer Consultant to the Board stated "It is going to be a dry pond as it is not going to be a wet pond" Pam Roberts stated "It will be wet when you dig down 11 feet you are going to hit water." Mr. Eichelberger stated they would not be digging down 11 feet. He noted there would be excavation and berming up at the site t nowhere near 11 feet. James Butcher stated they are not really digging down as they are more digging it back. At the south end it will have similar elevation and then they will peel back at the north end and get the storage that way. Pam Roberts's response:" Do you understand what the grade is on that property?" (Mr. Butcher responded- yes) I don't know if you have seen it, but I have a picture of the grade in there. Like picture #1 gives you a sense of the grade of the property and tells you how steep it is and how much water flows out of there.

#2 is the existing ditch which runs along the property which is very shallow as you can see in the picture. #3 Shows you the ah, I circled the drainage tile that was put in. That seriously caused problems as you can see by the picture of my driveway. It seriously floods every time it rains because of the amount of water that comes off that property and this is just the south half of the property- this isn't the whole property. This is just the amount of water that comes off the south half- which is a tremendous amount of water. #4 shows how far they dug the ditch to help, but they only ran the ditch through the Driscoll's property which is next door to this. It ended at the Pilote property which is past the Driscoll's. The ditch stops and it drains into the field next to me. Well when that water drains into the field It runs to the back of my property and floods down there. So everything they've done so far has not solved problems it just created more problems. That's my point. There is not much thought or engineering and I don't know you're just not aware of the volume of water that's produced on that half of the property. That's a lot of water; this is my driveway, when it rains." Thomas Murtaugh asked which direction the picture was taken from. Pam Roberts stated "facing south- because we are on the low spot of that area. So all the drainage water comes on to my property and now they put it into the field next to me and then you can see in the back of that picture that there is standing water. Well that water drains into the back and I tried to put in a garden, floods it every year- no garden." Thomas Murtaugh asked James Butcher if the ditch which runs down to Dismal Creek along the west side of her property- is it existing. Mr. Butcher stated no it would be created. He stated he did not see any way this would NOT help her situation. He reviewed the drainage infrastructure and plans for the project area for the board in more detail. There would be a pond which catches runoff to the north and reduces it down to the allowable release rates (which are the rates prior to development) and piped to a ditch west of her property. He explained the site's runoff would be caught in a pond and reduced to a pre-developed rate then outlet into a 24 feet wide and two feet deep ditch on the west side of the Roberts property and ultimately to Dismal Creek and noted there would be a big improvement in the drainage of that area. He explained pre developed and post develop runoff to the attendees. David Eichelberger Engineer Consultant interjected the runoff rate will be less than the pre-developed rate after the drainage infrastructure is completed. Pam Roberts responded: "But you see what I'm saying is your assumptions on the pre-existing drainage was wrong because you have been flooding me for years and I have been complaining about it. I have called dozens of times, I've asked to come to the meetings. I went to the area plan commission meeting and was told I was at the wrong place- you got to go to Drainage Board." James Butcher responding to Commissioner Murtaugh's inquiry stated it was not part of a regulated drain. Pam Roberts stated "No its not part of it, the ditch in front was adequate up until till the time he put in the drainage tile. Then that ditch could no longer handle that flow at all." Thomas Murtaugh stated this would significantly help her situation. Pam Roberts responded "According to what your engineers say, but I am saying when they came and finally said they resolve the problem by putting in a ditch. The ditch they put in was still inadequate because they figured it on allowable rates. Well you know that's not scientifically, well their figures were wrong, because it still was not enough. It just moved it from this corner to the next driveway where it ran into the field on the east side of my property and flooded there. I mean it just creates; it just pushes the problem somewhere else. I don't know that two feet, if it's maintained and cleared at two feet continually without allowing the overgrowth and everything else and the buildup that it will be adequate five years from now. I don't want to be back here complaining again because you know your engineers were not or the ditch wasn't maintained. I know that the ditch being where it's at is not going to be maintained because it going to have to go across several fence rows and everything else that is already existing there. That's my point. I want this to not be a problem that comes again and again and again. One of the problems with that property that was farmed was that there is an area that he does not farm because it is continually mush- it holds water alright- which is why he put in the drainage tile. Well the problem is the water table is really high there obviously or it would not be such mush that he couldn't farm it. I am just not sure that you people are aware of all the problems that already exist with this property." Responding to Tracy Brown's inquiry- Ms. Roberts stated her problems started after the drainage tile was put in, before this the water would stay on that property. He asked how long ago was that put in and Ms. Roberts stated 5-6 years ago. He then stated that was a private tile and the Board had no jurisdiction over it. Pam Roberts said "Yes but aren't they supposed to not put in a tile without approval without knowing if the ditch will hold the flow?" James Butcher stated in a County Regulated Ditch, but this is not a county regulated ditch. Pam Roberts stated "So anybody can put in a tile and flood anybody and it makes no difference, hmm interesting." Thomas Murtaugh stated he thought she would see a real benefit from this. Pam Roberts stated "Well are they going to remove the drainage tile or plug it? Robert Langager stated any tile uncovered would be tied in to their system. Pam Roberts stated "Yeah but that's years away" Mr. Langager noted he would have to know the location of the tile in question to tie it into the system. He noted the southern half runoff coming from the project site tract would be routed to the west of her property. Pam Roberts stated "I would like to have the drainage tile plugged or removed right away so that it stops flooding. I mean this development in the southern portion is not going to take place immediately. It's going to take years to get to that point. Correct?" Ron Whistler -project developer stated she is correct it will be years before the last phase of the development construction is started. Pam Roberts stated "Three to five years would be my estimate so in the meantime I would like to have something done about that drainage tile." Thomas Murtaugh stated it was a private drain and the Drainage Board had no authority over it. Pam Roberts stated "so what do I have to do, sue the owner???" Pam Roberts stated she had not spoken with the owner as "She thought the county put in all the ditches" James Butcher suggested the Surveyor office could contact the current owner of the tract and try to work something out /find resolution for her. Pam Roberts stated: "Sure but the problem I have is I left my name and number with Boards

before and no one has ever contacted me” Responding to Tracy Brown’s inquiry she stated as he motioned to the Secretary “I left it with her”. (Note: The Surveyor’s Office Project Manager James Butcher discussed this issue with her prior to today) James Butcher stated the Surveyor office could possibly facilitate conversation between her and the developer of the site. Pam Roberts stated m” My number is 426-7339. My error was in believing anyone that put in a drainage tile had to get approval by the County to make to make sure they would not be flooding anybody, wrong” James Butcher stated this was a private issue which the Surveyor Office has no authority over, however they can try and make suggestions for possible solutions but that is all about we can do in this situation.” Pam Roberts stated” I just keep thinking my God 160 homes all that asphalt is going to really increase my drainage problems.” James Butcher emphasized he was confident it would not and a big part of the design is to make sure that does not happen. He stated he was confident it would help noticeably. Tracy Brown noted the intent of the Board was first to follow the law and second to leave a neighborhood better off. He continued - the Board has no authority over the private tile, a meeting could certainly be facilitated between the parties for an amicable solution. James Butcher stated he would contact Mrs. Roberts in the near future. Pam Roberts stated: “Alrighty, Thank you”

Thomas Murtaugh made a motion to grant acceptance of the Petition to Encroach on the Ilgenfritz Branch of the Dismal Creek Regulated Drain. David Byers seconded the motion. Motion carried. Thomas Murtaugh made a motion to grant approval of the variance as recommended. David Byers seconded the motion. Motion carried. Thomas Murtaugh made a motion to grant approval of the Concord Ridge Subdivision with conditions as listed on the September 6, 2016 Burke memo. David Byers seconded the motion. Motion carried.

**Petition to Vacate Br. #9- S.W. Elliott Regulated Drain #100**

Project Manager James Butcher presented a Petition to Vacate Branch #09 of the S.W. Elliott #100 Regulated Drain. He noted the vacation would not affect landowners other than those that submitted the Petition. He informed the Board there could be agricultural tiles (unknown locations) that tie into this branch. As a result, the Surveyor’s office recommends the approval of said petition to be vacated only at which time development construction begins. David Byers made a motion to approve the Petition to Encroach as presented with the condition that the tile will not be removed until development starts construction. Thomas Murtaugh seconded the motion. Motion carried.

**Petition to Encroach –S.W. Elliott #100 Regulated Drain/J. Sedam**

Project Manager James Butcher presented the Petition to Encroach on the S.E. Elliott #100 Regulated Drain submitted by James Sedam. The encroachment would allow enough space for future maintenance of said drain. The Surveyor’s office recommended approval to the Board. David Byers made a motion to grant approval for the Petition to Encroach on the S.W. Elliott #100 Drain as presented by the Project Manager. Thomas Murtaugh seconded the motion. Motion carried.

**Petition to Establish a Maintenance Fund /John McGlaughlin Tri-County Regulated Drain**

Project Manager James Butcher presented a Petition to Establish a Maintenance Fund on the John McGlaughlin Regulated Tri-County Drain. He noted this was a tri-county drain with Clinton and Montgomery Counties and requested the Board refer it for a Surveyor’s Maintenance Report. David Byers made the motion to refer the Petition to Establish a Maintenance Fund for the John McGlaughlin Regulated Tri-County Drain to the Surveyor for a maintenance report. Thomas Murtaugh seconded the motion. Motion carried.

**Bonds:**

**Soleado Vista Phase 1 Subdivision/Maint. Bond#S001-3914**

**Roberts Ridge Phase 3 Subdivision/ Maint. Bond##106537515**

**Southern Winds Apts. Phase 1 & Phase 2 Subdivision /Maint. Bond#1052750**

Project Manager James Butcher presented the following Maintenance Bonds for approval by the Board: Maintenance Bond #S001-3914 in the amount of \$27,756.03 submitted by R&W Contracting and written by Allied World Specialty Insurance ; Maintenance Bond #106537515 in the amount of \$7,274.50 submitted by Fairfield Contractors Inc. and written by Travelers and Surety Insurance; Maintenance Bond #1052750 in the amount of \$18,530.15 submitted by Atlas Excavating Inc. and written by Hanover Insurance. Thomas Murtaugh made a motion to approve the maintenance bonds as presented by the Surveyor. David Byers seconded the motion. Motion carried.

**Reconstruction Projects Update**

Project Manager James Butcher gave an overview of the reconstruction projects the Surveyor’s office had completed since 2010. He noted there were ten (10) agricultural drains reconstructed. He stated there were some issues receiving reconstruction assessment monies from adjoining counties on joint reconstruction projects. The Surveyor’s Office is working to obtain the assessment monies. Warren, Benton and Montgomery Counties have been contacted and are in the process of obtaining the assessments. Warren and Benton County’s stated they will send payment this week. Montgomery County Assessments are currently pending. There was a total of \$78,000 of various reconstruction assessments

not received to date by this County. There were ten landowners in Tippecanoe County that had not paid anything to date on various projects. There were a couple instances where the five year collection period as required by Indiana Drainage Code was over. The Surveyor requests the Board take this into consideration and come to an agreement of how to proceed in these cases. Responding to David Byers inquiry, James Butcher noted he was not sure if they had paid their property taxes but thought so as the properties were not on tax sale. Responding to Thomas Murtaugh's inquiry, the secretary stated the reconstruction assessment billing is a separate process from property tax billing. Drain Maintenance assessment is included on property tax bills, reconstruction assessments are not. The billing is sent out and collected by the Treasurer office; however it is totally separate from property tax billing. Attorney Doug Masson stated he would instruct Atty. Matthew Salsbury to conduct research on legal avenues available for collection in these cases. Thomas Murtaugh stated he felt a letter from the Attorney was in order. Attorney Doug Masson stated he thought it was prudent and would need a list of those landowners located in Tippecanoe County only. (Note the secretary will follow up on the list of names to the Attorney) Project Manager James Butcher informed the Board currently there was approximately 1.1 million dollars in the General Drain Improvement Fund. He stated 1 million dollars of this total was committed for this year's projects. He informed the Board the Surveyor would request 1.5 million from the County Council in the coming week for 2017 drainage projects. The Project Manager stated the concern is that some of the reconstruction assessments would not be repaid in a timely manner. This would cause a lower balance in the General Drainage Improvement Fund which in turn would put a halt to future projects as planned.

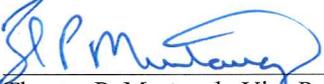
**Martin Erwin Regulated Drain #28**

Project Manager James Butcher requested a landowner hearing date on the Martin Erwin #28 Regulated Drain to increase the maintenance assessment from the Board. He asked to hold the hearing on November 2, 2016 immediately after the regular scheduled meeting that day. David Byers made the motion to set the Martin Erwin Regulated Drain #28 landowner Maintenance Rate Hearing on November 2, 2016 to begin immediately after the regular scheduled meeting that day. Thomas Murtaugh seconded the motion. Motion carried.

**Public Comment**

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

  
Tracy Brown, President

  
Thomas P. Murtaugh, Vice President

  
David S. Byers, Member

  
Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**February 1, 2017**  
**Regular Meeting Minutes**

**Those present were:**

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

**Approval of Minutes**

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

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

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

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

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

**Drainage Board 2017 Professional Engineering Assistance Contract**

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

**Lafayette YMCA**

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

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

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

#### **Belle Tire (Lot 4A 26 Crossing Subdivision)**

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

#### **USGS Geological Stream Gages WREC Contract Support**

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

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

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

#### **2017 Classification Report/2017 Drain Assessment Activity Report**

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

#### **Zach Beasley/Other Business**

##### **Appointment of Drainage Board member to Tri-County Board**

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

##### **Outstanding Reconstruction Assessments**

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

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

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

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

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

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

### **Classification of Drains**

**Per IC 36-9-27-34**

**February 2017**

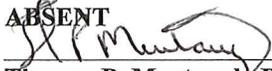
- 1.) Drains in need of Reconstruction
  - a. Elliott, S.W. (#100)
  - b. J.B. Anderson (#02) (Clarks Hill Portion)
  - c. Edwards (Not Maintained)
  - d. McBeth (Not Maintained)
  - e. F.E. Morin (#57)
  - f. Marion Dunkin (#25)
  - g. Huffman-Weimert (Not Maintained)
- 2.) Hearing and Rates Established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

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

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

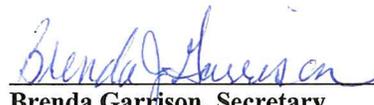
*Please see Classification of Drains- Exhibit Aon file in the Tippecanoe County Surveyor office and Office of the Tippecanoe County Auditor*

ABSENT

  
 \_\_\_\_\_  
**Thomas P. Murtaugh, President**

  
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**David S. Byers, Vice President**

  
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**Tracy Brown, Member**

  
 \_\_\_\_\_  
**Brenda Garrison, Secretary**

**TIPPECANOE COUNTY DRAINAGE BOARD**

**December 5, 2017**

**Drainage Board Minutes**

**Dismal Creek #93 Maintenance Hearing**

**Those present were:**

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

President Thomas Murtaugh opened the Maintenance Hearing and welcomed the landowners attending. He then referred to the Surveyor for his report to the Board. The Surveyor read the following: Maintenance Report Dismal Creek #93 Regulated Drain Tippecanoe County Drainage Board "The Dismal Creek Drain was originally three (3) different drains; Dismal Creek open ditch, George Ilgenfritz open ditch, and the Luther Lucas tile drain. On March 22<sup>nd</sup> of 1985 all three (3) drains were combined under the Dismal Creek Drain and a maintenance rate of \$1.00 per acre was established during the public hearing held by the Tippecanoe County Drainage Board. The Dismal Creek Drain and its watershed are located in the Richardville Reserve and Sections 18, 19, 20, 28, 29, 30, 31, 32 and 33 in Township 22 North and Range 3 West in the political township of Sheffield and Sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 35 and 36 in the Township 22 North and Range 4 West in the political township of Wea all being within Tippecanoe County Indiana. In January of 2003 the maintenance rate was raised one time by 25% as allowed by I.C. 36-9-27-42. Since 1985 when all three (3) drains were joined under one maintenance fund clearing, dredging, spraying and tile repairs have been conducted. Recently, the former Ilgenfritz drain has had the lower 2/3rds of the open ditch dredged and cleared. The remaining work on this system is scheduled for next year (2018). However, the Dismal Creek open ditch needs major clearing, dredging, channel straightening and ongoing spraying to reverse the severe erosion problems and stop over land flow caused by water leaving the designed channel. Furthermore, the current rate of \$1.25 per acre is not sufficient to conduct the needed work. The Dismal Creek watershed contains 6662.70 acres. Currently the Dismal Creek Drain has 48,126 lineal feet of open ditch and 4811 lineal feet of tile to be maintained by this maintenance fund. It is the professional judgment of the Tippecanoe County Surveyor that a sum of \$279,568.43 is needed to complete the remaining open ditch maintenance work. An assessment of \$4.75 per acre and a \$20.00 minimum over an eight (8) year period are recommended. This will generate \$282,648.08 over an eight (8) year period. It is the professional opinion of the Tippecanoe County Surveyor that this rate increase will allow for the much-needed remaining open ditch clearing and dredging work and also ensure that monies will be generated for future maintenance on this system." The Surveyor stated an important fact to note is that a segment of Dismal Creek Open ditch starting at the west side of Concord Road to Crane Station (Co. Rd.'s 550S/500E) was located within the McCarty/TIF district. TIF funds for this segment (only) of the project would be utilized. The Surveyor stated if the TIF money was not available to be used on this segment's cost, the per acre rate proposed would easily double- if not triple to cover costs. He then referred to the Board for any comments. Responding to Commissioner Byers inquiry, the Surveyor stated the tiles did have problems however they work will start on the open ditch first. There were some minor tile repairs to be completed but no major extensive tile work was planned. The Surveyor planned to start at the outlet and work upstream. The open ditch segment from Concord Road to Crane Station would be ready to go out for bid after the first of next year. After the lower section was completed, the next stage would be to start at Crane Station and work the upper half upstream. He stated maintenance assessments collected to date has been used on the Ilgenfritz branch from the confluence at the creek upstream to approximately 1/2 mile east of Co. Rd. 500E to date. Patricia Kirkpatrick 3401 East 1150 South Lafayette Indiana 47909 approached the Board. The Surveyor clarified the rate per acre for Patricia Kirkpatrick. He noted the Board has informed him McCarty/TIF monies may be used for a segment of the project, so the landowners so the per acre rate would be higher to the taxpayer if this money was not available. Discussion was held on the process of assessment collections. Alex Pilotte 4117 East 700 South Lafayette Indiana 47909 approached the Board. The Surveyor confirmed to Mr. Pilotte the right of way for the drain started at the existing location of top of bank on each side. Discussion was held regarding the original per acre assessment, the previous 25% increase and maintenance work completed from the 1970's to date. Mr. Pilotte stated he was in support of the project. Pamela Roberts 3741 East 500 South Lafayette Indiana 47909 approached the Board. She stated she filed an objection letter with the Surveyor Office. The Surveyor stated his office received her letter and it would be made a part of the official record along with any others received. She stated the development across the road from her continued to drain onto her property and cause damage to her driveway and property. She noted this was not the first time she has complained about this issue. She stated due to having the tract in the lowest part of the area during rainfall events it retains the surrounding area's runoff. She stated the water which stands on her property comes directly from across the road from her. She noted she has had to have her driveway repaired after every big rainfall event. The Surveyor reviewed the area with Mrs. Roberts and the Board while discussing her situation. He noted when the development is fully built out, a detention pond would release runoff at or below the required rate. The Drainage Board would have to approve the plan prior to buildout. He stated he would investigate her

problem once the developer submitted plans for the remaining portion of the development. Mrs. Roberts provided her phone number to the Surveyor for future discussion of this issue. Thomas Vaughn 4706 East 500 South Lafayette Indiana 47909 approached the Board. Responding to Mr. Vaughn's inquiry the Surveyor stated he would be able to maintain the mowing of the ditch from the top of bank once the work was completed. Typically, debris cleared from the ditch would be burned or buried -however this project is inside the city limits and burning is not allowed within city limits. Phil Kerkhoff 7725 W 900 North West Lafayette Indiana 47906 approached the Board. Mr. Kerkhoff stated he was owner or part owner of approximately 700 acres within the upper portion of the watershed. Discussion was held regarding private waterways and the process to approve County Maintenance on them. There was no other public comment.

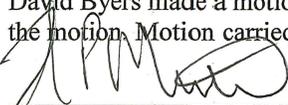
Thomas Murtaugh referred to Attorney Masson for the findings and order of the board. Atty. Masson read the following - Findings and Order - This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on October 24, 2017. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Indiana were filed. Objection letters were filed and are made a part of the official record. Evidence was presented by the Tippecanoe County Surveyor and some of those landowners affected were present. A list of those present is filed herewith. After consideration of all the evidence, the Board does now FIND THAT:

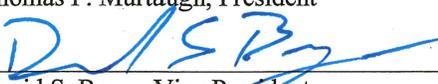
- (1) The Maintenance Report of the Tippecanoe County Surveyor and Schedule of Assessments were filed in the office of the Surveyor on October 24, 2017.
- (2) Notice of filing of the Maintenance Report and the Schedule of Assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 48,126 lineal feet of open ditch and 4811 lineal feet of tile.
- (5) The present condition of the ditch is poor and in need of repair.
- (6) The ditch needs the following maintenance at present: Clearing, Dredging and Channel Straightening and ongoing spraying
- (7) There is now \$0.00 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 6662.70 acres total.
- (9) Estimated annual cost of maintenance is \$34,946.05.
- (10) Estimated annual benefits the land drained exceeds repair and maintenance costs.
- (11) A fund for annual maintenance should be re-established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$4.75 per acre and a \$20.00 minimum over an eight (8) year collection period.
- (13) The assessment list filed herewith should not be amended as follows:
- (14) The assessment list filed herewith is fair and equitable and should be adopted.
- (15) The assessment should be collected with the May 10, 2018 taxes.

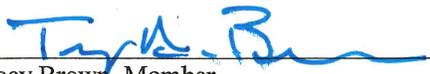
**NOW, THEREFORE, IT IS ORDERED THAT:**

- (1) A maintenance fund be re-established for the Dismal Creek #93 Regulated Drain at the annual rate of \$4.75 per acre and a \$20.00 minimum benefited.**
- (2) The Schedule of Assessments filed herewith are adopted and made a part thereof.**
- (3) The first annual assessment shall be collected with the May 10, 2018 taxes.**

David Byers made a motion to approve the Findings and Order read into the record by the Attorney. Tracy Brown seconded the motion. Motion carried. David Byers made a motion to adjourn. The meeting was adjourned.

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
Tracy Brown, Member

  
Brenda Garrison, Secretary

**TIPPECANOE COUNTY DRAINAGE BOARD**

**April 4, 2018**

**Drainage Board Meeting Minutes**

**Those present were:**

Tippecanoe County Drainage Board President David Byers, Vice President Tracy Brown, member Thomas P. Murtaugh, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, 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. Drainage Board Executive Administrator Brenda Garrison was absent.

**Approval of Minutes**

Tracy Brown made a motion to approve the March 14, 2018 Drainage Board Minutes. Thomas Murtaugh seconded the motion. Motion carried.

**Dismal Creek #93 Regulated Drain Clearing Project Contract/Bid Opening**

David Byers referred to Attorney Masson for the opening of the bids submitted for the Dismal Creek #93 Regulated Drain Clearing Project. Attorney Masson read the bids as follows: Monroe LLC-\$149,970.00, R&W Contracting-\$255,000.00, Rinehart Exc.-\$148,766.66, Tony Garriott-\$60,780.50, MTM Ent. -\$108,760.00, B&D All Terrain-\$79,224.20, Huey Exc.- \$129,846.50. David Byers stated the bids would be taken under advisement and awarded by the end of the meeting. He thanked all those who submitted a bid for this project.

**Resolution 2018-03-DB Approving Amendment of Uniform Fee Schedule**

Surveyor Beasley presented a Resolution numbered 2018-03-DB regarding approving the Amendment of the Uniform Fee Schedule for the Drainage Board and Surveyor's Department. He stated the Board of Commissioners approved the 2018-11-CM Amending the Uniform Fee Schedule for Tippecanoe County Drainage Board and Surveyor's Department on Monday April 2, 2018. He informed the Board the Drainage Board Resolution regarded the aforementioned Ordinance which included the new Engineer Review fees and schedule brought before the Board in February. He noted the changes included the approval of two companies to review project submittals for compliance and the base fees for the review process. The engineer reviews base fee covered three reviews. If more reviews were warranted the cost would be increased. He stated it also set a strict guideline (30 days from date of submittal) for all reviews and assisted with public transparency. The revised Drainage Board's engineer review information documents were included within the Tippecanoe County Website on the Drainage Board and Surveyor's pages. Technical Advisory Committee (TAC) meetings related to the project were also available to the consulting company within the thirty-day window of review if needed. He recommended approval of Resolution 2018-03-DB Approving the Amendment of Uniform Fee Schedule Ordinance as presented to the Board. There was no public comment.

Tracy Brown made a motion to approve Resolution 2018-03-DB Approving the Amendment of Uniform Fee Schedule as presented to the Board. Thomas Murtaugh seconded the motion. Motion carried.

**Petition to Reconstruct the Beutler Gosma Regulated Drain #95**

The Surveyor presented a Petition to Reconstruct Beutler Gosma Regulated Drain #95 to the Board. He noted Phil Kerkhoff submitted a petition to reconstruct a portion of the Beutler Gosma County Regulated Drain to his office. The portion of the drain requested to be reconstructed were the following three (3) branches: the north branch, the west branch and the southwest branch, generally located in the northwest part of the county north of Montmorenci on US 231 and roughly CR.800/850 North in Shelby Township. He requested the Board accept the Petition as presented and refer it back to his office for a reconstruction report. There was no public comment.

Thomas Murtaugh made a motion to accept the Petition as presented by the Surveyor and refer this Petition back to him for a Reconstruction Report. Tracy Brown seconded the motion. Motion carried.

**F-Lake Storage Agreement**

Attorney Masson stated in 2002 Raintree LLC planned to develop 47.5 acres. The F-Lake Storm Water Detention Facility had not yet been developed. It was agreed in 2002 the Raintree LLC tract's storm water would discharge into it. An agreement between Raintree LLC and the Tippecanoe County Drainage Board had recently been drafted reflecting the agreement in 2002, as a formal agreement had never been completed. Over the years, some pieces of the parcel had been developed and it was now a tract of 31.94 acres. In the meantime, F-Lake Storm Water Detention Facility was developed and a discharge fee of \$15,000 per acre foot was set by the Board. The Raintree LLC remaining tract of 31.94 acres would take 5.25-acre feet of storage. This would calculate to \$78,750.00. The agreement prepared by the Attorney would state a firm amount and when developed, that amount would have to be paid. The Attorney noted he sent the prepared agreement to Raintree LLC and had not received it back to date. He recommended the Board authorize the members to execute the agreement upon receipt of the agreement signed by the developer Raintree LLC. There was no public comment.

Thomas Murtaugh made a motion to sign the F-Lake Storage Agreement once returned by the developer to the Surveyor. Tracy Brown seconded the motion. Motion carried.

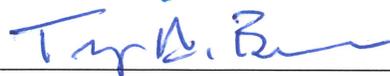
**Dismal Creek #93 Regulated Drain Clearing Project Contract/Bid Award**

Project Manager James Butcher confirmed all documents were in order. Tony Garriott was the low bidder for the Dismal Creek #93 Regulated Drain Clearing Project Contract. Thomas Murtaugh made a motion to award the Dismal Creek Regulated Drain #93 Clearing Project to Tony Garriott as low bidder. Tracy Brown seconded the motion. Motion carried.

**Public Comment**

There was no public comment. Thomas Murtaugh made a motion to adjourn. The meeting was adjourned.

  
\_\_\_\_\_  
David S. Byers, President

  
\_\_\_\_\_  
Tracy A. Brown, Vice President

  
\_\_\_\_\_  
Thomas P. Murtaugh, Member

  
\_\_\_\_\_  
Brenda Garrison, Secretary

**TIPPECANOE COUNTY DRAINAGE BOARD**  
**September 19, 2018**  
**Drainage Board Meeting Minutes**

**Those present were:**

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

**Dismal Creek Regulated Drain #93 Dredging Contract Bids Opening**

The President opened the meeting and referred to the Board Attorney to open the submitted Contract Bids for the Dismal Creek Dredging Project. The Attorney read the bids as follows: Rinehart Excavating \$326,591.36; Huey Excavating \$200,679.00; Garriott Excavating \$313,721.84. The President thank the bidders for their submission and stated they would be reviewed for compliance and the bid would be awarded at end of meeting.

**Approval of Minutes**

Tracy Brown made a motion to approve the August 8, 2018 Drainage Board minutes as written. Thomas Murtaugh seconded the motion. Motion carried.

**Sagamore Commons Master Plan**

Cameron Seymour from Schneider Corporation appeared before the Board to present the Sagamore Commons Master Plan project for approval. The site was located on the west side of Sagamore Parkway West, north of the Cumberland Avenue intersection within the city limits of West Lafayette Indiana. The project consisted of a 6-lot commercial development on approximately 24 acres. The Master plan consisted of preparation of 5 outlots, drainage infrastructure and an access drive from Sagamore Parkway West. Mr. Seymour stated the runoff currently outlets from all directions on site into the Cuppy McClure drain. The plan was to construct a detention pond to collect the site's runoff and release it into the Cuppy McClure Drain at the required rates per ordinance. He stated they agreed with the August 16, 2018 Burke Memo and requested conditional approval as recommended. The Surveyor stated the existing detention basin which will be utilized was originally constructed as a borrow pit as part of the Ivy Townhomes and Flats project immediately west of the Cuppy McClure regulated drain. It would be modified to meet their needs. This had been an ongoing process and followed the Indian Creek Resolution regarding more stringent release rates. He then recommended conditional approval as stated on the August 16, 2018 Burke memo. There was no public comment. Thomas Murtaugh made a motion to approve the Sagamore Commons Master Plan project with the conditions as stated on the August 16, 2018 Burke memo. Tracy Brown seconded the motion. Motion carried.

**Hoffman Nature Center**

Erich Hart of TBIRD Design Services appeared before the Board to present the Hoffman Nature Center Parking Lot for approval. He noted Pat Jarboe from TBird Design Services and Allan Nail from Tippecanoe County Parks Department were also in attendance. The site consisted of approximately 420 acres located on the south side of Old State Road 25 and extended from Sugar Creek Road approximately 1.2 miles to the east. The proposed parking lot would service a future nature center and pavilion. Mr. Seymour noted this was the second phase of the overall project. The first phase consisted of the 800 feet entrance drive presented to and approved by the Board at the September 2, 2015 Drainage Board meeting and constructed in 2016. The conversion of farmland to rain gardens and grass filter strips would compensate for the existing access drive and proposed parking lot which resulted in no change of the volume runoff or discharge rates from the site. The amount of proposed vegetation to be added offset the pervious area of the drive and parking lot. The post project curve numbers peak discharges and volumes were either reduced or the same as pre-project conditions. Future phases of the Hoffman Nature Area would continue the practice of revegetation and added benefit of offsetting project impacts. It is the intent this procedure to become the Master Drainage Plan of future phases for the Hoffman Nature Area. He stated they agreed with the September 12, 2018 Burke memo conditions and requested approval for the project as presented.

Replying to Mr. Murtaugh's inquiry; Mr. Hart stated the exhibits presented today included the entire Master Plan including the future Nature Center and pavilion with the additional parking areas as well. There was no public comment. The Surveyor he instructed a review of the sub-basins by the Engineer's to ensure there would be no increased runoff with this project. He recommended approval with the conditions as stated on the September 12, 2018 Burke memo. Tracy Brown made a motion to approve the Hoffman Nature Center parking lot with the conditions as stated in the September 12, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

### **Franciscan St. Elizabeth Health Lafayette East Maintenance Building**

Kyle Bets of Fisher and Associates appeared before the Board to present a Maintenance Building project at St. Elizabeth Health Lafayette East location. The site consisted of approximately 25 acres and was located east of the existing hospital campus within the limits of the City of Lafayette on Creasy Lane. The site along with approximately 3 acres offsite drained into a large depressional area. The release rate was set using a private open ditch which outlet into Branch #13 of the S.W. Elliott Regulated Drain. A wet detention basin would be constructed to compensate for the entire depressional storage and keep an allowable release rate to downstream. He requested Board approval at that time. The Surveyor noted the project was located within the City limits of Lafayette and the City would be approving the project. The Board would be approving the discharge release into the S.W. Elliott Regulated Drain and the F-Lake Detention Storage Facility only for this project. He noted a storage fee for 1.34-acre feet of storage in F-Lake Basin was required to be paid prior to final approval. He then recommended construction approval as stated on the September 12, 2018 Burke memo. There was no public comment. Tracy Brown made a motion to grant construction approval as stated on the September 12, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

### **Zach Beasley/Other Business**

#### **J. Berlowitz Detention Basin**

The Surveyor reviewed an aerial of the three (3) Berlowitz Regulated Drain's Detention Basins with the Board. The first Basin was located at the SE corner of Co. Rd. 550East and Co. Rd. 50South, then the Berlowitz "Hammerhead" pond located immediately upstream on the West side of Co. Rd. 550East which traversed west to Interstate 65 and the Third located west of Interstate 65. The basin or pond located on the corner of the Co. Rd. 550East and 50South was the largest of three within the Berlowitz Regulated Drain system. He noted there would be additional basins built in the future between I.U. Hospital and Franciscan Health St. Elizabeth Hospital.

The Surveyor's office had received complaints regarding the large basin located at the intersection of Co. Rd. 550East and 50 South. The complaints consisted of public safety and environmental concerns, ie: criminal activity, insect population, swimming and fishing. There is currently an annual mowing and spraying contract to control woody vegetation around the basin. As the basin was built to control storm water runoff while preventing downstream flooding, the functionality of the pond was the main concern. Once the woody vegetation grew up, beavers moved in and established a dam obstructing the flow of the outlet. This was causing the basin not to drain as designed. The obstruction was removed. Bids were sought for a six-year mowing and spraying contract for the Berlowitz Regulated Drain detention basins. A contract was signed and is ongoing.

He noted the County Storm Water Ordinance required safety signs around detention basins (ponds). Signs were at one time around the basins however, they have been vandalized or stolen. There are additional signs to be placed around the county's detention basins however they state "No swimming, wading or skating" only. The signs were safety oriented and did not state no trespassing, fishing etc. Viewing the aerial of the area utilizing GIS, the Surveyor noted public were parking in the northwestern portion of the property (owned by the Commissioner's) via the construction access lane. They were using this lane to enter the property and fish in the basin (pond). The access lane was left in place for inspection of the outlet to ensure functionality. It was noted there were a lot of homes in that area which resulted in increased foot traffic near the ponds.

Discussion was held and replying to Tracy Brown's inquiry, the Surveyor noted no discussion with the area's H.O.A.'s (Home Owners Associations) had been held regarding the issue. The Surveyor requested the Board take the matter under consideration to determine what needed to be included on signs for the detention basins (ponds).

Mr. Byers stated since this issue was just brought before them, he would like to think about this further and proposed to continue the discussion at the October 2018 monthly meeting. The Surveyor stated the area is an attractive area to the public. The Hammerhead basin channel has been left in its natural state as the channel stays wet. The intention is to leave the channel in its natural state. The number one purpose of detention basins is to protect landowners against flooding. The Berlowitz Detention Basin discussion will continue in the October meeting.

**Marion Dunkin #25 Reconstruction Update**

The Surveyor informed the Board the Marion Dunkin#25 Regulated Drain reconstruction was approximately 85 percent completed at this time.

**Dismal Creek #93 Dredging Contract/ Award of Bid**

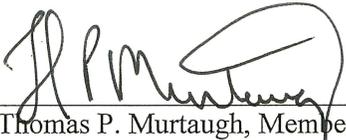
Project Manager James Butcher stated the bids were in order. Low bidder was Huey Excavating in the amount of \$200,679.00. Thomas Murtaugh made a motion to approve the Contract Bid submitted by Huey Excavating in the amount of \$200,679.00 for the Dismal Creek Regulated Drain #93 Dredging project. Tracy Brown seconded the motion. Motion carried.

**Public Comment**

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

  
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David S. Byers, President

  
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Tracy A. Brown, Vice President

  
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Thomas P. Murtaugh, Member

  
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Brenda Garrison, Executive Administrator

## TIPPECANOE COUNTY DRAINAGE BOARD

January 9, 2019

### Drainage Board Meeting Minutes

#### **Those present were:**

Tippecanoe County Drainage Board President Tracy A. Brown, Vice President Thomas P. Murtaugh, member David S. Byers, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC and Drainage Board Executive Administrator Brenda Garrison. James Butcher, Surveyor Office Project Manager and Tim Walters, Surveyor's office GIS Technician were also in attendance.

#### **Election of 2019 Drainage Board Officers**

Attorney Masson opened the floor to accept nominations for the 2019 President of the Drainage Board. Thomas Murtaugh made a motion for Tracy Brown to be the 2019 President of the Drainage Board. David Byers seconded the motion. Motion carried. Attorney Masson then opened the floor for nominations of 2019 Vice President of the Board. David Byers made a motion for Thomas Murtaugh to be the 2019 Vice President of the Drainage Board. Tracy Brown seconded. Motion carried.

#### **Appointment of 2019 Drainage Board Executive Administrator**

Tracy Brown opened the floor for nominations of the 2019 Drainage Board Executive Administrator. Thomas Murtaugh made a motion to appoint Brenda Garrison as the 2019 Executive Administrator for the Drainage Board. David Byers "wholeheartedly" seconded the motion. Motion carried.

#### **Approval of December 5, 2018 Drainage Board Minutes**

Thomas Murtaugh made a motion to approve the December 5, 2019 Drainage Board minutes as written. David Byers seconded the motion. Motion carried.

#### **Alexander Ross Regulated Drain #68 Outlet Improvement Reconstruction Contract Award**

Surveyor Beasley stated he had conferred with the attorney regarding the Bids received for the A. Ross Reconstruction project as they were more than 20% of the construction estimate. Attorney Masson stated he had reviewed the bids and, in his opinion, stated they could be accepted as presented. The Surveyor noted reconstruction costs would be paid from the Tax Increment Finance Fund (TIFF) monies and would not be paid from the General Drain Improvement fund (GDI) as is the normal reconstruction process per Indiana Drainage Code. Therefore, the bids were determined to be acceptable and the project would move forward. The Surveyor stated he reviewed similar projects across the state and found several reasons for higher bid prices. The current climate raise in prices of materials and time of year, all factored into the bids. He stated Atlas was the low bidder (\$929,950), and noted they had selected Lowe Construction as their jack and bore subcontractor. He stated the Surveyor's office had worked with Lowe on two other Urban Drain reconstruction projects (Br#11 SW Elliott and the #02 J. B. Anderson Drains) He then recommended awarding the Alexander Ross #68 Outlet Improvement Reconstruction Project Contract to Atlas Excavating. David Byers made a motion to award the Alexander Ross #68 Outlet Improvement Reconstruction Contract to Atlas Excavating in the amount of \$929,950. Thomas Murtaugh seconded the motion. Motion carried.

#### **Alexander Ross #68 Regulated Drain Outlet Improvement Construction Observation Contract**

The Surveyor recommended to the Board to award the Construction Observation Contract for the Alexander Ross #68 Outlet Improvement Reconstruction Project to TBird Design Services as submitted. Thomas Murtaugh made a motion to award the observation contract by TBird Design Services in the amount of \$75,000. David Byers seconded the motion. Motion carried.

#### **Projects:**

##### **CR450/430 South Reconstruction**

Mike Peterson of VS Engineering approached the Board to present the CR 450/430 South Reconstruction project for approval. The site was located at the intersection of US 52 and extended approximately one mile east to New Castle Road. Two existing 90-degree turns would be aligned on said road. There would be resurfacing and widening of the road to 22 feet with new 5-foot shoulders (3-foot aggregate and 2-foot grass). In order to keep access open to local businesses on the road, the project would be conducted in 4 phases. The new alignment would drain into a detention basin designed for the project as the S.W. Elliott Drain tile in the area was not designed for the additional runoff caused by the increase of 3 acres of impervious area. There was no public comment. Mike Spencer Highway Supervisor (attendee) confirmed the project had been reviewed by his office as well. The Surveyor recommended construction approval for CR450/430 South Reconstruction project per the December 27, 2018 Burke memo. David Byers made a motion to grant construction approval per the December 27, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

### **McCutcheon High School Renovations and Additions**

Tracy Brown stated the McCutcheon High School Renovation and Addition project was pulled off the Agenda by the designer's request and would be placed on the February 13, 2019 Drainage Board Agenda. There was no public comment.

### **Avalon Bluffs Section Three (Tabled from January meeting)**

Robert Langager approached the Board to review the Avalon Bluffs Section Three for construction approval by the Board. (This project was heard during the October 3<sup>rd</sup> and December 5<sup>th</sup>, 2018 Drainage Board meetings). The project was continued from the December 5<sup>th</sup>, 2018 Drainage Board meeting. Mr. Langager stated this was approximately a 44-acre site with a 200+ lot subdivision and treated as a standalone project due to the timing of design. It was noted that this portion was the final phase of the Hunters Crest Development started in 2005. Portions of the site would drain to existing ponds 1 and 2 in the Hunters Crest Subdivision and an additional Pond 3 would be added to meet the current ordinance standards. Pond 3 would outlet to the southwest and to the east. Storm drainage pipes and swales would direct the runoff to existing and proposed ponds. The northern portion runoff would outlet indirectly to the J.N. Kirkpatrick Regulated Drain and the southern portion would outlet indirectly to the Dismal Creek Regulated Drain. There was an issue with landowner notifications last month therefore it was tabled until this month for consideration of approval. He stated, after the December Board meeting, a meeting was held with those landowners and any issues they had were addressed. Design changes were made to the eastern outlet control structure due to their concerns and he noted they approved the new design. He then requested construction approval for this project. The Surveyor stated he held a second meeting with the downstream landowners to the southwest and southeast of the project and felt the concerns were met as well. There was no public comment. He recommended construction approval according to the January 7, 2019 Burke memo to the Board. Thomas Murtaugh made a motion to grant construction approval as outlined in the January 7, 2019 Burke memo. David Byers seconded the motion. Motion carried

### **2019 Contracts:**

The Surveyor presented the 2019 Legal Services Contract from Hoffman, Luhman and Masson PC with a slight increase (*from 2014 fees*), the 2019 Drainage Board Engineer Review Services for Tippecanoe County from Christopher B. Burke Engineering LLC (CBBEL) with no increase, the 2019 Drainage Board Engineer Review Services for Tippecanoe County from Beutler Fairman and Sieufert (BFS) with a 3% increase for approval by the Board. There was no public comment. David Byers made a motion to approve the 2019 Legal Services Contract from Hoffman, Luhman and Masson PC. Thomas Murtaugh seconded the motion. Motion carried. David Byers made a motion to approve the 2019 Drainage Board Engineer Review Services for Tippecanoe County from Christopher B. Burke Engineering LLC. Thomas Murtaugh seconded the motion. Motion carried. There was no public comment. David Byers made a motion to approve the 2019 Drainage Board Engineer Review Services for Tippecanoe County from Beutler Fairman and Sieufert. Thomas Murtaugh seconded the motion. Motion carried. There was no public comment.

### **Amanda Kirkpatrick Regulated Drain Reconstruction Financial Assistance Satisfaction of Mortgage**

The Surveyor presented a Release of Mortgage document regarding the Amanda Kirkpatrick Drain Reconstruction Financial Asst. Contract with Forest and Marcia Goings. The Attorney noted they had met their financial obligations therefore their mortgage was to be released. Thomas Murtaugh made a motion to approve the Release of Mortgage for Forest and Marcia Goings as presented. David Byers seconded the motion. Motion carried.

### **Surveyor Zachariah Beasley:**

The Surveyor presented the Surveyor's 2019 Regulated Drain Classification Status report to the Board. He recommended the Report be approved as submitted. He noted once approved, the drain status list is submitted to the Auditor for 2019 drain assessment collections. David Byers made a motion to approve the Drain Classification and Drain Status List as submitted by the Surveyor. Thomas Murtaugh seconded the motion, Motion carried.

### **Petition to Reconstruct /Delphine Anson Regulated Drain #4**

The Surveyor presented to the Board a Petition to Reconstruct on the Delphine Anson Regulated Drain #4 submitted to his office by Doug Morehouse landowner within the Anson Drain Watershed. He recommended acceptance and referral by the Board. Thomas Murtaugh made a motion to refer the Delphine Anson Petition to Reconstruct back to the Surveyor for his Report. David Byers seconded the motion. Motion carried. There was no public comment.

### **Bonds:**

The Surveyor presented the following project Maintenance Bonds for approval from the Board. Blackthorne Subdivision Ph. 2 Part 2, Lots 72-75/Maint. Bond#106976463 /by Travelers Casualty Ins./ submitted by Fairfield Contractors/ Amt: \$31,715.00: Hickory Ridge Ph.3 Sec.1/Maint. Bond#1074658/by Hanover Ins. Co./submitted by Atlas Exc./Amt.: \$18,624.20: Barrington Woods Sec.1/Maint. Bond#1073063/by Hanover Ins. Co./submitted by Atlas

Exc./Amt.: \$40,862.00: Country Squire Sec.1/Maint. Bond#9304959/by Fidelity and Deposit Co./submitted by Country Squire Assoc LLC/Amt.: \$25,104.00. Thomas Murtaugh made a motion to approve the four Bonds as presented by the Surveyor for approval. David Byers seconded the motion. Motion carried. There was no public comment.

**February 6, 2019 Drainage Board Meeting**

Surveyor Beasley stated the February 6, 2019 Drainage Board meeting date had a conflict with AIC Legislative Conference. He recommended changing the February meeting date to February 13, 2019 at 10:00 a.m. David Byers made a motion to approve the February meeting date as the 13<sup>th</sup> for the monthly Drainage Board meeting. Thomas Murtaugh seconded the motion. Motion carried.

**Public Comment**

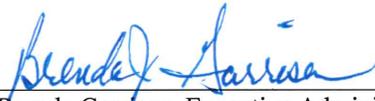
As there was no public comment. David Byers made a motion to adjourn. The meeting was adjourned.



Tracy A. Brown, President



Thomas P. Murtaugh, Vice President



Brenda Garrison, Executive Administrator



David S. Byers, Member