

TIPPECANOE COUNTY DRAINAGE BOARD

REGULAR MEETING

MAY 4, 1994

The Tippecanoe County Drainage Board met Wednesday, May 4, 1994, in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Nola J. Gentry calling the meeting to order.

Those present were: Tippecanoe County Commissioners Nola J. Gentry, William D. Haan, 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.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held April 19, 1994, Commissioner Yount moved to approve the minutes, seconded by Commissioner Haan. Motion Carried.

WILSON BRANCH FLOOD CONTROL RESERVOIR

Mark Harris, American Consulting Engineers, submitted to the Board the plan for the Wilson Branch Reservoir. The initial review was done by Christopher B. Burke Engineering, LTD. By taking information already collected by Burke, American Consulting Engineers were able to create a final construction plan for the Wilson Branch Reservoir. The DNR restricted an increase in the flood elevations to no more than one tenth of a foot in the Elliott Ditch downstream and the Wilson Branch upstream from the Reservoir. This restriction is summarized in the report Mr. Harris submitted to the Board. The pre-developed condition which includes the construction of the Treece Meadows diversion ditch and detention facilities upstream of this project will lower the upstream and downstream water elevations. The side overflow design was chosen over the on in-line design because the discharge into the pond would increase effective storage. The low flow channel of the Wilson Branch in a typical rain will flow through the reservoir in a six foot pipe then under US52, once the higher flow reaches the top of the Wilson Branch bank it will overflow into the reservoir. Surrounding the pond will be shrubs and trees to fulfill the DNR request to restore the habitat from relocating part of the Wilson Branch and to serve as bank protection. The portion of the Wilson Branch that is planned for relocation is located between what is proposed as the Payless Grocery Store and State Road 38. As a result of the relocation the water elevation will be lower and plantings will restore the lost vegetation.

Mr. Hoffman asked the depth of the reservoir?

Mr. Harris stated the depth will be 14 feet, the DNR requested that a third of the pond bank be at a slope of 10 to 1.

Mr. Hoffman inquired about the fence requirement.

Mr. Spencer stated the fence issue will be a variance American Consulting Engineers will request at final approval.

PARK 475 EAST - Rowe Trucking

Todd Warrix, Hawkins Environmental, asked the Board for final drainage approval of Park 475 East also known as Rowe Trucking located in Wea Township. John Rowe is the landowner of 92 acres, but only wants to develop 6 acres, any further development of the 92 acres will require additional analysis. An industrial building approximately 425 feet X 80 feet is proposed for the site, an asphalt area of 3.5 acres and a grassy area of 2.4 acres. Mr. Warrix asked for a

variance of on-site storage and instead let the runoff go to a natural pond then flow to the Elliott Ditch. Mr. Rowe is willing to contribute to an escrow account for the proposed construction of the regional retention pond planned for the Elliott Ditch.

Commissioner Yount asked if there are any figures for the pre and post developed conditions?

Mr. Warrix stated the pre-developed 10 year runoff is 1.67 cfs and post-developed 100 year runoff is 11.4 cfs.

Mr. Rowe submitted a letter to the Board stating he will contribute to the regional retention pond.

Mr. Davis pointed out the bidding of the pond construction is out on the Wilson Branch, which will give an idea of a dollar amount for Mr. Rowe to contribute to the future construction of the Elliott Regional Basin.

Mr. Hoffman stated an escrow account would be an advantage to people in Mr. Rowe's position because no on-site storage would be required which would provide extra building area and an escrow account is an advantage to the County by helping with the expense of constructing the pond.

Commissioner Gentry read a letter from Fred Koehler to John Rowe and the exact letter was sent from John Rowe to Fred Koehler.

(quote)

April 29, 1994

Rowe Farms, Inc.

P.O. Box 386

Otterbein, IN 47970

Dear John,

With regard to our phone conversation about water drainage, Koehler access to sewer and water lines, and drive way sharing. Rowe Farms will give Koehler free access to cross Rowe property to get access to water and sewer without cost. Rowe and Koehler will share the drive way entrance. Koehler recognized it is possible that water may come from Rowe Farms to Koehler property. Koehler will be able to connect to the water line at its termination with no cost sharing of bringing the water line to that location.

Sincerely,

Fred Koehler

Alandco, Inc.

(unquote)

Commissioner Yount moved to grant Park 475 East, Rowe Trucking, final drainage approval on the proposed 6 acres with the conditions of any further development of the 92 acres Mr. Rowe will be required to provide on-site storage if the development is prior to the construction of the Elliott Ditch retention pond (pond F). An escrow account must be set up for the purpose of establishing a fund for pond F which Mr. Rowe has agreed to contribute to on a prorated basis of storage volume, seconded by Commissioner Haan. Motion carried.

OTHER BUSINESS

Leader-Newton Drain

Mr. Spencer received a petition to establish the Leader-Newton Drain in Jackson Township as a County regulated and maintained drain. The Leader-Newton watershed area was redone by the Soil and Water Conservation, at that time the landowners agreed to maintain the system, but some people have not been keeping up with the maintenance, so they decided to submit this petition. Mr. Spencer stated he would write his Surveyors report and assemble the paper work to establish the Leader-Newton Drain.

Wet-Bottom Detention Facility Requirements

Mr. Spencer asked what type of wording should be on the signs for the detention facilities?

Mr. Hoffman stated the depth of the pond should be posted and signs that indicate danger, deep water, no swimming, no fishing etc. The safety ledges for a nonfenced pond should change from 4 to 6 feet in width with various slopes to 10 to 15 feet in width with slopes of 6:1 and 3:1 per proposed cross section.

Commissioner Gentry stated the fence requirement should stay in the ordinance as it reads currently.

Being no further business Commissioner Yount moved to adjourn until June 1, 1994, seconded by Commissioner Haan. Motion carried.

DRAINAGE BOARD MINUTES MAY 4, 1994 REGULAR MEETING 07/25/9405/04/94

Tippecanoe County Drainage Board
March 6th 2002
Regular Meeting

Those present were:

Tippecanoe County Commissioners Ruth Shedd, John Knochel, and KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultants Dave Eichelberger and Kerry Daily from Christopher B. Burke Engineering Limited, and Drainage Board Executive Secretary Robert Evans.

The Tippecanoe County Drainage Board met March 6th in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana with Commissioner/President of the Drainage Board, KD Benson, calling the meeting to order.

Approval of February 6th Minutes

Ruth Shedd made a motion to approve the February 6th minutes, with John Knochel seconding. There being no objection, the motion carried and the minutes were approved.

Woodfield Village

Pat Sheehan from the Schneider Corp. appeared before the Board regarding Woodfield Village. It is a Planned Development with 151 single-family residential lots. It is located west of County Road 150 East between County Roads 350 and 430 South, and is within the Lafayette City Limits.

The proposal calls for all stormwater to be collected onsite, and without detention to be routed north to the Kirkpatrick Legal Drain. Temporary detention storage is required in the Legal Drain until construction of the Drain is complete. He requested final approval with the conditions listed on the March 1st 2001 Burke memo.

Steve asked if they had received approval from the City, and Pat stated that they had no problems with the design and a letter of approval was expected soon. Pat pointed out that Burke condition number 3 could be struck, since it required approval from the County Highway Department for work within right-of-way that is now owned by the City.

Steve stated that the Surveyor's Office was prepared to recommend approval with the conditions on the memo, excepting number three.

Ruth Shedd made a motion for approval as recommended, John Knochel seconded, and there being no further discussion, the motion was passed.

Steve Murray

Ordinance Issues

Steve stated that he hoped to have the revised Drainage Ordinance ready for the April meeting. He and Dave Luhman reviewed the process required for passage. The Drainage Board needs to approve it, the Commissioners need to pass it twice, and then it needs to be published twice before it becomes effective. Steve went on to mention that there were a few technical changes, including a staged discharge requirement for stormwater which is new for this County, but that it was mostly a 'cleaning up' process for the Ordinance. Approval of some new state-of-the-art modeling software was included, some enforcement language was added, and there were some other minor language changes.

Leader-Newton Meeting

A petition filed with the Board to establish this Legal Drain has been pending, and Steve recommended that the Board have at least an informal meeting with the landowners in the watershed. They are already within the Little Wea Conservancy, and could therefore be paying two assessments if this Drain were established. The double assessment had been a concern for former County Surveyor Mike Spencer, and Steve recommended that the meeting be held to give them the likely assessment costs and various options for accomplishing maintenance work such as phasing the project to hold the yearly assessment cost down. Landowners could then express an opinion as to whether the petition should be accepted or denied.

In view of the need to notify all landowners in the watershed and the pending Otterbein Ditch assessment process, Steve recommended late May or early June as an appropriate meeting time. The Board selected May 29th at 10:00 a.m. as the meeting time.

Other Business

Steve requested the Board appoint two members to serve on the Otterbein Ditch Benton/Tippecanoe Bi-County Drainage Board. Ruth Shedd nominated she and KD, John Knochel seconded and moved that the nominations be closed. Ruth moved that the nominees be appointed, John seconded, and the motion carried.

Ruth then nominated John Knochel to serve on the Hoffman Ditch Tippecanoe/Carroll/Clinton Tri-County Drainage Board. John seconded and moved that the nominations be closed. Ruth moved that the nominees be appointed, John seconded, and the motion carried.

The Board also changed the date of the May Drainage Board meeting from the 1st to the 8th.

Joe Rund then appeared before the Board to request maintenance on the E.F. Haywood ditch. He had been farming near it since 1947 and reported that it occasionally needs to be dredged. He added that the yield in the areas whose drainage was slow was dramatically less than the high yields in the rest of those fields. He added that in the very dry seasons, Reed's Canary Grass grows in the upper part of the ditch. It is very fibrous, and tends to capture any silt in the water that enters the ditch. That causes quicker buildup of silt and obstruction of water flow.

Steve reported that he had driven the open ditch portion of the Haywood and could verify Mr. Rund's observations. Dave Luhman reported that the maintenance fund for the ditch contained \$1941.86. Steve commented that that was part of the problem, and that the assessment might need to be raised. He also suggested that the Board might consider letting the ditch accumulate funds equal to eight years' assessments rather than four. That would leave more money available for bigger jobs without raising the amount paid in a given year too much.

Steve indicated the Surveyor's Office would examine the length of the Legal Drain to check for tile holes, beaver dams, blockages, and the need for dipping out silt buildup.

There being no further business, John Knochel moved for adjournment and the motion carried.

KD Benson, President

Ruth E. Shedd, Vice President

Robert Evans, Secretary

John Knochel, Member

Tippecanoe County Drainage Board
Minutes
April 3, 2002
Regular Meeting

Those present were:

Tippecanoe County Commissioners Ruth Shedd, John Knochel, and KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, Robert Evans and Drainage Board Executive Secretary Brenda Garrison.

The Tippecanoe County Drainage Board met April 3 in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana with Commissioner/President of the Drainage Board KD Benson calling the meeting to order.

Approval of March 6th Minutes

Ruth Shedd made a motion to approve the March 6th minutes, with John Knochel seconding. There being no objection, the motion carried and the minutes were approved.

Copper Beach Townhomes

Tim Beyer representing Vester & Associates appeared before the Board to request final Drainage Board approval of the Copper Beach Townhomes project. He presented the board with a map of the project, located near Klondike Road, County Road 250 North, and Point West Mobile Home Park. It was to be a 13.6-acre site with 221 town homes. Owner Ron Gatehouse was in attendance.

Due to poor drainage at the site, they proposed a detention pond at the northeast corner which would drain the water through a storm sewer to McCormick Road, outletting it to a roadside ditch, which would fall into a future Wakerobin pond. KD Benson asked about nearby property owners' opinions on the proposed plans, as there were questions raised at an earlier Board meeting where conceptual approval of the drainage plan was requested. Plans had been sent to the owners who attended the last meeting, proposing to replace their driveway culverts. There are presently 2 - 12" culverts that will be replaced with 2 - 21" culverts. Regrading of the ditch to prevent water passing over the driveway was proposed. Letters had been sent to the landowners for their approval. Steve Murray suggested letters from the property owners approving the change in their culverts be kept on file. Recommendation was made for approval subject to the conditions on the March 29th Burke memo, plus inclusion of documentation that both of the affected downstream property owners were satisfied.

Ruth Shedd made a motion for approval as recommended, John Knochel seconded, and the motion carried.

Grace Lutheran Church

Due to the size of the project and in order to save the church fees, Steve and Dave Eichelberger presented the board with plans for a parking area and a new addition. It is located near 231 South at the intersection of Buckingham Way and Old Romney Road, across from McCutcheon Heights and on the east side of Buckingham Heights. A new parking area was proposed to the west along with an addition to the existing building. The additional parking area is future expansion. The existing entrance is off Old Romney Road, and a new entrance off Buckingham Way was proposed. There are 2 small dry detention ponds proposed also. Approval was requested with the standard conditions listed on the March 29th memo.

Ruth Shedd made a motion for approval, John Knochel seconded, and the motion carried.

Gutwein Property

Pat Jarboe with T-Bird Design appeared before the board requesting final approval for proposed apartments adjacent to existing apartments on the site, located SE of Hadley Lake and bordered by Indian Creek. This site was currently tilled farmland, and one issue to deal with was the detention of storm water. Modeling the site from a cultivated field to buildings with lawns showed a decrease in stormwater runoff, requiring a minor amount of onsite storage. Storage would be located inside the flood plain, and a waiver for this was requested from the Board. A 100-year offsite pass-through was modeled as well. As the new apartments were built, the pad elevations would be raised to get above the flood elevation.

Wetlands showed up on NWI mapping, although they were difficult to locate on site. One of the conditions recommended for final approval was delineation of these wetlands. Mr. Gutwein had Earth Source from Ft. Wayne on that job, and these would be delineated before final plans were signed. Flood elevation was also an issue, and discussion was held regarding the two overlapping flood plains on site from Hadley Lake and Indian Creek. The pad elevation was set to be 2 ½ feet above the 100-year flood elevation, extending to a 25-foot offset from the 100-year flood elevation to the building site.

Steve Murray remarked that all concerns had been addressed and the terms of the ordinance had been met. He stated that the Surveyor's Office and the Engineering Consultant were prepared to recommend approval with the conditions listed on the March 29th Burke memo.

Ruth Shedd made a motion to grant the waiver of storm water detention, John Knochel seconded and the motion passed. Ruth then moved to grant final approval of the Gutwein property project with the conditions specified. John Knochel seconded and the motion carried.

Regal Valley Drive, Phases I & II

Alan Jacobson from John Fisher & Assoc. appeared before the board regarding Regal Valley Drive, Phases One and Two. He presented the board with plans to construct a road named Regal Valley Drive, connecting County Road 350 South to the first phase of The Commons at Valley Lakes. Eventually, the drive would continue through The Commons and connect to The Landing at Valley Lakes. It would serve to funnel traffic from all the developments and the adjacent undeveloped land up to 350 South. The construction plans for Regal Valley Drive had been approved by the Lafayette City Engineer and were in the Area Plan Commission Office pending Drainage Board approval. Approval was needed for the drainage associated with the roadway improvements and also the future Bickford Cottage, an assisted living facility. The roadway Right of Way was approx. 2.5 acres, and the Bickford Cottage site was 2.5 acres as well. The natural topography drops from North to South in the project area. The construction plans for Bickford Cottage had been submitted to the City for approval, and a waiver for detention storage for runoff of both projects was being sought.

The plans proposed collecting water in a storm pipe along the roadway and outletting into the Kirkpatrick Ditch. Approval was needed at this time for roadway improvements and for drainage north of the ditch. Due to ongoing ditch construction and hydraulic modeling issues, approval of the road crossing wasn't requested at this time. The motivating factor for the current request was commitment to Bickford Cottage to provide access to 350 South.

Dave Eichelberger asked if approval was being sought for a variance of no onsite stormwater detention for both the road and Bickford Cottage. Due to the fact that Alan had modeled Bickford Cottage as part of his drainage study and sized an 18-inch sub pipe into the site that would accept the 100-year runoff, he was seeking approval for both at this time.

Steve asked about Valley Lakes Commercial drainage. Alan explained that both projects would be submitted with independent drainage studies and outlet points. Dave stated that Kerry Daily had reviewed the detention waiver and recommended approval. Dave expressed concern regarding the Valley Lakes Commercial design. The layout at this time was tentative and would be driven by the types of tenants for the area. Alan remarked that service-type businesses were being considered.

Discussion was held on the impact of the projects to Kirkpatrick Ditch. Steve suggested that the design intent for the Kirkpatrick Ditch be a factor in their commercial development designs. Steve then summarized the intent of the design of the Kirkpatrick pertaining to direct release, density and types of development. The Surveyor's Office recommended approval for a waiver of storm water detention, and also for construction of Regal Valley Drive with the conditions listed on the March 29th Burke memo.

Ruth Shedd made a motion to waive the storm water detention for Regal Valley Drive, John Knochel seconded, and the motion carried. Ruth then made a motion for Regal Valley Drive to be approved with conditions specified, John Knochel seconded, and that motion carried.

Other Business

Steve Murray confirmed the time of the Benton / Tippecanoe Bi-County Otterbein Ditch Drainage Board meeting as the 22nd of May 2002, at 7:00 PM in Pierce Hall at United Methodist Church in Otterbein Indiana. He also reminded the board of the

informational meeting on the Leder-Newton Ditch to be held at 10:00 AM on May 29, 2002. This will be an informal meeting.

There being no further business, Ruth moved to adjourn and the motion carried.

KD Benson, President

Ruth E. Shedd, Vice President

Brenda Garrison, Secretary

John Knochel, Member

Tippecanoe County Drainage Board
Minutes
July 3, 2002
Regular Meeting

Those present were:

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

Approval of June 6 Minutes

Ruth Shedd made the motion to approve the June 6, 2002 minutes, with John Knochel seconding. The being no objections, the motion carried and the minutes were approved.

Montgomery County Joint Drains

Montgomery County Commissioner Bill McCormick and Montgomery County Surveyor Larry Utz appeared before the Board to discuss Joint Drains between the two Counties. Larry Utz informed the Board in reference to the Rebecca Grimes Ditch that the Montgomery County Drainage Board had waived their rights in 1974, according to their records. Presently there were tile holes on this Drain in their county and he asked the status of the fund balance. Steve reviewed the present balance of the fund and the route of the Rebecca Grimes tile. The balance of the **Rebecca Grimes** ditch was in the red due to maintenance repairs exceeding the assessments collected. He added that this was unfortunately true of several Drains throughout the County at present. He stated there was another Grimes Ditch crossing over county lines, however this drain did not have a maintenance fund. He stated his office would do a review of Regulated Drains with maintenance assessments in the future, and those drains needing an increase of assessment would be presented to the Board for action. A number of the drains' yearly assessments should be increased to accommodate rising costs of maintenance, and a drain could be vacated if landowners affected were unwilling to accept the increase.

He then reviewed the process of notification for Joint Drains' upcoming yearly assessments with adjoining Counties. Steve asked Larry if there were any other concerns he may have had. Larry stated the Martin Gray Ditch was in pretty good shape. Steve stated the **Kirkpatrick One** was in good shape due to maintenance work previously done on the Tippecanoe County side. The **Fugate Ditch** was recently surveyed, and north of 1200 South in Tippecanoe County approximately 1000 feet of blown out tile existed, which had resulted in an open ditch.

Commissioner Bill Montgomery then spoke to the Board and stated the correspondence in 1974 from Tippecanoe County on the **Rebecca Grimes Ditch** requested Montgomery County waive their rights to participate on a Joint Board. The Drainage Board from Montgomery County was unsure as to whether a response was sent. Steve stated he would check the records and inform them of any findings. Steve added while an adjoining County may have waived their rights on a particular drain, he believed it prudent to inform them of any major work done on a drain. Regarding Joint Drains and due to the size of acreage involved in their County, Bill thought it would be wise to waive rights where applicable. As President of Montgomery County Drainage Board, he requested a letter from this Board suggesting a waiver of rights pertaining to the Leader-Newton Joint Drain. He would submit it to the Montgomery County Drainage Board at their next meeting and respond thereafter. This drain had the majority of benefited land in Tippecanoe County with approximately 72 acres benefited in Montgomery County. In reference to raising an assessment rate, Steve stated regardless of rights waived, a Joint Board meeting might be necessary. Steve then confirmed a letter concerning the **Leader-Newton Drain** would be mailed in time to present at their next Drainage Board's meeting. Bill stated drains that had a balanced watershed between the counties could be discussed at a later date.

Steve spoke regarding the **John Mclaughlin Drain**. A Tri-County Drain between Tippecanoe, Clinton and Montgomery Counties, it had been in litigation for the last eight to ten years. He asked the Drainage Board Attorney to check the status of the litigation. Benton County Commissioner Bill McCormick and Surveyor Larry Utz thanked the Board and Surveyor for the time allotted to present their concerns.

Lilly May Estates

Richard Fidler, Surveyor of Indianapolis Indiana, appeared before the Board on behalf of the developer Greg Weilbaker and owner Mr. Frank Howard to present Lilly May Estates Subdivision for conditional approval. The proposed project was located on the west side of State Road 25, approximately one and one quarter of a mile north of I-65 and just north of the NorthBrook Subdivision in Fairfield Township. The site consisted of 18.48 acres and included 21 single-family residential lots. The Area Plan Commission approved the preliminary plat for the project on August 15, 2001.

The first waiver requested concerned the proposed onsite dry detention. Mr. Fidler provided the Board with Exhibit B, a photograph of onsite dry detention, taken in Marion County. He further explained the lots in the picture were used passively as a recreation area and were wet only on occasion. He also noted, as it had been a very wet spring, the area shown in the exhibit had not experienced any standing water. He felt the Lilly Mae Estates' dry detention site would be comparable if not better than the exhibit. The second waiver requested concerned the required timeframe of pond drainage. The submitted calculations showed only two and one-half inches of complying with the present Ordinance. The third waiver requested was the maximum depth allowed by the Ordinance. The maximum depth on the site is 5.8 feet, which is 1.8 feet above the maximum allowable depth of four feet for dry detention facilities. The proposed site rests upon fifty feet of sand and gravel, and the applicant was confident this would indeed help in drainage of the site. Videotape taken by Mr. Howard was provided to the Surveyor and Engineers for their viewing prior to the meeting. This tape showed drainage onsite after a considerable rainfall, which resulted in very little if any standing water. The applicant felt this was due to the soil condition, and while the drainage computations showed four to five feet of water on this site, the applicant felt soil conditions would ensure this was rarely the case. The detention would be largely limited to the back of Lots 1,2,3,4, and 6, touch the swale in Lot 7 and briefly touch the South corner of Lot 5. Several well logs from the area were submitted to the Engineers to verify the fifty to sixty feet of sand and gravel. Drainage Board Engineering Consultant Dave Eichelberger confirmed the borings were received and indicated sand and gravel onsite. Commissioner John Knochel stated he had lived in that area most of his life and had never seen water pond on the proposed site.

Steve stated he was prepared to recommend final approval with conditions as stated on the June 28, 2002 Burke memo. Ruth made the motion of approval for the three waivers, with the third waiver subject to the Surveyor's approval. John Knochel seconded the motion. The motion carried. Ruth Shedd made the motion of final approval for Lilly May Estates with the conditions stated on the June 28, 2002 Burke memo, and John Knochel seconded the motion. As there were no objections the motion carried.

Purdue Research Park

James Farny of Bernardin, Lochmueller and Associates appeared before the Board representing the City of West Lafayette regarding the expansion of Purdue Research Park. This was a 64-acre expansion of the existing industrial research park located east of Kent Avenue, south of Kalberer Road and west of Yeager Road in the City of West Lafayette. The drainage of said site ran north, crossed Kalberer Road and into the **Baker-Dempsey Regulated Drain**. The project consisted of 11 building lots and 2 outlots which drained into the Baker-Dempsey Regulated Drain. A 40-acre tract lying south of the site also drained into the Baker-Dempsey Regulated Drain.

The total area under design in the project was approximately 90 acres. A proposed detention lake would be constructed just south of Kalberer Road, with an outlet tied into an existing storm sewer that lay along Kalberer Road. The existing storm sewer pipe was 24 inches in diameter. The outlet structure would be a 2-stage structure, which consisted of a 21-inch primary pipe and a 24-inch secondary pipe. Mr. Farny stated they would comply with Christopher Burke's conditions within the June 27, 2002 memo. The **Baker Dempsey Regulated Drain** is vacated to the south of Kalberer Road. In response to the drainage consultant's inquiry regarding potential for welling on the site, documentation of mitigation had been provided. Approval would be sought from the City of West Lafayette Engineer's office as suggested in the June 27, 2002 Burke memo. Mr. Farny then offered to provide documentation if requested. The project was reviewed by the Board's Engineering consultant to determine the impact on the regulated drain. As they had complied with the county's drainage ordinance, Steve stated the impact on the regulated drain would be nominal.

Steve also stated condition seven in the memo was not applicable to this project, and was a standard condition. Since the site was inside the West Lafayette city limits, it would not be necessary to provide a copy of the restrictive covenants. Discussion was held pertaining to that portion of the Baker-Dempsey Drain which had been vacated. A confirmation would be sought, although Steve felt it had been vacated. He recommended to the Board final approval with conditions based on the June 27, 2002 Burke memo.

Ruth Shedd moved for final approval on Purdue Research Park Phase II Part III with conditions excluding condition number seven in the June 27, 2002 Burke memo. John Knochel seconded the motion. There being no objections, the motion carried.

Wea Township Baseball Fields

Pat Jarboe with T-Bird Design appeared before the Board representing the Wea Township Summer Recreation Board. The proposed site was being leased to the Recreation Board by the Tippecanoe School Corporation. The 20.9-acre development proposed was located on the west side of County Road 150 East, south of County Road 430 South and south of the Wea Ridge campus.

The site was designed so proposed runoff would drain using surface features which follow existing flow paths. This was an agriculture field and portions to be disturbed would be covered with aglime and/or grass for infields of the proposed baseball diamonds. Calculations of the 100-year storm event would be improved from the current condition of the agriculture field. KD was pleased this site was available to the youth for use and commented as such.

Steve recommended final approval with conditions as stated in the June 28, 2002 Burke memo. Ruth made the motion to waive the standard detention requirements as stated in the Burke June 28, 2002 memo, and John Knochel seconded. Ruth Shedd then made the motion for final approval with conditions stated on the June 28, 2002 Burke memo. John Knochel seconded the motion and the motion carried. The motion carried with no objections.

Paramount-Lakeshore Subdivision

Tim Beyer with Vester and Associates appeared before the Board with an exhibit of the proposed Paramount Lakeshore site. This was a 29-acre commercially zoned site located on the north side of U.S. 52 between Morehouse Road and County Road 250 West (McCormick Road). The **Cuppy-McClure Regulated Drain** ran through the southwest portion of the site via a 48-inch concrete pipe. At this time only transportation and stormwater drainage facilities would be constructed to accommodate future lot development. One wet bottom and two dry bottom detention ponds would be constructed onsite. Each pond would drain directly into the **Cuppy-McClure Regulated Drain**. At the north property line a portion of the proposed street would drain through curb inlets into an existing offsite storm sewer within the Lakeshore Subdivision to the north. Two petitions for encroachment pertaining to the **Cuppy-McClure Regulated Drain** had been submitted to the Surveyor. Steve discussed the right of ways with this site, pertaining to future maintenance of the regulated drain. Excavation of the road in the event of possible maintenance on the regulated drain in the future was discussed. Steve stated there had been instances of pavement over regulated drains, and the life of a 48-inch pipe was typically 30-50 years. Dave Eichelberger reiterated it was a relatively new pipe and should have a long design life. There was more of a chance of future maintenance work needed on the proposed street than the drain underneath it.

Ruth Shedd moved for a waiver on the requirements of maximum depth as stated in condition two of the June 28, 2002 memo and John Knochel seconded. The motion carried. Ruth then made a motion for final approval with conditions as stated on the June 28, 2002 Burke memo. John Knochel seconded the motion and the motion carried. The petitions for encroachment were tabled until the August meeting, allowing the Drainage Board Attorney to review them.

Harrison Highlands Phase 1

Tim Beyer with Vester & Associates then spoke on behalf of the developer for Harrison Highlands Subdivision Phase 1. This site was located east of County Road 50W, north of County Road 600N and south of County Road 650N. The overall site was approximately 102 acres to be subdivided into 220 lots. The proposed Phase 1 site was 52 acres and would be subdivided into 122 single-family lots with 2 outlots. Burnett Creek flows through the northwestern portion of the overall site. The northern portion of the site drains directly to the creek. Storm sewers and swales direct a majority of the developed condition runoff to a wet detention pond, which would be constructed within the southeast portion of the site. Tim stated as a result of speaking with the Highway Department, a new ditch would be constructed along the south side of the pond and drain to **Burnetts Creek**.

The runoff from the site and any offsite runoff would be routed through the new ditch to Burnetts Creek. The pond's overall release rate to the creek was in compliance with the Drainage Ordinance. Discussion was held pertaining to the future development and the access to such. Steve asked if the developer would access the future site by crossing the creek. Tim responded the developer had access from 650N as well and had not made the final decision as of yet.

KD asked about the turning lane on 600N to be constructed for this development. Tim assured KD it was in the plans and would be constructed. This would be coordinated with the Highway Department.

KD asked about the frequency of the flooding of the creek and if the plans allowed for sufficient detention of runoff in order to lessen the impact into the creek. Historically Burnett Creek has had flooding problems. Steve stated he had discussed this with the Drainage Board Engineers and was satisfied the developer has complied with the Drainage Ordinance. He felt the drainage construction should help with the flooding problems in the future. Dave Eichelberger stated the flood plain issues had been reviewed as well and confirmed with Tim those issues had been approved by Department of Natural Resources.

Steve recommended final approval with conditions as stated on the July 1, 2002 Burke memo. Ruth Shedd made the motion for final approval with conditions as stated. John Knochel seconded the motion. With no objections, the motion carried.

County Drainage Ordinance- 2002-24-cm

Steve updated the Board on the status of the Revised County Drainage Ordinance. This would be the 2nd reading. The ordinance was approved on the first reading at the last Drainage Board and Commissioners' meetings. Having heard the ordinance read twice, Ruth Shedd moved to suspend reading of the revised Ordinance at this time. John Knochel seconded the motion. The motion carried. Ruth then moved to hear and approve Ordinance 2002-24-cm on second reading. John Knochel seconded the motion. KD asked for comments from the attendees.

Mr. Bill Davis of T-Bird Designs spoke to the Board. Bill agrees with the changes in the Ordinance and felt it was step in the right direction. His concern was the lack of authority over issues such as filling in swales by property owners, broken curbs, and not building to pad grades, etc. He felt the Building Commission should address these issues. However, as a result of some of these problems, the Drainage Board had from time to time dealt with these issues. Discussion was held regarding the Building Commission responsibilities at this time. Inspection is needed to insure the plans are carried out in compliance with the County's ordinances. Steve stated he would discuss with Bill any concerns he might have had before the next Commissioner's meeting on the 15th of July. Steve noted that changes to the ordinance might be made during the process at hand. The ordinance had been sent digitally to Consultants in the County. KD asked for additional comments from the attendees.

The Drainage Board attorney then read the roll call on voting for the County Drainage Ordinance 2002-24-cm into the record. The vote was as follows: John Knochel yes, Ruth Shedd yes, and KD Benson yes.

Bonds

Steve presented a Maintenance Bond for approval. In accepting maintenance bonds the Board was approving the construction of drainage improvements. As clarification he stated the Surveyor's office oversees the construction and the perpetuation in the future. With that said, Construction Maintenance Bond Number 400SR3756 from Atlas Excavating Inc., for \$10,000.00 for Huntington Farms Drainage Swale and pipe was presented to the Board. This bond and a letter on file guaranteed maintenance work on a 4-inch pipe that had been put into a swale previously. The pipe had been cut several times by utility companies in the past. If the pipe did not drain satisfactorily, Atlas would come in and construct a new drainage system through the back of the four or five lots if needed.

Ruth Shedd moved to accept the Construction Maintenance Bond Number 400SR3756 with Atlas Excavating, and John Knochel seconded the motion. There being no objections, the motion carried.

Other Business

Steve updated the Board on the status of the Wabash Valley Feed and Storage site drainage. Several property owners to the south spoke at the last meeting to the Board. Landowner Larry Sturgeon spoke with Steve concerning his drainage problem. Mr. Sturgeon's property was located across from Wabash Valley Feed and Storage and surrounded by Lindberg Village. Steve had assured him his drainage problem should be significantly less, once the Lindberg Village site was completed.

The Highway Department had since gone out and profiled the ditches along Klondike Road and was aware of the general drainage pattern. As plans were developed for the commercial portion of the Lindberg Village site, the drainage construction would be monitored. Steve stated he had spoke with the Drainage Board Engineers regarding those issues. Also Mr. Coulson, developer of the Wabash Valley Feed and Storage had contacted Steve after the last Drainage Board meeting, in regards to providing an outlet tile for the Wabash Valley Feed and Storage site. The project was approved at the last meeting provided Mr. Coulson worked out a written agreement with landowners downstream of the site.

Since that time, Mr. Coulson had worked out an agreement with a property owner to the east. Steve felt he had complied with the basic requirement of providing an outlet pipe for the site. However, Steve's concern was the plan had been approved with the condition as stated, and felt the Board should be aware of such.

As there was no other business to be discussed, Ruth Shedd made the motion to adjourn and John Knochel seconded. The meeting was adjourned.

KD Benson, President

Ruth E. Shedd, Vice President

Brenda Garrison, Secretary

John Knochel, Member

Tippecanoe County Drainage Board
Minutes
September 3, 2002
Leader-Newton Assessment Hearing

Those present were:

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

Commissioner Benson called the hearing to order. The hearing's purpose was to determine the affected landowners' wishes and the Surveyor's opinion on the establishment of the Leader-Newton Mutual Drain, located in Jackson Township, as a County Regulated Drain. A petition for the establishment of the Drain was filed with the Surveyor's office in 1994.

KD reviewed the statute requirements on the establishment and maintenance of a County Regulated Drain. At that time KD asked the Surveyor to give his report on and history of the drain.

The Surveyor stated a petition for the Establishment of a County Regulated Drain was received in the Surveyor's office on April 19, 1994. The required number of landowners whose land was affected by the aforementioned drain had signed the petition.

An informal meeting was held previously to discuss the present condition of the tile and surface channel. A per acre assessment amount acceptable to those landowners within the watershed was also discussed. The work in question involved surface work and tile replacement for approximately the first 4800 feet of the drain, resulting in a cost of sixteen dollars (\$16.00) per acre over a four-year period. This amount was not feasible for the landowners. An amount of five (\$5.00) to seven (\$7.00) dollars per acre was agreed upon at that time. The Surveyor discussed a provision in the drainage code that allowed a maintenance fund to accumulate for eight years, rather than four. Due to this, an amount of seven dollars (\$7.00) per acre over an eight-year period was suggested to the landowners. The thought was at the end of the eight-year period the majority of the work (including the 4800 feet of replacement tile downstream and the surface work) would be completed. A lower rate could be voted upon and adopted; however the amount of repair would be limited. After the eight-year period, the assessment could be lowered to a more reasonable amount, such as three dollars (\$3.00) an acre. The Surveyor then reviewed the steps of establishing a mutual drain as a County Regulated drain.

The previous Surveyor, Mr. Mike Spencer, had profiled the surface over the top of the tile and exposed the tile in a few locations to check the condition and size. Mike had shot the elevation of the bottom of the tile and spoke with a number of the landowners within the watershed. There were approximately 9475 feet of tile on the main branch, ranging in size from fourteen (14) to eighteen (18) inches, and approximately 11,450 feet of tile laterals, which ranged in size from six (6) inch to ten (10) inch. The Surveyor stated he was aware of the drain's problems. Those included an outlet partially blocked at one of the branches of the Little Wea Conservancy, to surface water fanning out on the Shaw farm. There was some surface blockage just north of 1325 South on the Devault property. Gerry Risk had also replaced most of the tile on his land and a representative from the Tyner property had informed the Surveyor of problems located there.

The maintenance report, and the proposed assessment list for seven dollars per acre are on file at the Surveyor's office for public viewing. There were 1160.003 acres in Tippecanoe County and 37.970 acres in Montgomery County, for a total watershed area of 1197.973 acres. Assessment sheets of three, five and seven dollars per acre over eight years were provided to the landowners to assist in their decision. Amounts lower than the seven-dollar (\$7.00) assessment would limit the work to be done and extend the project time.

Three letters of remonstrance were received prior to the hearing. The letters were from Thomas and Sandra DeVault, Ruth M. Leader, and James and Lesa DeVault. The letters stated the assessment proposed was excessive. These would be a part of the official record.

Whenever a mutual drain affects land of two or more counties, the statute requires a Joint Drainage Board to be formed. However, the statute also allows the waiving of rights by a County, if that County had the lesser amount of land affected. The Surveyor stated a letter had been received by Montgomery County requesting to waive their rights for a Joint Drainage Board.

The Surveyor noted the small amount of acreage affected within their County was the reason for the request. The land would still be assessed, as the waiver pertained to participating on the Joint Board only. The Tippecanoe County Drainage Board would be responsible for the improvement and maintenance of the Drain if established.

Some surface work done in the 1960's by the Soil Conservation Service office was in need of restoration. The Surveyor met with Mark Eastman, representative of Soil and Water Conservation District to discuss this and other options available to the landowners. There were cost share programs available for waterway projects through the their office. A cost share program if utilized, would allow for more extensive work to be accomplished in a quicker time frame. The property owner must initiate the application to the Federal Government. These would be a fifty percent cost share at best, and the idea would be to match it with the maintenance fund monies. The Surveyor's estimate of the cost for repairs was approximately \$61,000.00 to \$62,000.00. This would be the minimum cost, due to inflation. He stated his office would do the best they could with the monies available. The amount of work would depend upon the assessment rate. KD asked if the work could be done in advance of the collection of assessments. The Surveyor stated monies could be borrowed from the general drain improvement fund. This would allow only for a portion of the work in advance of the collection. This would be the best scenario, rather than waiting two to four years to begin improvements. At that time the Surveyor turned the meeting back to KD, who in turn opened the floor for public comment.

Mrs. Ruth Leader asked about the chance of obtaining Federal monies and the Surveyor responded the monies would be for the surface waterway only. Mr. Eastman had looked at this area and felt part of it would qualify for the program. The monies would be available after September.

Discussion was held concerning the condition of the tiles and the surface problems in several areas. Mr. Harlan Tyner spoke against an assessment of any amount and felt an open ditch should be the only consideration. Drainage Board Attorney Dave Luhman explained that would be considered reconstruction, and the overall cost in the short term would be much greater. KD asked Mr. Tyner if he felt his yields would benefit from the improvements. Mr. Tyner stated he felt the only benefit would be to the forest on his property. Although he had drainage problems with his land, he was against any government (local or federal) actions to "be forced upon him".

Mr. Knochel asked for a show of hands of those who owned property in the watershed and those in favor of the establishment of the drain assessment and those opposed. There were five property owners present, and four were favorable to the establishment of the drain and its assessment. The Surveyor confirmed his opinion was to set the assessment at seven dollars (\$7.00) per acre for eight years, and possibly lower it to three dollars (\$3.00) per acre thereafter. He felt if an assessment was set and before any work was started, a meeting would be called for the landowners' input. Mr. Goings stated he was in favor of this, along with Jerry Miller of Leader Family Partnership. The Surveyor stated the letters of remonstrance represented forty (40) percent of the land affected. Commissioner Knochel asked the property owners if they felt they could agree on an assessment that would be beneficial to all of them. Mrs. Leader stated she would go along with the establishment of an assessment. KD suggested a five-minute break to allow those landowners present to confer. At that time the Board recessed for five minutes.

KD called the hearing back to order. Ruth made the motion for an assessment of five dollars (\$5.00) per acre for eight years, to be reviewed and possibly lowered at that time. Commissioner Knochel seconded the motion. KD stated she understood the Surveyor's concern was that the assessment amount might not be sufficient for the work needed. KD asked Mrs. Leader her opinion of the assessment, and she stated she agreed with the motion. The motion passed.

At that time, Mr. Dave Luhman read the Findings and Order of the Board concerning the establishment and maintenance of the Leader-Newton Drain. The Findings and Order had been filed with the official record and were available for viewing in the Surveyor's office. Ruth Shedd moved to accept the Findings and Order as read by the attorney. Commissioner Knochel seconded the motion and the motion passed.

At that time, Ruth Shedd moved to adjourn the hearing and John Knochel seconded the motion. The hearing was adjourned.

KD Benson, President

Ruth E. Shedd, Vice President

John Knochel, Member

Brenda Garrison, Secretary

Tippecanoe County Drainage Board
Minutes
December 6, 2006
Regular Meeting

Those present were:

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

Approval of Minutes

John Knochel made a motion to approve the November 1, 2006 Regular Drainage Board minutes as written. Ruth Shedd seconded the motion. The November 1, 2006 Drainage Board meeting minutes were approved as written.

Mystic Woods Phase 2 REPLAT

Paul Coutts of C& S Engineering appeared before the Board to request final approval for Mystic Woods Phase 2 REPLAT. The site was located southeast of the State Road 225 and State Road 43 intersection. The replat of this Phase would accommodate four lots on approximately 17.42 acres. Lot 2 and a portion of Lot 1 would continue to drain uncontrolled to an on-site ravine which is tributary to Burnett Creek. Drainage swales would convey the Phase 2 runoff to the existing Phase 1 storm sewer system via a 15 inch storm pipe known as Structure #3. Said Structure was located on the north side of Midnight Drive. Paul stated originally the overall development allowed for approximately 13 acres to drain from Phase 2 to a pond located in Phase 1, the replat would lessened that amount to 11.25 acres.

The Surveyor noted Condition 6 of the December 11, 2006 Burke memo. He reiterated each individual lot would be required to provide additional measures such as Master Covenants but stated the Covenants would be handled through the Building Permit process. He recommended final approval with the conditions as stated on the December 1, 2006 Burke review memo. John Knochel made a motion to grant final approval with the conditions as stated on the December 1, 2006 Burke review memo. Ruth Shedd seconded the motion. Mystic Woods Phase 2 REPLAT was granted final approval with conditions as stated.

Other Business

Winding Creek Section 2/Rear Yard Swale Lots 172-175

The Surveyor noted the Board was aware of ongoing problems with homeowners and/or contractors filling in or placing tile within a side or rear yard swale of a parcel. He stated his office spends approximately 10-15 hours weekly dealing with this type of problem. Building Permits now alert the Surveyor's office when a violation of this sort occurs during the building process. Historically landowners have contributed to the problem by filling in their swale after the building process had been completed. In 2004 many of the problems resulting from the flood was caused by landowners filling in the 100 year emergency overflows. Discussions had been held with the building community (i.e. developers, contractors) as well as the Building Commission Department (who was working with the Surveyor's office) on this issue.

A call had been received by the Surveyor office concerning improper drainage as Lot 174 in Winding Creek Section 2 Subdivision was experiencing flooding. Homeowners of Lot 172 and Lot 173 in Winding Creek Section 2 had altered their rear yard swales which ultimately caused the flooding on Lot 174. A 6 inch tile and additional landscaping was placed within the swale of Lot 172 and 173. The Surveyor reviewed pictures which showed results of said alterations after the last rainfall. IN a conversation with the Surveyor's office, Steve Conner-developer stated he did not inform the realtor and/or homeowner the swale could be altered as they had previously indicated. The placement of the tile and landscaping had resulted in flooding on Lot 174. The homeowner of Lot 174 was utilizing a sump pump to empty water out of his basement and the water was now up over the outlet resulting in problems eliminating the water. The Surveyor noted generally a letter is sent stating the homeowner was in violation of the Drainage Board Approval, Easement and/or covenants and was expected to remove the swale obstructions. They are informed if they refuse to remove it, the Board has the authority to remove at the homeowners cost. Project Manager Zachariah Beasley stated he had spoken with Bob McKee homeowner of Lot 173 and Lynn Strycker, Realtor of Lot 172 regarding this problem. In reply to Ruth Shedd's inquiry, the Surveyor stated the lots were

platted before the revised Stormwater Ordinance was in place therefore it was not clear if the landowners could be fined in this instance. He reviewed the site utilizing GIS and stated he was open for any suggestions. The Attorney stated the public needed to know violations of the Drainage Ordinance, Easements and/or Covenants on their property were subject to enforcement by the Drainage Board, as well as possible civil liability for damages to upstream owners as a result of violations. He noted a public education campaign may be warranted.

Steve Murray

F-Lake Regional Detention Pond Design Contract

The Surveyor presented a Proposal for Professional Engineering Services for F-Lake Regional Detention Pond Design with Christopher B. Burke Engineering LTD. Christopher B. Burke Engineering LTD previously was under contract for the design of F-Lake near Ivy Tech. During the design process, the Ivy Tech Campus expanded. Ivy Tech requested the Engineers to investigate if the preliminary design would accommodate a direct access road along the north edge to a property east of the campus. This was not in the scope of contracted work, however it was reviewed. Ivy Tech did not buy the property to the east and bought property on the south side of Elliott Ditch instead. The F-Lake project was put on hold and due to additional pressing projects- was placed on the back burner. Now that Ivy Tech expansion plans are evident the final design process can proceed. In fairness to Burke (having performed work outside of the scope of the original contract), the Surveyor asked for a proposal on a final design based on the original concept. The total of the contract was not to exceed \$53,386.00 (Dave Eichelberger Engineer Consultant noted since the original contract was completed permitting requirements had changed which resulted in increased costs for model revisions and additional permitting procedures.) The Surveyor recommended acceptance of the proposal by Christopher B. Burke Engr. LTD as presented with standard terms and conditions not to exceed \$53,386.00. John Knochel made a motion to accept the Professional Engineering Services for F-Lake Regional Detention Pond Design with Christopher B. Burke Engineering LTD not to exceed \$53,386.00. Ruth Shedd seconded the motion. The Professional Engineering Services for F-Lake Regional Detention Pond Design with Christopher B. Burke Engineering LTD not to exceed \$53,386.00 was approved as presented.

Elliott Ditch Branch #11 Reconstruction/On-Call Engineering Services

The Surveyor in conjunction with the F-Lake Design Contract presented the following: Christopher B. Burke Engr. LTD Professional Services On-Call Engineering Services for the Professional Services of Branch #11 S.W. Elliott Regulated Drain Contract not to exceed \$8500.00 for approval by the Board. Reconstruction of Branch #11 of the S.W. Elliott Regulated Drain was proposed. Utilizing GIS, the Surveyor reviewed Branch #11 of the S.W. Elliott Regulated Drain for the Board. Several people have looked at the Brand property in that location for possible development. The previous Surveyor felt upgraded infrastructure was required to accommodate new development. Reconstruction of Branch #11 would require a hearing process. If landowners vote in favor of the reconstruction (an agricultural tile to a storm sewer) then the Indiana Dept. of Transportation would be responsible for the installation of pipe upgrades under State Road 38 thereby reducing the cost to the tax payer dramatically. A semi-final reconstruction design by Butler, Fairman and Seufert Engineering Services was in place. The Surveyor has requested Christopher Burke to review that design, make necessary revisions and indicate the cost for such reconstruction. He has spoke with some landowners in the watershed and they were in favor of the reconstruction. John Knochel made a motion to approve the Christopher B. Burke Engr. LTD On-Call Engineering Services for the Professional Services of Branch #11 S.W. Elliott Regulated Drain Contract not to exceed \$8500.00. Ruth Shedd seconded the motion. The Christopher B. Burke Engr. LTD On-Call Engineering Services for the Professional Services of Branch #11 S.W. Elliott Regulated Drain Contract not to exceed \$8500.00 was approved as presented.

Leader Newton Drain #115/Waterway and tile replacement

The Surveyor noted quotes had been received for the waterway and tile replacement on the Leader Newton Regulated Drain #115. The following were submitted: Lauramie Excavating in the amount of \$57,706.00, Birge Farm Drainage in the amount of \$74,833.90. The Surveyor recommended the quotes be taken under advisement as there were technical legal issues which he felt he needed to discuss with the Attorney. John Knochel made a motion to take the aforementioned quotes under advisement. Ruth Shedd seconded the motion. The submitted quotes for the waterway and tile placement on the Leader Newton Regulated Drain #115 were taken under advisement.

Performance Bonds

The Surveyor presented Performance Bond #1752908 submitted by Prairie Materials Inc. for Prairie Materials and written by The Hanover Insurance Company in the amount of \$30,000.00 dated November 16, 2006. The Surveyor stated this was for the relocation for a portion of a Branch of the Elliott Ditch just south of the intersection of County Road 350S and County Road 500E. The Surveyor noted the necessary paperwork to do the relocation and reconstruct that portion at their expense had not been submitted to date. John Knochel made a motion to accept Performance Bond #1752908 for Prairie Materials and written by The Hanover Insurance Company in the amount of \$30,000.00 dated November 16, 2006. Ruth Shedd seconded the motion. Performance Bond #1752908 submitted by Prairie Materials Inc. for Prairie Materials and written by The Hanover Insurance Company in the amount of \$30,000.00 dated November 16, 2006 was accepted as presented by the Surveyor.

Buffalo Wild Wings

In response to KD’s inquiry, the Surveyor stated he would not recommend additional parking for Buffalo Wild Wings located on Creasy Lane. The project was presented to the Board on August 2, 2005 and granted an encroachment and reduction of easement for the parking lot. The Surveyor felt as the easement was purchased with tax payer funds; it was not in their best interest to allow the request.

Public Comment

Gary Schroeder appeared before the Board and requested to be included in the design process of the Reconstruction for Branch #11 S.W. Elliott Regulated Drain. He stated the said branch routed through his property.

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

KD Benson, President

John Knochel, Vice President

Brenda Garrison, Secretary

Ruth Shedd, Member

Tippecanoe County Drainage Board
Minutes
January 3, 2007
Regular Meeting

Those present were:

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, Drainage Board Secretary Brenda Garrison and Project Manager Zachariah Beasley were in attendance. Member Ruth Shedd was absent.

Approval of Minutes

John Knochel made a motion to approve the December 6, 2006 Regular Drainage Board Meeting minutes as written. KD Benson seconded the motion. The December 6, 2006 Regular Drainage Board meeting minutes were approved as written.

Election of Officers

Drainage Board Attorney Dave Luhman accepted nominations for 2007 officers of the Tippecanoe County Drainage Board. KD Benson nominated John Knochel as President for 2007. There were no other nominations. John Knochel was elected President of the Drainage Board with no objections. The Attorney then requested a motion for Vice President. John Knochel nominated Ruth Shedd as Vice President. KD Benson seconded the nomination. Ruth Shedd was elected Vice President in absentia. John Knochel made a motion to appoint Brenda Garrison as the 2007 Drainage Board Secretary. KD Benson seconded the motion. Brenda Garrison was appointed Drainage Board Secretary for 2007.

Contracts for the Drainage Board Attorney as well as Engineer Consultant would be presented during the February Meeting.

Concord Plaza Phase One Lots 3A & 3B

Brandon Fulk of Schneider Corporation appeared before the Board to request final approval for Concord Plaza Phase One Lots 3A and 3B. The site consisted of approximately 1.44 acres - known as Outlot 3 and located at the corner of County Road 350 South and County Road 250 East (Concord Road). Outlot 3 was subdivided into two lots (3A and 3B) and would have a new storm system connected to the main storm sewer constructed at the Wal-Mart Super Center site. The runoff would then discharge to a detention facility also constructed at the WalMart site. Brandon stated the detention facility was constructed to the South of the Wal-Mart building as part of the Master Drainage Plan for the overall Subdivision. Stormwater quantity and quality rules were met at that time. He stated Lot 3B would not be developed at this time and they agreed with the conditions listed on the December 22, 2006 Burke memo. He then requested final approval with the stated conditions at that time.

The Surveyor asked which portion of the existing Stormwater sewer system for Wal-Mart location would the Stormwater end up in. Brandon stated; it would run down a private drive to the west side of WalMart and into the detention facility. In response to the Surveyor, Brandon confirmed it would not be located in the portion which contained the relocated Branch of the J.N. Kirkpatrick Regulated Drain. He stated it was Wal-Mart's responsibility to provide any drainage information for the site. In response to KD, Steve stated he knew of one instance where construction was not done as planned. They would monitor this as construction progressed. John Knochel asked for public comment and there was none.

The Surveyor recommended final approval with the conditions as listed on the December 22, 2006 Burke memo. KD Benson made a motion to grant final approval with the conditions as listed on the December 22, 2006 Burke memo. John Knochel seconded the motion. Concord Plaza Phase One Lots 3A & 3B was granted final approval with conditions as stated.

Unity Oncology Expansion/Faith Hope and Love Center

Brandon Fulk with Schneider Engineering appeared before the Board to request final approval for the Unity Oncology Expansion aka Faith Hope and Love project. The 1.5 acre site located on the east side of Creasy Lane (County Road 350 East) south of Amelia Drive and within the City of Lafayette, was known as Lot 2 of the Crosspointe Commercial Subdivision. The medical building would be expanded in order to provide space for additional radiation equipment. The proposed development would require an Encroachment on the Treece Meadows Relief Drain Easement. The existing storm

sewer system would be utilized with a slight modification due to the expansion of the building extending into the Treece Meadows Relief Drain Easement. The site has a direct outlet to said Relief Drain (which is part of the Wilson Branch of the Elliott Drain) and tributary to the Wilson Branch Regional Detention Facility. Brandon stated the existing two lane drive would be maintained, however five existing parking spaces would be removed. He was requesting approval of a Maintenance Agreement regarding the Treece Meadows Relief Drain as well. The agreement was for the maintenance from the top of the bank of the Treece Meadows Relief Drain to the existing concrete swale (vegetation) - from Creasy Lane to Amelia Ave. As development occurred to the south and the east the Relief Drain would be maintained by any future development in that location at that time. He stated a Petition for Encroachment was previously submitted to the Surveyor for review. In addition, a Vacation of a Regulated Drain Easement regarding the location of the proposed building expansion with a five foot buffer beyond the proposed footprint was requested. He then requested final approval with the conditions as stated on the December 21, 2006 Burke memo along with the approval of a Vacation of the Easement, a Maintenance Agreement and Encroachment Petition. Responding to the Surveyor's inquiry, Brandon stated the dumpster and dumpster pad would be removed and relocated to the southwest corner of the existing parking lot. The Attorney stated the requests would require Drainage Board approval only. He noted while the Encroachment allowed for maintenance on the Drain, if any damage occurred to the parking lot during required maintenance, it would be at the owner/developer's expense. John Knochel asked for public comment and there was none. In response to K D's inquiry, the Surveyor stated his office tried to maintain a twenty-three foot strip (particularly on Urban Drains) from top of bank on one side of a drain - at the least - to enable an excavator to perform maintenance work.

Subject to filing of the legal descriptions for the Maintenance Agreement, the appropriate Encroachment Petition, and Vacation Request (to include recording of those documents), the Surveyor recommended final approval along with the conditions as listed on the December 21, 2006 Burke memo. KD Benson made a motion to grant the proposed Maintenance Agreement, Encroachment and Vacation of Easement subject to submittal of their legal descriptions. John Knochel seconded the motion. KD Benson made a motion to grant final approval with conditions as stated in the December 21, 2006 Burke memo. John Knochel seconded the motion. The Unity Oncology Expansion Project aka Faith Hope and Love Center was granted final approval with the conditions as stated.

Campus Suites-Preliminary Approval

Paul Dietz from Vester and Associates appeared before the Board to request preliminary approval of Campus Suites. The site consisted of approximately 19.9 acres located north of U.S. 52 and Paramount Drive and west of Lakeshore Subdivision. The site was south of Hadley Lake Regulated Drain. Approximately 4 acres in the northern portion of the site lied within the floodplain and would remain undisturbed. (The site's drainage plan was divided by the following: PA1= Center of site PA2= the Southwest corner of the site PA3= North portion of the site)

Paul stated the site would have a direct outlet to the Dempsey Baker Drain, an indirect outlet to the Cuppy - McClure Drain and runoff would eventually drain to the Hadley Lake Regulated Drain. A detention storage waiver and treatment exemption was requested. He stated they agreed to the conditions listed on the December 29, 2006 Burke memo. In response to K D's inquiry, Paul stated the proposed pond was a wet-bottom pond. In response to K D's inquiry, the Attorney stated notification to downstream owners was required before final approval was granted. KD expressed concern regarding the parking lot area's runoff. Dave Eichelberger stated a variance was requested for that area.

The Surveyor stated he had discussed the project site with the Board's Engineer Consultant and they were not prepared today to recommend granting a variance or encroachment. He stated at this time preliminary approval was requested only. Dave Eichelberger reiterated a floodplain was associated with the site. Everything the developer was putting in was outside the floodplain. Any wetlands associated with site were located in the northern portion and they were staying out of the wetlands. There was no offsite areas tributary to the site and no downstream capacity issues. Request for the Variances should not be addressed at this time as the design for their proposed filter strips etc. had not been submitted to date for review. John Knochel asked for public comment and there was none.

The Surveyor recommended preliminary approval with the conditions as stated on the December 29, 2006 Burke memo and NOT to grant any variances or encroachments at this time. KD Benson made a motion to grant Preliminary approval only. John Knochel seconded the motion. Campus Suites was granted Preliminary Approval only at this time.

Leader Newton Regulated Drain

Regarding the pending quote acceptance for the Leader Newton Regulated Drain waterway and tile replacement, the Surveyor informed the Board the quote from Lauramie Excavating in the amount of \$57,706.00 was received after the stated

time requirement therefore could not be accepted. A quote from Birge Farm Drainage in the amount of \$74,833.90 was received before the date and time requirement.

Therefore after tabulation and review he recommended the Board accept Birge Farm Drainage's quote in the amount of \$74,833.90 for the Leader Newton Regulated Drain waterway and tile replacement. KD Benson made a motion to accept the quote submitted by Birge Farm Drainage in the amount of \$74,833.90. John Knochel seconded the motion. Birge Farm Drainage quote of \$74,833.90 for the Leader Newton Regulated Drain waterway and tile replacement was accepted by the Board.

Public Comment

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

John Knochel, President

Ruth Shedd, Vice President

Brenda Garrison, Secretary

KD Benson, Member

Tippecanoe County Drainage Board

Minutes

April 1, 2009

Regular Meeting

Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Steve Benagh from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

Approval of Minutes

David Byers made a motion to approve the March 4, 2009 Regular Drainage Board minutes as written. John Knochel seconded the motion. The March 4, 2009 Drainage Board meeting minutes were approved as written.

Cherry Creek Estates

Paul Dietz from Vester & Assoc. appeared before the Board to request final approval for the Cherry Creek Estates Subdivision. The 29.6 wooded site consisted of eleven lots located on the south side of Co. Rd. 650N east of Co. Rd. 50W. A substantial portion of the site (approx. twenty acres) was within the Burnett Creek Basin, largely wetlands and floodplain. Paul stated the project was originally planned as a later phase of the Harrison Highlands project. This project's compensatory storage was previously included in the design of the detention facility located along Co. Rd. 600N. Regarding the treatment requirement, they have designed two swales; one at the bend and one at the end of the cul-de-sac. A rock check dam was designed at the end of each swale. In addition, two check dams were located along the road. The entire area located in floodplain/wetland which ran along Burnett's Creek would be protected as a conservation area. A small portion to the east boundary would also be protected. At that time he stated they agreed to the final conditions as stated on the March 26, 2009 Burke memo and requested final approval. Responding to Tom Murtaugh's inquiry, Paul stated the runoff of the property would be a direct release to Burnett's Creek. Responding to David Byers inquiry, Steve stated the Health Department would review all individual lot septic plans as submitted. The Surveyor noted he had two additional conditions. One - provide the information for a review of the proposed septic field locations. This could be done at the time of individual site plans were submitted for permits. His concern was the ability to meet the covenants regarding tree coverage and removal of trees. The second condition was- required additional photos of downstream and the location where the Creek returns back into the project site. The intent was to document the increased runoff was a nominal amount. (The photos should be taken along the eastern boundary) Proof of notification to downstream owners was required as well. There was no public comment.

The Surveyor then recommended final approval with the conditions as stated on the March 26, 2009 Burke memo with the addition of the required additional photos and documentation of location of septic field placements. David Byers made a motion to grant final approval with the conditions as stated on the March 26, 2009 Burke Memo to include the addition of the required additional photos and documentation of location of septic fields. John Knochel seconded the motion. To clarify, the Surveyor stated the required documentation of septic field location could be submitted at the time the conditions were met or with the individual lot site reviews. Cherry Creek Estates Subdivision was granted final approval with the conditions listed on the March 26, 2009 Burke memo including the added conditions of the required additional photos and the documentation of septic field locations.

Felbaum Main Branch and Branch #8 Vacation and Relocation Petitions (Previously combined with Berlowitz Regulated drain fund)

The Surveyor stated a Petition for Vacation and Relocation of a portion of the Felbaum Regulated Drain and Branch 8 of the Felbaum Regulated Drain was submitted to his office for acceptance by the Board. The Felbaum Regulated Drain was previously combined with the Berlowitz Regulated Drain and its maintenance fund. Attorney Dan Teder approached the Board and stated the site was located west of Co. Rd. 550E and north of Co. Rd. 100S (McCarty Lane) and east of I65. He then referred to the drawing (Exhibit B attached to the Petition) for the Board. In addition to the drawing of the relocation, the affected landowner's deeds were included as Exhibit C and D and would be recorded with the Petition as well. He then asked for acceptance of the Petition as submitted to the Board. The Surveyor stated at the SE corner of Co. Rd. 550E a pond was constructed last spring called the hammer head pond. The tile had to be rerouted which in turn caused the branch in question to be inactive and did not serve any other property. A swale was extended to along I65 to catch runoff from McCarty Lane

Bridge on the north side. The Surveyor noted the improvements were part of the Berlowitz Regional Detention Facility. The relocation of the tile was planned however the swale issue arose during the construction of the project. The surface outlet (swale) was required due to the runoff of I65 and runoff on the north side of the McCarty Lane Overpass. David Byers made a motion to approve the vacation for the Petition for Vacation and Relocation of a portion of the Felbaum Regulated Drain and Branch 8 of the Felbaum Regulated Drain under the proposed easement with the deeds attached. John Knochel seconded the motion. The Vacation and Relocation of a portion of the Felbaum Regulated Drain and Branch 8 of the Felbaum Regulated Drain under the proposed easement with the deeds attached was accepted by the Board.

2009 Regulated Drain Status List

The Surveyor presented the 2009 Regulated Drain Status list to the Board. He explained to the Board every year the Surveyor's office notifies the Auditor's office which drains were active or inactive for the calendar year. The County with the most acreage controlled the maintenance fund and maintenance of the joint drain. He noted the adjoining Counties had notified his office drain status. He recommended the Board approve and accept the 2009 Drain Status list as submitted. David Byers made a motion to approve and accept the 2009 Drain Status list as submitted. John Knochel seconded the motion. The 2009 Regulated Drain Status was approved as submitted. (A copy of the list would be added to the Official Minutes Book as an addendum to the April minutes)

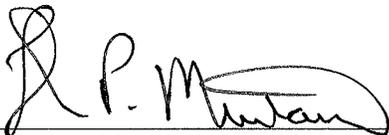
Public Comment

Tom Devault 12705 South 475 West Romney Indiana approached the Board to discuss the Leader Newton Regulated Drain Reconstruction. David Byers stated he had spoke with the Surveyor after the Board had made a site visit regarding a complaint Mr. Devault had raised. David Byers stated he had a couple of questions regarding the situation. He began "I guess farmer to farmer knowing this was a young ditch - I know Tom probably brought it up it- looks like you continue to run through the waterway and it basically needs to get established before you can really run through it" Devault stated "I would like to see the banks seeded now, cause man this is a good time to get it done" Byers: "So you think we need to seed it I mean you can see where the chemical kill has basically hurt the grass" Devault: "There wasn't any seed ever put up there" Where it's green that is as far as they went up on the bank when he seeded it. Cause he said he had more work to do on the edges of it, he never-this thing all blowed up and that is as far as it's gotten." Byers:"ok" The Surveyor stated to the Board "You've been there and you have the pictures, there was seed up to the top of bank" Devault:"No there wasn't" Surveyor:"Look at the pictures that is from last fall" Byers: "That's basically showing cutting through" Devault: Interrupting and pointing to a photograph "Cutoff right in here wasn't seeded and that is where it is starting to gully back into my field. This wasn't done" Byers: "OK- you can see that part. You can see it being a new waterway and driving through it when you know it needs to be self established. You definitely know you need grass up there to stop the erosion part" Devault:" The edge is far as he went, he just went and wallered around, he said well I got to face the banks 'cause the banks need to be cut back." Byers:"ok so" Devault interrupted:" I need a crossing down there. It's not going to get any better" Byers continued: " Well we talked about the crossing at the same point are you still going to look at farming through there or continue to cut through there?" Devault interrupted:" That should have been followed up on" Byers continued: " I mean if we can get the crossing back in there will that stop you from chiseling and driving right through it for now at least until it is established?" Devault interrupted:" Yeah there wasn't any grass there anyway." Tom Murtaugh continue to say" So if we can get that crossing done you would not need to be in the waterway" Devault:" Oh no I wouldn't want to be in it anyway" "I'll even come back, I'll dress that up if you get somebody down there to seed it" The Surveyor stated "I've already contacted two contractors to look at really more of it than just his area that needs reseeded, but my main concern is whether or not he continues to drive through the waterway as opposed to farming parallel to the top of bank. We can take care of it and if we're going to seed other spots reseeding what he worked up this spring is a nominal amount, I don't mind doing that. Every time we seeded it, it hasn't been optimum conditions, the last time or time before last they got a one inch and three quarters of rain in an hour. Mother Nature has not been kind to us on this one. I did find out and double checked they are considering putting in a crossing on the Leader Group property as part of the NRCS Waterway. They ran out of money last year evidently, but they have some potentially this year- so if we do put in a crossing on Mr. Devault's property it would probably behoove us price wise to do both at the same time and hopefully build them both to the same specifications and standards. The other concern is that we have enough cover over the tile at that location but if we don't there is stuff we can do to take care of that. We can replace it with smooth core heavy duty just underneath the crossing but like I said we fault Mother Nature on this, you guys were out there last week, I was out earlier in the week even the straw blanket on the NRCS part has rolled up and needs attention as well. So what we need to do is get it seeded and the optimum seeding season which is a window in the spring and fall. As I said I talked to two contractors this last week the contractor that did the original tile work and waterway as well as Tom Osborn to see if either of them would be able to go out and do some reseeding. I don't know when I'm going to have an answer on the NRCS waterway crossing on the Leader Group property." Devault:"You going to come back in there and feather that dirt on back" Surveyor: "Which dirt would that be?" Devault; "Where he stood the water up on my crops" Byers: "Where about you talking Tom?" Devault:" Over there where the culvert was, they put the rock in, there is a

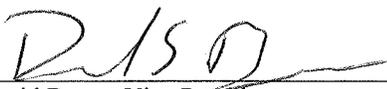
pond that they created out there and in that corner there is some other spots going back through there.” Looking at the photo Devault stated;” Right here along the road, that dark spot there- that’s where it drowned out” Byers: “I guess we did not see that spot then” The Surveyor stated he was not aware it was doing that. Devault stated” He pushed the dirt out there and he never feathered it, he never feathered along there and that is where you are getting them gulleys in field. Hell the water’s going to channel someplace when it gets so full.” Surveyor:” When looking at the waterway there is other places it’s done that too besides your property, I mean until you get them stabilized.” Devault interrupted:” I’m not saying about stabilizing the banks, I’m saying when he pushed the dirt out there he didn’t feather it far enough.” Surveyor:”I’ll take a look at that” Devault:” Hell we’re getting ready to put another crop in.” The Surveyor asked Mr. Devault if there were any other spots. Devault stated” there was two or three of them you know where water stood on them.” Byers: Basically any time you change...” Devault interrupted” But you know I’m the guy that’s out the money on that.” Tom Murtaugh tried to ask the Surveyor a question “Steve is...” Devault interrupted saying” Boy I tell you this ditch when you started this thing it’s been a damn mess you called it phasing, when are we going to phase it on down to the head wall?” Surveyor:”As soon as NRCS gets back with us about how much of the waterway on the Shaw property that their going to participate in. We have been waiting for an answer for over a year on that-so...” Devault:”Hell to me this project shouldn’t even got started until everything was...” The Surveyor responded “I contacted the farm manager and the tenant on that and made them aware that we were doing this phase and that for a period of time roughly a year to two or three years they were going to get more water, so they were advised. They are also aware we need an answer from NRCS as to how much their going to do on the Shaw property, I talked to Dick Shoemaker and until they give us an answer we can’t move forward. We have every intention of doing that, as that was part of the overall plan.” Tom Murtaugh:” Steve...” Devault interrupted” Well you know my problem is so.” Tom continued “ Steve did you say there is no time frame on when their going to put that other crossing in?” Surveyor” As of last year they weren’t going to do it, because they ran out of money. I checked with Mr. Birge two days ago to confirm because Mr. Goings had said that he thought they were still going to pay for a crossing which was contrary to what I heard at the end of last year. So I called Darrel and Darrel said yes Montgomery County NRCS and FSA are looking at paying for a crossing on the Leader Group property. When they’ll have an answer, I don’t know.” Tom Murtaugh:” Well because we probably...” Devault interrupted: “I don’t even qualify for that.” Surveyor:” No you don’t. We’ll have to put it in out of the maintenance money.” Tom continued:’ If they don’t do that until the end of the season, that causes further damage on this, in other words I think we would want to do his crossing as soon as possible.” Surveyor:” We would, as I said we would get a cheaper price if we do both at same time. I will try to get an answer as fast as I can, but it’s in Montgomery County hands.” Devault:”I’m not that hurry to get a crossing, what pisses me off is he pushed that dirt out there and he knowed he run out of money and by God he packed up and left. Here I’m stuck with that. Hell I’ve picked up rocks out there, that’s been terrible.” David Byers:” Well anytime you move dirt, you’re going to get that, you know that.” Devault:” I know that, but I know them guys that ran the bulldozers out there what they was doing, they was making damn sure they got them covered up and they didn’t have to pick ‘em up.” David Byers:” Theoretically Steve we got 150 feet -what we’re supposed to have? ” Surveyor responded” yes.” Byers continued” This, is about fifty, so we could bring the grass considerably out then right?” Surveyor:” That would be my preference to get outside the bank a little so he’s not farming right up to the edge of top of bank, so we got a little bit of filter strip basically.” Devault:” You got to get up so you can hold it.” David Byers:” That’s what I’m saying, because the other day you could see where you’ve worked, you worked right along the edge of it. So by the time we bring...” Devault interrupted:” Hell that was washed down through there, there wasn’t any grass.” Surveyor:”Also when you chiseled, you went down through it and crossed it, correct?” Devault:” Well you know why, ‘cause he left that edge on there and hell that’s when I raised the chisel up that’s when I dropped off. That’s what’s done that. Hell the chisel dug in.” Surveyor:” But you said you didn’t need to go through it, why did you go through it last fall?” Devault:” Had to get across it. You know I’ve been up here I don’t know how many times over this damn ditch, I shouldn’t even have to come once. You know something I’m getting a little pissed off.” Surveyor:” Well your entitled I guess, but this hasn’t been an easy project for us either. That had to be reworked five times and it...” Devault interrupted:”I know but you look what you left me.” Surveyor:” I don’t think it’s in the overall scheme terrible....Devault interrupted:” You know that crops out there ain’t nothing out of your damn pocket.” Surveyor responded:” Well, no.” Devault interrupted:” Well I tell ya what you guys make a decision and call me, if (inaudible word) pay for I don’t know... When I come back, I’ll have a lawyer.” Surveyor:” You’re entitled to that.” Devault:” They make them every day.” Tom Murtaugh:” If we do the crossing ok, does that meet your immediate need? I mean it seems to me like that needs to be done ASAP...” Devault:” So does the banks.” Murtaugh:”O.K.” Devault:”You’re gonna have to wait to feather that dirt out, cause hell I’m getting ready to put a crop out. I don’t want them out there and I’m gonna re- fertilize that.” Tom Murtaugh:” OK, if we put the crossing in and we reseed this up through here, you know you’ll back off on farming and do it parallel and so on and so forth. Obviously not have to drive in this whatsoever, so to protect this until it gets set.” Devault:” Yeah.” Murtaugh:” I mean to me that seems like the answer.” David Byers said:” Right I agree with you. As the same point as Steve’s basically saying and I’m agreeing with you to a point Tom, I mean we can’t keep driving through it when it is trying to get established. I spent \$30,000.00 my own money for a waterway on my property.” Devault:” I even said I was going to pay for it myself until I get a thing in the mail and I thought the hell with it the rest of them are getting.” Byers:” When I did my own waterways I spent \$30,000.00 my own pocket in them but I stayed out of them until they were extremely established and that’s what I did. That is basically what Steve is saying here if we get

the crossing in and this grass comes up, can you stay out of it at least until it is good and established?" Devault:" I'll stay out if it will help, you know the project was started and not finished, mine should have been done." Byers:" Because end rows you know you have to run the opposite direction that is what I do. Follow the planter this way, follow the planter that way. Unfortunately it becomes two separate fields in a roundabout way, but once it's established then ... "Devault interrupted: "Better get up there and get it flagged and let's get that done, hell that's a mess for me." Byers continued:" Anytime you move dirt I mean I got a wet spot in my field and that's been fifteen years." Devault:" They pushed it out themselves." Byers:" Same here and they had panders I mean they had come through and it wasn't bulldozers it was guys picking up dirt and moving on." Devault:" By God Birge was there and he knowed there was a pond there and he said he'd take care of that and the money run out and he left." Surveyor stated:" The money didn't run out, it ran over. "Byers:" Soil and Water has that drill and it won't take much to run." Surveyor:" No and that is what their looking at, using either Montgomery County or Tippecanoe County's S.W.C.D.'s drill." Byers:" Drop that drill and start running back and forth, flag it back and forth so you know how far out they went and go that direction." Tom Murtaugh:" You lost me there." Byers:" Soil and Water has a no till drill that works and does grass seed and everything else. You just hook on to it and take off and start going back and forth and back and forth until you have the spots out." Surveyor:" That's exactly what we've talked about using." Byers:" Need to flag it so he knows exactly how far out he needs to get up to what it's gonna be and hope that Mother Nature will let the stuff grow. Now might be the best time to go out there and let's get it flagged, so when you got the planter running you know alright I'm coming up to here and they can still go in and run the seed. You can come in off the side and run your seed or whatever." Surveyor:" So will you stay back enough to give us some room to seed?" Devault:" Yeah, cause all I'm wanting is to get it done." Surveyor:" It was reseeded at least three if not four times." Byers:" Well you said Mother Nature's hit it." Devault:" Yeah well he's reseeded on down the line, he's only reseeded mine once, and then the straw all went down the other end." Byers:" But laying flags out through there, we'll know how far it needs to be seeded and you will know how far to get close and then we can get the drill in there -even if it's in May when you get the grass in. I mean alfalfa seed -now is the time to put it in. April 10th is the date supposedly. That's usually the day to seed." Surveyor:" There is a seeding season." Byers:" Yes, 100th day of the year is when your suppose to start. " Surveyor:" I've actually gone as so far as to ask Tom Osborn to take a look at what it would take to put a crossing in there on your property, since he was already down there working in your area. He hasn't got back to me yet, but that was just a couple days ago." Tom Murtaugh:" Do we have any further questions or do we need a motion?" The Attorney stated:" I don't think it takes any formal action, you already know what you got to do. The Surveyor's got the project and it's a matter of arranging for the reseeding, arranging for the crossing." Tom Murtaugh:" O.K." Attorney:" He has already asked for an estimate on the crossing, so you've done all you can do at this point. He's just waiting on a response from the contractor." Tom Murtaugh:"O. K." Devault:"Thank You."

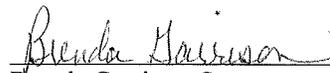
As there was no other public comment David Byers moved to adjourned. The meeting was adjourned.



Thomas Murtaugh, President



David Byers, Vice President



Brenda Garrison, Secretary



John Knochel, Member

Tippecanoe County Drainage Board
Minutes
May 6, 2009
Regular Meeting

Those present were:

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

Approval of Minutes

Dave Byers made a motion to approve the April 1, 2009 Regular Drainage Board minutes as written. John Knochel seconded the motion. The April 1, 2009 Drainage Board meeting minutes were approved as written.

**Ivy Tech South Parking Lot and
Petition to Encroach on the S.W. Elliott Regulated Drain Easement**

The Surveyor stated this project submittal to the Board was an atypical situation. Based on the IDEM permit for Rule 13 and the Phase II Interlocal Agreement, Ivy Tech is a designated entity (one of the seven). They are- per the terms of the permit and the terms of the Interlocal Agreement-required to review and sign-off on any of their new projects located on their campus comply with our Stormwater Ordinance. We have the same arrangement or understanding with Purdue University. They are within the City of Lafayette, but neither the City of Lafayette nor Tippecanoe County review their new developments. The only reason this is being reviewed today is due to discharge to S.W. Elliott Ditch and due to the Encroachment on Easement request.

Kyle Betz from Fishers and Associates appeared before the Board to request final approval for the Ivy Tech Community College South Parking Lot. He stated the parking lot would cover approximately 80-85% of the project site and constructed southeast of the U.S. 52 and Brady Lane intersection and located within the City limits of Lafayette. Storm infrastructure would direct the majority of the site's runoff to a dry detention pond at the northwest corner of the site. The outlet pipe of said pond would discharge to a roadside ditch along the south side of Brady Lane then into an existing culvert which terminated at the south bank of the S.W. Elliott Regulated Drain. A portion of said lot would drain south then cross Ross Road at the east side of site and discharge to the S.W. Elliott Regulated Drain. The Surveyor stated for the record the drainage calculation quantities were checked* and the release rate was in compliance with the drainage ordinance. *Dave Eichelberger confirmed. He asked for final approval by the Board. There was no public comment. The Surveyor recommended final approval with the conditions as stated on the April 29, 2009 Burke memo with the addition of use of class one rip rap instead of revetment rip rap. He felt this would be less susceptible to scour and the velocity from the channel. Also a portion of the project site would encroach approximately 49 feet into the S.W. Elliott Regulated Drain Easement. David Byers made a motion to approve the Ivy Tech South Parking Lot with the conditions as stated on the April 29, 2009 Burke memo with the added condition of use of class one rip rap instead of revetment rip rap. John Knochel seconded the motion. The Ivy Tech Community College South Parking Lot was approved with conditions as stated. David Byers then made a motion to accept the Petition to Encroach on a Regulated Drain Easement regarding the S.W. Elliott Regulated Drain dated April 30, 2009 and submitted by Ivy Tech Community College. John Knochel seconded the motion. The Petition to Encroach on the S.W. Elliott Regulated Drain dated April 30, 2009 received from Ivy Tech Community College regarding the South Parking Lot addition was accepted by the Board.

Other Business

Petition to Encroach S.W. Elliott Regulated Drain/Michael Teninty

The Surveyor presented a Petition to Encroach on the S.W. Elliott Regulated Drain Easement submitted to his office by Michael Teninty 2009 Summertime Trail Lafayette Indiana (Parcel #160164000117) for Board acceptance. He stated the landowner requested to place a fence along the north bank of the S.W. Elliott Ditch. He recommended the Board accept the Petition and noted he had requested the landowner to keep the fence roughly 10 feet from top of bank so there would be room to walk. Beavers have been removed from that area of the stream as they had been burrowing in the bank. Future maintenance would be done from the south bank which was clear and had better accessibility to the ditch. David Byers made

the motion to accept the Petition to Encroach on a Regulated Drain Easement regarding the S.W. Elliott Regulated Drain dated April 8, 2009 submitted by Michael Teninty. John Knochel seconded the motion. The Petition to Encroach on a Regulated Drain Easement regarding the S.W. Elliott Regulated Drain dated April 8, 2009 submitted by Michael Teninty was approved as presented.

Bonds

Orchard Phase 3 Section 1 and Faith Baptist Church- Vision of Hope Extension

The Surveyor presented the following bonds for acceptance by the Board; Maintenance Bond #1901419 from Hanover Insurance submitted by Atlas Excavating for The Orchard Phase 3 Section 1 Subdivision in the amount of \$9713.00 and Maintenance Bond #5034848 from Bond Safeguard Insurance submitted by Faith Baptist Church for the Vision of Hope Extension in the amount of \$6500.00. David Byers made a motion to accept the bonds as presented by the Surveyor. John Knochel seconded the motion. The Maintenance Bond #1901419 submitted by Atlas Excavating for The Orchard Phase 3 Section 1 Subdivision in the amount of \$9713.00 and Maintenance Bond #5034848 submitted by Faith Baptist Church for the Vision of Hope Extension in the amount of \$6500.00 were accepted by the Board.

Public Comment

There was no public comment.

The Surveyor read a letter he addressed to Thomas and Sandra Devault, 12705 South 475 West Romney Indiana, into the record as follows: Dear Mr. & Mrs. Devault- As directed by the Tippecanoe County Drainage Board we have flagged the original top of bank of the Leader Newton Waterway and also flagged a distance of ten feet from the top of bank on both sides of the waterway. In exchange for the installation of a stone farm crossing through the waterway adjacent to your west property line the Drainage Board will require your commitment to not till, spray or damage in any way the area proposed to be seeded or to damage or drive through the existing waterway except at the proposed farm crossing. Once seeded, any damage by you or anyone working for you to the proposed new seeding or the seeded area on the existing waterway will be repaired by the Drainage Board and the cost of any repairs will be back charged to you. Also, I talked to a NRCS representative last week and they are in the process of final approval of a farm crossing on the Leader Newton waterway on the Leader Group property. I should be receiving plans for that crossing early this week and it is our intent to install the same type of crossing on your property as soon as they complete the crossing on the Leader Group property. If you accept the terms of this letter and wish to have a crossing installed please sign below where indicated and return the signed letter to our office. If you have any questions, please call. Sincerely/Stephen L. Murray/Tippecanoe County Surveyor.

He stated his office received the letter back signed by both Thomas and Sandra Devault with a thank you note attached to it. Since it arrived, he has received a copy of the cross section and design of the Leader Group Farm Crossing and will move forward to install the same type on the Devault property as stated in the letter. As there were no more comments, questions, Dave Byers made a motion to adjourn.

Thomas Murtaugh, President

David Byers, Vice President

Brenda Garrison, Secretary

John Knochel, Member

Tippecanoe County Drainage Board
January 9, 2013
Regular Meeting Minutes

Those present were:

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

Election of Officers

Dave Luhman Attorney for the Board requested motions for President and Vice President of the Drainage Board for the 2013 calendar year. David Byers made a motion to appoint Thomas Murtaugh as President of the Drainage Board for the 2013 calendar year. John Knochel seconded the motion. Thomas Murtaugh made a motion to appoint David Byers as Vice President of the Drainage Board for the calendar year 2013. John Knochel seconded the motion. Thomas Murtaugh was appointed 2013 Drainage Board President. David Byers was appointed 2013 Drainage Board Vice President. There were no comments.

Appointment of Executive Secretary

The Attorney requested nominations for the 2013 Drainage Board Executive Secretary. David Byers nominated Brenda Garrison as the 2013 Drainage Board Secretary. John Knochel seconded the motion. Brenda Garrison was appointed the 2013 Drainage Board Secretary.

Approval of Minutes

David Byers made a motion to approve the December 5, 2012 regular minutes as written. John Knochel seconded the motion. The December 5, 2012 regular meeting minutes were approved as written.

John McFarland #51 Regulated Drain Maintenance Contract

The Attorney stated there were 6 Bids received on the John McFarland Regulated Drain #51 Maintenance Contract. He read the following: Garriott Excavating -\$8009.50; Rick Sutton- \$11,835.55; Dwenger Excavating- \$18,625.10; MCR Excavating Inc. - \$54,210.30; Fairfield Contractors Inc.-\$15,097.00; Lauramie Exc. Inc.- \$8522.00. John Knochel made a motion to take under advisement and review for compliance to the contract requirements. David Byers seconded the motion. The Bids were to be taken under advisement and reviewed. Tom Murtaugh thanked all those that submitted bids on this project.

2013 Professional Engineering Services Contract

The Surveyor recommended the approval of the 2013 Professional Engineering Services contract presented by Christopher B. Burke Engineering LLC. Mr. Eichelberger of Christopher B. Burke Engineering noted the hourly rates were unchanged from last year. David Byers made a motion to approve the 2013 Christopher B. Burke Engineering Services for the calendar year of 2013. John Knochel seconded the motion. The 2013 Christopher B. Burke Professional Engineering Services contract was approved as presented.

2013 Legal Services Contract

David Byers made a motion to approve the 2013 Legal Services Contract submitted by Hoffman, Luhman and Masson PC. John Knochel seconded the motion. The 2013 Hoffman Luhman Masson PC Legal Services Contract with the Drainage Board was approved.

S.W. Elliott Regulated Drain #100 Gaging Station Review

The Surveyor thanked the notified landowners who chose to attend (John Gambs, Lou Perdue,- Ivy Tech, Loren Schroeder, Gary Schroeder, Jim Shook) as well as the representatives from D.N.R. – Dave Knipe and U.S. G.S. – Scott Morlock, for today's review. He reviewed the history of the Gaging Station. He stated the reason for the review today was to make a decision on future funding of the station. He noted the County had been paying 100% of the gaging station fees for the last five years and that total

areas in the undeveloped areas of the watershed would not be considered. The historical studies would not be considered by DNR due to the fact the study's included areas not considered by DNR.

Mr. Murtaugh thanked David Knipe for opening the line of communication up between DNR and the Drainage Board /Surveyor. Historically it had been difficult to get responses from DNR on this issue. Responding to Mr. Jim Shook landowner, Mr. Byers stated basically in the spring of 2013 the DNR study would be complete. At that time it would be presented to the Board and landowners. It would be from that point approximately 1 year to 18 months before the process of revising the FEMA maps would be completed. During that process, the landowners would have numerous opportunities to give their opinions. Mr. Knipe stated the DNR study would start at the mouth of the ditch up to SR 38- the entire stretch. Mr. Knipe noted with F-Lake and Wilson Branch Reservoir being considered in the current study, he was confident to say it would change the previous information. However he could not positively say what the change would be until he actually saw the numbers. The Board thanked Mr. Knipe for his time today.

The Surveyor gave an overview of the streamgage cost to the Board and attendees. Initial installation cost of the gage to the County installed in 2008 was \$12,000.00, in 2009 and 2010 it was \$8400.00 each year, 2011 it was \$8750.00 and 2012 it was \$9000.00 for a total 5 year cost to the County to date of \$46,550.00. He reviewed the history and intent of the previous Surveyor and Board. It did not appear from discussions at that time -it was their intent to fund the project from here to eternity. Mr. Murray, previous Surveyor had Mr. Eichelberger provide him with a draft cost share amount for affected landowners. Responding to Mr. Knochel, Mr. Gambs confirmed there was discussion with the previous Surveyor on what the shared cost for each landowner could be. Mr. Knochel suggested the landowners present today review the cost share information and resume the conversation at the February meeting. Mr. Murtaugh stated the ditch was an important component for the community. When considering the overall cost of drainage, the cost for this project was relatively inexpensive. As a property owner affected, he stated the County should continue to fund in 2013 and 2014. At that point the Board should revisit the project cost and effectiveness. Mr. Gambs stated \$20,000.00 was spent by the landowners for a study that has not helped them already. Mr. Morlock stated USGS funding runs from Oct. to Sept. and explained the billing process to the Board. No comment was made by Lou Perdue Ivy Tech representative in attendance. The landowners would be notified prior to the meeting in the spring when DNR would present the data. The landowners thanked the Board for this information and working diligently to remedy the issues at hand. The Surveyor stated a decision did not need to be made today on the funding as the Board may want to wait. He would provide the cost share notes from the previous Surveyor to those landowners affected. No comment was made by Lou Perdue Ivy Tech representative in attendance. The gaging station funding would be reviewed at a later date.

Other Business

Responding to the Surveyor, Mr. Knochel made a motion to accept the contract bid for the John McFarland Regulated Drain #51 maintenance received from Fairfield Contractors in the amount of \$15,097.00. This was based on the fact three of the other bidders failed to submit the proper forms for the bid. The Attorney stated he reviewed all submissions. The Request for Quotes required submission of financial statements and experience questionnaires. Three of the bidders did submit those, the remaining did not. The lowest bidder that submitted all the required items in the Request for Quotes was Fairfield Contractors. Mr. Byers stated "we are trying to save money and it is a \$7000 difference... if we don't get a second to the motion on the table, can the bids be rejected and the project rebid?" The attorney stated yes as the Board specifically reserved the right to reject any and all bids and rebid the project for any reason. He further stated, the bid amounts show a tremendous difference between the low and high bids which could indicate confusion among the bidders. The Surveyor stated rejecting bids today would not affect the timeline for the project. He agreed with Mr. Byers as the bid was approximately \$6000-\$7000 above what he estimated for the project. Also there was not a huge amount of money in the drain's maintenance fund. The motion died for lack of second. David Byers made a motion to reject all bids. Tom Murtaugh seconded the motion. The motion passed 2 to 1 with John Knochel voting no. The John McFarland Regulated Drain #51 Maintenance Bids were rejected by the Board. The project would be rebid and submitted again at the February meeting of the Board.

Letter of Credit

The Surveyor presented an Irrevocable Letter of Credit #50440-32 written by Lafayette Community Bank in the amount of \$10,000 for the Winding Creek Section 6 Subdivision submitted by Tippecanoe Development LLC. This was to cover some issues which were left hanging due to weather conditions. He recommended approval. David Byers made a motion to accept the Irrevocable Letter of Credit #50440-32 written by Lafayette Community Bank in the amount of \$10,000 for the Winding Creek Section 6 Subdivision submitted by Tippecanoe Development LLC. John Knochel seconded the motion. Irrevocable Letter of Credit #50440-32 written by Lafayette Community Bank in the amount of \$10,000 for the Winding Creek Section 6 Subdivision submitted by Tippecanoe Development LLC was accepted as presented.

amount was approaching \$50,000.00. He stated he wanted the landowners to be aware of the station and the reasoning behind it and its future use. He referred to U.S.G.S. representative Scott Morlock to present a Power Point on the S.W. Elliott Regulated Drain Gaging Station.

Scott Morlock Deputy Director of United States Geological Survey / Division of Water appeared before the Board. Mr. Morlock started the presentation by thanking the Board for the invitation to speak. He gave a background on U.S.G.S. and explained financing for the Agency. He noted the Agency was not a regulatory agency instead they were a science agency which provided information not regulations. The information gathered by the stations is utilized by D.N.R. and engineers across the state. There are presently approximately 200 gaging stations across the state of Indiana and approximately 8000 nationwide. The gages are a subset for an entire network for Indiana. The network included but is not limited to 66 rainfall sites, 23 lake/reservoir gages and 37 groundwater observation wells, etc. A stream gage is a structure on the bank of the river/stream which measures water level also known as "stage or gage height". The gage also provides "Volumetric" stream flow. (discharge in cfs). The information gathered is also used for bridge design planning, water supply studies, weather service forecasting, floodplain mapping and agricultural operations. An onsite visit is conducted approximately every other month and half of each year. The data collected by the gage is transmitted hourly to a satellite network not impacted by storms etc. He stated they measure the water level to an accuracy of 200^{ths} of a foot. Gages also give authorities an advanced warning of a flood. Property damage due to flooding has shown to be reduced approximately 27% when gages are utilized. There are some gages that have been in use for one hundred years in Indiana. Annual funding is approximately \$13,000.00 yearly. The money finances site inspections, instruments, technical staff, govt. provided insurance and provides 35,000 data points per parameter- all quality assured to national standards and unbiased peer reviewed. USGS matches the funds from each entity at approximately 44.50 %. Two federal agencies, 3 state agencies, 9 counties, 10 cities, 3 river basin commissions, 11 private firms, 1 NGO, 1 University and 1 airport authority fund the Statewide Network. He noted Indiana is one of the lowest cost gage station states in the country. The stream gage data is available at real time seven days a week 365 days a year. Links to online access to the data was given to the attendees and listed in the PowerPoint presentation. He explained a free service online which can be accessed to follow the data you prefer to follow and provided the address as: <http://water.usgs.gov/wateralert>. Responding to Mr. Knochel's inquiry, Mr. Morlock stated the USGS is working closely with Purdue University regarding the Wabash River Gage Station's data collected for use within a study on floodplains. He felt this would provide more accurate floodplain mapping in the future. He thanked the Board for their time to review the S.W. Elliott Regulated Drain #100 streamgage information and opened the floor for questions from the attendees. No comments were made at that time. His contact information is smorlock@usgs.gov / 317-600-2753. The Surveyor thanked him for his presentation of the streamgage.

Dave Knipe of D.N.R. (Department of Natural Resources) Division of Water, Engineering Section Manager, appeared before the Board to discuss the DNR's position. Mr. Knipe addressed the Board and landowners present. He began by reviewing the history between DNR and the county relating to the S.W. Elliott Regulated Drain and current flood elevation data. Recently a grant was obtained by DNR which in part will be used for a DNR hydraulic study on the S.W. Elliott Regulated Drain throughout the stretch of the ditch in Lafayette. (A contract is presently pending for a revised study of the hydraulics of SW Elliott drain.) Surveys (for the planned study) of all the bridges which cross the stream had been completed. In the process of this DNR has reviewed historical hydrology studies completed for this watershed. DNR has set up their own model using information in the studies and are currently looking at those calibrations. He noted it is at this stage when the gaging station data is pertinent. Since there has not been a large rainfall event in the last five years not a great deal of data was available for use. He stated he felt in the spring (April or May possibly) of 2013 they should have completed the revised SW Elliott Drain Hydraulic Study. It is at this point that the process for revisions of the current FEMA mapping would begin. Prior to going to FEMA and working the mapping out, Mr. Knipe would revisit the Drainage Board and provide the information collected in the study. Any areas of concern can be discussed at that time. Any changes required could be made prior to working with FEMA on revisions to their maps. Mr. John Gambbs landowner thanked him for coming and speaking to them. He noted Mr. Knipe was the first DNR representative in 15 years to speak directly with them about this issue. He stated he had been trying to receive a response from DNR concerning the inaccurate FEMA Mapping for this watershed area for twenty years. He stated there is no way the County would have placed the Highway Garage Salt Storage within a floodplain if it indeed was the case. The current maps were based on a historical letter from the 1970's which no one seems to know where it originated. Human experience has shown the area has never flooded. Even the oldest residents cannot remember any flooding of that area. At present the salt storage at the county highway garage site is located within the floodplain according to the FEMA maps. Mr. Gambbs continued he felt one of the problems with DNR was they have not considered the dedicated storage ponds and the natural depressional areas within the watershed. He asked Mr. Knipe the following "while doing the current study will DNR take into consideration those areas of detention within the watershed?" Mr. Knipe stated there are specific criteria that detention ponds must meet to be considered. Most of the smaller depressional areas do not meet the criteria. F-Lake and Wilson Branch Detention Ponds (largest detention areas) data would be considered. Mr. Eichelberger reiterated F-Lake and Wilson Branch data would be considered, however the smaller ponds and the depressional

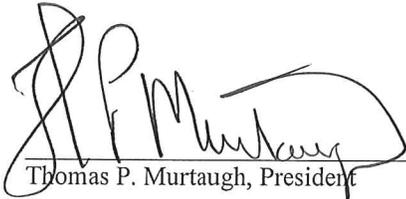
Section 6 Subdivision submitted by Tippecanoe Development LLC. John Knochel seconded the motion. Irrevocable Letter of Credit #50440-32 written by Lafayette Community Bank in the amount of \$10,000 for the Winding Creek Section 6 Subdivision submitted by Tippecanoe Development LLC was accepted as presented.

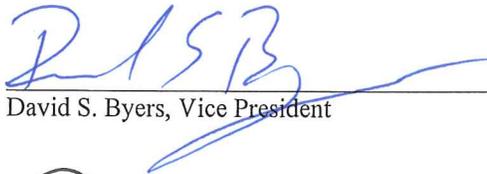
Leader Newton Regulated Drain #115

The Surveyor asked the Board to set a March 2013 hearing to follow the regular scheduled meeting for the Leader Newton Regulated Drain #115 Maintenance project. John Knochel made a motion to set a March 13th, 2013 Leader Newton Drain #115 Maintenance Hearing to immediately follow the regular scheduled meeting on that date. David Byers seconded the motion. A Maintenance Hearing for the Leader Newton Regulated Drain #115 was set for March 13, 2013 to immediately follow the regular meeting.

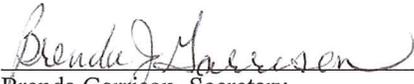
Public Comment

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


Thomas P. Murtaugh, President


David S. Byers, Vice President


John Knochel, Member


Brenda Garrison, Secretary

Tippecanoe County Drainage Board
Leader Newton County Regulated Joint Drain #115
Landowner Hearing Minutes
March 13, 2013

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 Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC.

The Surveyor began the Leader Newton Regulated Drain Hearing by reading the Leader Newton Regulated Joint Drain #115 Maintenance Report dated January 28, 2013 into the record as follows:

“The exact date of the original construction of the Leader Newton Tile Drain is unknown. The original tile work and surface work were accomplished through the Soil Conservation Service in the 1960’s. The tile, including the various laterals and its watershed are located in portions of Sections 28, 29, 32 and 33 in Township 21 North, Range 5 West in Jackson Township in Tippecanoe County, and Sections 4 and 5, Township 20 North, Range 5 West in Coal Creek Township in Montgomery County. The tile outlets into the West lateral of the Little Wea Creek Conservancy. The watershed area contains 1160.33 acres in Tippecanoe County and 37.56 acres in Montgomery County for a total watershed area of 1197.89 acres. There are approximately 9475 feet of tile on the Main Branch, ranging in size from 14-inch to 24-inch, and approximately 11450 feet of tile laterals, ranging in size from 6-inch to 10-inch. The Leader-Newton Drain Maintenance Fund was established by the Tippecanoe County Drainage Board on the 3rd day of September, 2002. Currently the Maintenance fund is \$87,424.68 in the red. It is the judgment of the Tippecanoe County Surveyor that an estimated sum of \$136,000.00 is needed to repay, maintain and improve the existing drainage system. An assessment of \$14.00 per acre over an eight-year period is recommended. This will generate \$135,869.76 over an eight-year period. Assuming the needed maintenance and improvements are completed at that time the per acre assessment would be lowered to \$6.25 per acre. It is the opinion of the Tippecanoe County Surveyor this rate increase will allow for the much needed current tile replacement project and also ensure that monies will be generated for future maintenance on this system, respectfully submitted by Zachariah E. Beasley Tippecanoe County Surveyor.”

He noted this was a bi-county regulated drain with Montgomery County. His office received a waiver from the Montgomery County Drainage Board dated February 4, 2013. The Montgomery County Drainage Board waived their right to be represented at today’s hearing. The President asked for comments. There were no comments from the landowners in attendance. The attorney noted there were no Remonstrances received to date. The Surveyor confirmed today’s hearing was a result of the drain’s inclusion on the Classification Report and his possession of an informal list of landowners who were in favor of a rate increase for this drain.

The Attorney then read the Findings and Order proposed by the Surveyor as follows:

“BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD-IN THE MATTER OF THE LEADER NEWTON REGULATED DRAIN #115: FINDINGS AND ORDER (ANNUAL MAINTENANCE) This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on February 6, 2013. Certificate of mailing of notice of time and place of hearing to all affected landowners was filed. Proof of publication of notice of the time and place of hearing in the Lafayette Journal and Courier newspaper was filed. Remonstrances were not filed. Evidence was presented by the Tippecanoe County Surveyor and landowners affected were present. A list of those present is filed herewith. After consideration of all the evidence, the Board does now FIND THAT:

- (1) The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on February 6, 2013.
- (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 Lafayette Journal & Courier, a newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The regulated drain consists of approximately 9,475 feet of main tile ranging in size from 14 inch to 24 inch, and approximately 11,450 feet of tile laterals ranging in size from 6 inch to 10 inch.
- (5) The present condition of the regulated drain is in need of maintenance.
- (6) The regulated drain needs the following maintenance at present: tile replacement

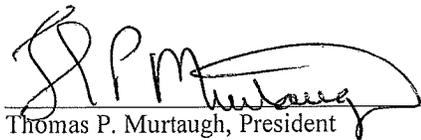
- (7) There is now \$87,424.68 owed to the General Drain Fund for past maintenance on this regulated drain.
- (8) The regulated drain drains 1197.89 acres total, 37.56 acres of which are within Montgomery County.
- (9) Montgomery County Drainage Board waived its right to be represented at the March 13, 2013 Joint Drainage Board Hearing regarding the maintenance project pursuant to written waiver dated February 4, 2013.
- (10) The estimated annual cost of maintenance of the regulated drain is approximately \$16,983.00.
- (11) The estimated annual benefits to the land drained exceed the overall cost of the project.
- (12) A fund for annual maintenance has been established for the Leader Newton Joint Regulated Drain #115.
- (13) In order to provide the necessary funds for annual maintenance of the Leader Newton Regulated Drain #115, an annual assessment per acre and lot benefited should be established in the amount of \$14.00 per acre per year over an eight-year period. This will generate \$135,869.76 over an eight year period. Assuming the needed maintenance and improvements are completed at the end of eight years, then the per acre assessment would be lowered to \$6.25 per acre, subject to a \$50.00 minimum assessment.
- (14) The assessment list filed herewith should not be amended.
- (15) The assessment list filed herewith is fair and equitable and should be adopted.
- (16) The assessment should be collected with the May 2014 taxes.

NOW, THEREFORE, IT IS ORDERED THAT:

- (1) The maintenance rate for the Leader Newton Joint Regulated Drain #115 shall be imposed at the annual rate of \$14.00 per acre with a \$50.00 minimum assessment over an eight year period. Assuming the needed maintenance and improvements are completed at that time the per acre assessment would be lowered to \$6.25 per acre with a \$50.00 minimum assessment.
- (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 2014 taxes. DATED at Lafayette, Indiana this 13th day of March 2013."
- (4)

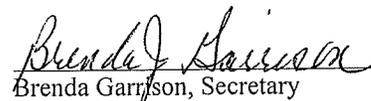
There was no public comment. John Knochel made a motion to accept the Surveyor's Leader Newton Regulated Joint Drain #115 Findings and Order as presented. David Byers seconded the motion. The Leader Newton Regulated Joint Drain #115 Findings and Order submitted by the Surveyor was accepted by the Board.

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


 Thomas P. Murtaugh, President

Absent (4-17-13 date of approval)
 David S. Byers, Vice President


 John Knochel, 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

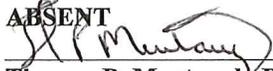
- 1.) Drains in need of Reconstruction
 - a. Elliott, S.W. (#100)
 - b. J.B. Anderson (#02) (Clarks Hill Portion)
 - c. Edwards (Not Maintained)
 - d. McBeth (Not Maintained)
 - e. F.E. Morin (#57)
 - f. Marion Dunkin (#25)
 - g. Huffman-Weimert (Not Maintained)
- 2.) Hearing and Rates Established in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



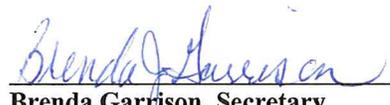
Thomas P. Murtaugh, President



David S. Byers, Vice President



Tracy Brown, Member



Brenda Garrison, Secretary