

## MINUTES OF THE AUGUST 3, 1971 MEETING.

Minutes of the Regular Meeting of the Tippecanoe County Drainage Board held in the County Commissioners Room in the County Court House at 9:00 a.m., Tuesday, August 3, 1971.

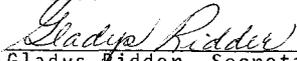
- Present at Meeting** Those present at the meeting were: Bruce Osborn, Dale Remaly, Edward Shaw, Richard Donahue, Dan Ruth, John Garrott, Larry Clerget, Gladys Ridder and Ruth Schneider.
- Minutes Approved** Upon motion made from Dale Remaly, seconded by Edward Shaw, the minutes of the July 6, 1971 meeting were approved as read.
- Ditches referred to Engineer** The Board referred the following ditches to the Engineer for a Maintenance Fund set up: Moses Baker, Lauramie township; Jacob Taylor, Jackson and Wayne townships; Hester B. Motsinger, Wabash township, Romney Stock Farm, Lauramie and Randolph townships.
- 9:30 a.m. Herman Beutler Hearing** At 9:30 a.m., the Chairman of the Board opened the hearing on the Herman Beutler Ditch. Those attending this meeting were as follows: Arnold Burkhardt, Albert Albright, H. S. Congram, Robert L. Smith, Ralph Booher, and R. L. Leonard. There were no remonstrances filed on this ditch. Mr. Congram suggested a channel was needed to protect the main headwall from collapsing. Mr. Ruth said the Drainage Board would be glad to work with the SCS Office to help plan a new open drain. The Engineer recommended \$1.00 per acre assessment be placed on this ditch. Most of those present felt it was hardly enough and asked for the maximum. Therefore the maintenance fund was set at \$1.10 per acre.
- 10:30 a.m. Crist & Fassnacht Hearing** At 10:30 a.m., the Board's Chairman opened the hearing on the Crist & Fassnacht Ditches. Those present at said hearing were: James L. Primmer for Percy McDill, Omer Murphy, Ada Lewis, Everett Berninger, Harry Smith, John Brown and Dale Brown. The Engineer read all remonstrances and his recommendations to the Board. George Berninger's acreage on his notice, should have read 55 acres instead of 80 acres. By Board action these two ditches were combined into one ditch now known as the Crist-Fassnacht Ditch. Although the Engineer felt 75¢ per acre was needed, all persons present were in favor of an assessment of 50¢ per acre. The Board agreed that the maintenance fund be established at 50¢ per acre.
- 11:30 a.m. Fugate Hearing** At 11:30 a.m., the Engineer open the Fugate Ditch Hearing by reading of the maintenance report. There were no remonstrances filed. The following persons were present at said meeting: H.S. Congram, Roy A. Smith, Max DeVault, and Geneva DeVault and Mary Kitsmiller. Mr. Roy Smith stated that there were 70 rods of broken tile; one mile south of county line on Ralph Wise's property. During the discussion it was agreed that the repair of the 70 rods would not come under maintenance but would be a reconstruction project. The Engineer suggested that the Fugate and Kirkpatrick Ditches be combined but those present didn't agree. Because the Kirkpatrick Ditch was in better condition than the Fugate Ditch those people did not want their money to pay for maintenance on the Fugate Ditch. Therefore the ditches were not combined. All land owners attending were in favor of \$1.00 per acre maintenance fund. On motion made and carried the Board established the maintenance fund of \$1.00 per acre.
- Order & Findings and Cert. of Assessment Signed** Upon establishment of maintenance funds on the aforementioned ditches, the Board signed the Order and Findings and the Certificates of Assessment.
- 1:30p.m. Frank Kirkpatrick** At 1:30 p.m., the Chairman of the Board opened the hearing on the Frank Kirkpatrick Ditch by reading of the maintenance report. Those attending the hearing were: Roy Smith, Mabel McDill Andrews and Mrs. Mary Kitsmiller. In discussing the pros and cons on both Fugate and Kirkpatrick Ditches, it was agreed not to combine them. Because of the condition of the Fugate Ditch it wasn't fair to take maintenance from the Kirkpatrick Ditch to fix the Fugate Ditch. All of the owners were in favor of the \$1.00 assessment. On motion made and carried the Board established the maintenance fund at \$1.00 per acre.
- 2:30 p.m. McFarland and Oshier Branch Ditch** At 2:30 p.m., the Board's chairman opened the hearing of the McFarland and Oshier Branch Ditch. The maintenance report and remonstrances were read by the Drainage Engineer. Those attending said hearing were: Anna Boesch, Marshall Farms representative, Lynn Hawkins, Audley Oshier, and Mark Briar. The land owners on the Oshier Branch wanted to remain by themselves. Attorney Richard Donahue, suggested to continue the hearing until November 2, 1971.
- Upon motion by Edward Shaw, seconded by Bruce Osborn, the Board adjourned.

  
Bruce Osborn, Chairman

  
Dale Remaly, Vice Chairman

  
Edward Shaw, Board Member

ATTEST:

  
Gladys Ridder, Secretary

## MINUTES OF THE TIPPECANOE COUNTY DRAINAGE BOARD SEPTEMBER 7, 1971.

The minutes of the regular meeting of the Tippecanoe County Drainage Board held in the Commissioners Room in the Court House at 9:00 a.m., on Tuesday, September 7, 1971.

- Present at Meeting Those present at the meeting were: Bruce Osborn, Dale Remaly, Edward Shaw, Dan Ruth, Dick Donahue, John Garrott, Larry Clerget, Byron Parvis, Gladys Ridder and Ruth Schneider.
- Minutes Approved Upon motion by Bruce Osborn seconded by Dale Remaly the minutes of the August 3, 1971 meeting were approved as read.
- Ditches Referred to Engineer Upon motion by Dale Remaly seconded by Edward Shaw the Board referred the following ditches to the Engineer to prepare for a maintenance report. Floyd Coe (Lauramie Township), Marian Dunkin (Jackson and Wayne Townships), John McCoy (Wea Township).
- Kepner Industrial Tract Mr. Ruth, Drainage Board Engineer, stated on August 5, 1971, Mr. Paul Hamman was in the office with regards to the Kepner property east of town. At that time Mr. Ruth stated, he told Mr. Hamman that a 60 inch pipe would be adequate in the area of the Kepner land if the other recommendations of Dr. Spooner's report were followed.
- Engineers Request Mr. Ruth suggested to the Board that one month we have a meeting but no public hearings. This was done so that we might catch up on uncompleted work. He preferred the month of December. The Board agreed to the suggestion and gave approval.
- John Dooley Maintenance Hearing 1:30 Those present for the maintenance hearing of the John Dooley Ditch were: H. Spencer Congram, Lawrence Treece, William P. Martin, Charles Brown, Iness L. Brown, Chester W. Dill, and Mr. and Mr. Keith McMillin. The engineer opened the hearing by reading the Engineer's report. Mrs. Keith McMillin and Larry Treece were the main objectors and spoke for the rest. They asked the Board not to establish a maintenance fund but to grant them a continuance without date.
- Replacement of Board Member Dale Remaly havein previously disqualified himself to serve in the proceedings concerning the Elmer E. Thomas Ditch and said fact having been duly certified to the judge of the Tippecanoe Circuit Court by Gladys Ridder, Board's Executive Secretary and Warren B. Thompson, Judge Tippecanoe Circuit Court having duly appointed Claude Acheson to serve as a special member of the Board in all proceedings concerning the Elmer E. Thomas Drain. The certification and order of appointment being shown in Judges Journal 138, at page 17, in the records of the Tippecanoe Circuit Court. Claude Acheson appearing is sworn and undertakes his duties and obligations as a member of the Tippecanoe County Drainage Board in the proceedings concerning the Elmer E. Thomas Ditch.
- Elmer E. Thomas Maintenance and Reconstruction Hearing 10:30 The engineer opened the hearing on the reconstruction report by explaining the plans and leaving the meeting open to a question and answer period. Those in attendance were: Dale Remaly, Roy Smith, Robert Gross, Dave E. Gross, Charles Scowden, Katherine and B. Norman DeBoy, Hazel Holmes Gephart, Lawrence Krug, C. Jeanette Dodson, Francis E. Ziegler, Marjorie A. Connolly, Nancy J. Keller, Floyd Lamb, Lucille Banes Williams, Patty W. Garrott, Chester S. Yerkes, R. J. Baker, E. E. Franklin, R. D. Franklin, E. L. Bryant, C. E. Floyd and R. D. Sterrett, of the State Department of Natural Resources, Robert Gross said if the engineer would promise him that the area would be drained and that it would take care of the spring water (that area has several springs) that he would definitely before it. Both Mr. Ruth and Mr. Martin assured them the plans were designed to take care of surface water and it would be up to the individual to see that his own spring water found its way to the drain. Floyd Lamb asked the Board to take his land out of the drainage area for he was sure none of his ground drained that way. The Engineer said he would check it and then inform him of his findings. After lengthy pro's and con's the Board decided to continue this hearing upon motion of Bruce Osborn, Seconded by Ed Shaw, they moved to continue this hearing at 9:30 a.m., on December 7, 1971. Mr. Remaly said if this area was not drained now he felt the situation would continue to get worse and eventually be a health hazard. Mr. Barnett felt if this land was properly drained it could be very valuable.
- Harrison B. Wallace 11:30 At 11:30 a.m. the engineer opened the hearing on the Harrison B. Wallace ditch by reading his report on the condition of this drain. Those in attendance were: Fred B. Pell, Lloyd Howey, representative of Home Investment Company, Inc.; Mrs. C. L. McCorkley, Mr. and Mrs. Harold Freed, and Roy A. Smith. Both the Howey's and the Pell's felt their acreage was in error and that they were double assessed, so the Engineer said we would check the records to see if this were true and notify them later. It was noted that some had taken beautiful care of their ditch while others had done nothing and that it wasn't quite fair to have to charge them all the same with the ditch in such good condition in some parts. The Board agreed to lower the assessment from \$1.00 to \$.75. Upon motion by Bruce Osborn, Seconded by Ed Shaw the maintenance fund was established.
- Mr. William K. Schroeder came to the Board with a personal problem between he and his neighbor and the Board took no action for this was not under their jurisdiction.
- The engineer opened the hearing on the Waples-McDill Drain at 1:30 p.m. by reading to the Board his recommendation. Mr. Floyd Wilcox came in prior to the hearing and ask the Engineer to check his acreage. In

Waples-McDill 1:30 doing so Mr. Ruth corrected the acreage in Section 16 from 120 acres to 40 acres due to a private ditch that drains the balance. Those attending were: Floyd Wilcox, Orville J. Parvis, Gladden Skinner, Ken Rauch, and Velma Brown. No objections had been filed so by motion of Bruce Osborn, seconded by Dale Remaly and made unanimous by Ed Shaw the sum of \$1.00 per acre was established.

Informal Meeting The engineer opened the informal hearing of the Train Coe Ditch by informing the Board that he felt the Train Coe Ditch could be reconstructed for not more than \$17.50 per acre.

Mr. *Cruik* informed the engineer that he had talked to Mr. Barton Maxwell and as he had quoted a good price for the installation of tile ask that a tile ditch be considered rather than an open ditch. He was informed that if there was any indication that a tile drain might be economical it would be given ever consideration.

The engineer told those in attendance and the Board that he would prepare plans and specifications and hold a public hearing; said hearing be perhaps early spring.

Upon motion be Bruce Osborn, seconded by Dale Remaly the Board adjourned.

*Bruce Osborn*  
Bruce Osborn, Chairman

*Dale Remaly*  
Dale Remaly, Vice Chairman

*Edward J. Shaw*  
Edward Shaw, Board Member

ATTEST:

*Gladys Ridder*  
Gladys Ridder, Secretary

The regular meeting of the Tippecanoe County Drainage Board was held on December 10, 1975 with the following members present: Robert F. Fields, Bruce Osborn, William Vanderveen, Robert L. Martin, Fred Hoffman and Gladys Ridder. Also joining our Board was Carroll Beeson, Don Yount and Sam Boots from the Montgomery County Surveyor's office and Drainage Board.

Upon the reading of the minutes of the November 26th, 1975 called meeting, Robert F. Fields moved to accept the minutes as read. Bruce Osborn seconded that motion and William Vanderveen made it unanimous.

Minutes Approved

Robert Fields opened the maintenance hearing on the John Lofland ditch ( including Miller and McBeth branches) and asked the Surveyor for his report and recommendation. Don Smith, tenant for Elizabeth Steele, reported the McBeth branch was in need of reconstruction. The attorney explained to him that that would be a new hearing. Mr. Martin felt we should start at the outlet and work on the other branches as time would allow. The Kellerman-Leaming watershed that is the outlet for many branches such as Romney Stock Farm, Lofland, Fugate, Kirkpatrick, Morin, etc., needs to be dredged first and then as the outlet is made operational then take care of the branches according to those most in need.

9:30 a.m. Maintenance hearing

Those in attendance were: Isaac Bercovitz, Jack DeVault, Don Smith and Larry Bennett.

J. Lofland ditch

All in attendance had one thing in common and that was to get something started in the area before things got any worse. In the years past nothing had been done and all felt the time to do something was now!

The Drainage Board instructed the Surveyor to get the necessary engineering work done and hold a hearing for reconstruction as soon as the figures are available.

Richard Donahue for

Richard Donahue, Attorney for Robert Gurnick, came before the Board and asked the Board to remove a dam on the right-of-way of the S. W. Elliott ditch. The "dam" had been caused by Maurice House's tenant plowing too close to the ditch.

R. Gurnick

The Drainage Board said they had taken the advice of the County Attorney inasmuch as this was a legal problem and not one of the Drainage Board. The S. W. Elliott ditch had not been damaged in any way, only the run-off water could not get to it because of the earthen dam.

Eugene Johnson for Daugherty ditch

E. Eugene Johnson came before the Board with a request to replace approximately 1000 feet of tile on the Chas. Daugherty ditch and replace it in a new location close to the legal drain but in a place where the coverage would be better. It was discussed as to whether Mr. Johnson would take it upon himself with the hope of collecting from the others involved or ask the Surveyor to set up a reconstruction hearing. To relocate the ditch to acquire greater fall and coverage, as was suggested by the SCS office, was also discussed and the Board said that could be done at the reconstruction hearing.

Mr. Martin said he would meet with Mr. Jack Wisley and Mr. Johnson at 2:30 p.m. on Thursday so they could discuss it further.

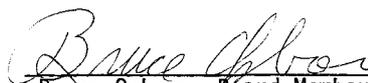
Arthur Waddell on Anderson branch

Mr. Arthur Waddell came before the Board and said a year ago he had carried a petition to reconstruct a branch of the Jesse B. Anderson ditch and the Board had instructed the former surveyor to do the necessary engineering. The Board reiterated that request to the new surveyor and when the work is done and estimates ready to hold a reconstruction hearing according to benefits and damages.

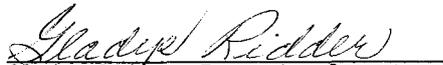
Upon the motion of Robert Fields, seconded by Bruce Osborn and made unanimous by William Vanderveen the Board adjourned.

  
Robert F. Fields, Chairman

  
William Vanderveen, Vice Chairman

  
Bruce Osborn, Board Member

ATTEST:

  
Gladys Ridder, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
MARCH 1, 1995

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

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

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held February 1, 1995. Commissioner Gentry moved to approve the minutes, Seconded by Commissioner Jones. Motion carried.

PENTECOSTAL CHURCH OF GOD

Bob Grove asked the Board for final approval of the Pentecostal Church of God. The Church will be located West of South 9th Street, South of 350 South where an existing homestead is located. The current plan shows the outlet at the 100 year elevation for the James N. Kirkpatrick Ditch

Mr. Spencer recommended final approval.

Commissioner Gentry moved to grant final approve of the Pentecostal Church of God drainage submittal, seconded by Commissioner Jones. Motion carried.

SAGAMORE POINTE SUBDIVISION

Bob Grove explained the first time Sagamore Pointe Subdivision was discussed the plan was to use the Hadley Lake for storm water storage. At that time the Board informed Mr. Grove written approval from the owner of Hadley Lake would have to be obtained. The second submittal was to use rear yard storage, but was unacceptable to the Board. This last submittal goes back to the first submittal with a tentative agreement between Martin, Chuck, & Tim Galama, the landowners of the Hadley Lake, agreeing to the use of the lake as storage for storm water from Sagamore Pointe Subdivision. Mr. Grove stated another option if the agreement is not agreeable would include two detention basins which would take the place of four residential lots. Basin #1 would store storm water from 18.95 acres North of the legal drain and Basin #2 would store storm water from 6.24 acres South of the legal drain. Mr. Grove asked the Board for conceptual approval of the onsite detention if an agreement could not be reach between the owners of Hadley Lake and Smith Enterprises.

Martin, Chuck, and Tim Galama joined the discussion.

Commissioner Gentry asked Martin Galama if there is a tentative agreement between him and Smith Enterprises to use Hadley Lake for storm water storage?

Mr. Martin Galama stated he wanted to discuss some issues with the Board before they entered into an agreement with Smith Enterprises. Mr. Galama stated there is no tentative agreement.

Mr. Hoffman asked if there would be any other landowner affected by the increase of storm water being stored in Hadley Lake?

Mr. Spencer stated at the outlet elevations of the pipes under Morehouse Road the water does not affect any other landowners, when the elevation gets above the outlet pipes it could affect John Schmidt's property.

Mr. Hoffman stated anyone who may be effected should be notified and a public hearing held.

Mr. Spencer explained the drainage will not affect anyone else at the 648 elevation.

Commissioner Gentry moved to grant conceptual approval of the two onsite detention basins in Sagamore Pointe Subdivision, seconded by Commissioner Jones. Motion carried.

Commissioner Gentry moved to continue Sagamore Pointe Subdivision until the April 5, 1995 Drainage Board Meeting, seconded by Commissioner Jones. Motion carried.

Mr. Martin Galama expressed his concern as to why they were not willing to go into an agreement with Smith Enterprises. The main reason was if the Galamas wanted to develop their land they want to be sure that Hadley Lake would have enough capacity to handle the drainage from their development.

Mr. Spencer explained there are questions which need to be answered before the Board can answer whether or not the lake could handle the storm water from Sagamore Pointe Subdivision and the Galama's development. The only way to get the answers is to do a study of a simulated development of Galama's property and determine how many acre feet of storage would be available in the lake. There is also the option of making the lake bigger at the permanent pool elevation which is the outlet elevation of Morehouse Road.

Mr. Tim Galama indicated the Ordinance states developments that surround the lake are required to have there own detention for their storm water. If we decide to go into an agreement with Smith Enterprises would other developers remonstrate?

Commissioner Haan stated the same Ordinance would apply to other developers, they would have to receive permission from Hadley Lake's owner or have onsite detention.

Mr. Spencer had asked Mr. Stolz to do an analysis on work that was done by Cole and Associates when the Dempsey Baker Ditch was created. The road elevation on Morehouse Road is approximately 653.6 and that accounts for 464 acre feet of storage in Hadley Lake before overflowing Morehouse Road. The Sagamore Pointe Development storage requirement is 1.13 acre feet out of the 464 available storage.

Mr. Hoffman asked how much more storage could Hadley Lake handle before Morehouse Road would overflow?

Mr. Spencer stated there are 464 acre feet available and the Sagamore Pointe Development would use 1.13 acre feet. The 5.6 feet height of storage is from the outlet structure under Morehouse Road to the top of the Road and the 1.13 is acre feet of storage is a volume. The development is not using 1.13 feet off the 5.6 feet of storage, it is using 1.13 acre feet off the 464 acre feet of volume up to the top of Morehouse Road before it would overflow.

Commissioner Gentry stated the only way to make sure Galama's would have enough storage for their development would be to have an Engineer determine the maximum density of the proposed development.

#### OTHER BUSINESS

##### ASHTON WOODS SUBDIVISION PHASE IV

Joseph T. Bumbleburg and Derrin Sorenson asked the Board to take a look at Ashton Woods Subdivision Phase IV. Mr. Bumbleburg stated the County owns a dry bottom retention pond east of Phase IV and asked if it would be possible to deed the two outlots designed for detention within the Subdivision to the County and a covenant that the lot owners could not remonstrate against a petition to create a County Regulated Drain for this watershed area in the future?

Commissioner Haan explained responsibility would be assumed by the County if the basins were deeded to the County. That is something the County does not want.

Mr. Hoffman asked where the water from the two basins would outlet?

Mr. Spencer stated the water will be taken under the new US231 and follow a natural course to the Wea Creek.

Mr. Hoffman asked about the possibility of making the route a legal drain?

Mr. Spencer stated when the Wea-ton area was developed the possibility of a legal drain was discussed, but nothing ever came about. The watershed area would include the Rostone Circle area, Triple J, Old Romney Heights and Ashton Woods Developments.

Mr. Bumbleburg reviewed what needs to be done to establish a legal drain is to create a watershed area, get a legal description of the drain, and to get a list of landowners in the watershed area.

##### ROMNEY STOCK FARM DITCH

Mr. Spencer presented the Board with a petition he received from Marvin McBee to extend the Romney Stock Farm Ditch and establish a maintenance fund for the upper end of the ditch. There are seven signatures on the petition, but it does not include the signature of Paul Kirkhoff which 95% of the ditch is on his property.

Commissioner Gentry asked if 51% of the landowners effected have signed the petition?

Mr. Spencer stated yes.

#### US231 RELOCATION

Mr. Spencer stated Mr. Stolz provided him with a synopsis of the review comments concerning the relocation of US231 by Christopher B. Burke Engineering, LTD. for the Board's review.

#### Cuppy-McClure update

Mr. Spencer reported the plan for the tree mitigation has been sent to Will Ditzler of J.F. New & Associates.

Being no further business the Commissioner Gentry moved to adjourn until April 5, 1995, seconded by Commissioner Jones. Motion carried.

DRAINAGE BOARD MINUTES    MARCH 1, 1995 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JUNE 7, 1995

The Tippecanoe County Drainage Board met Wednesday, June 7, 1995 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with William D. Haan calling the meeting to order.

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

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held May 3, 1995. Commissioner Gentry moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

CREASY LANE III

Bill Davis, Hawkins Environmental, presented the Board with final drainage plans for Creasy Lane III. Mr. Davis referred to the May 5, 1993 Drainage Board Minutes, which approved Creasy Lane II with the condition Creasy Lane III would not increase the release rate. Creasy Lane III will replace the two lane roadway and connect with the existing four lane roadway from State Road 26 North to Greenbush. The discharge rate pre-developed is 172.82 cfs and the post-developed discharge will be 167.02 cfs which is a decrease in the discharge. The velocity of flow into the ditch has been reduced from 2.98 fps to 2.3 fps. Mr. Davis presented the Board with letters approving the partial filling of the Potters Hollow ravine. Those letters are on file in the Surveyor's Office.

Commissioner Gentry asked if a permit was needed from DNR to partially fill the ravine.

Mr. Davis stated no approval from DNR is needed.

Commissioner Gentry moved to grant final approval of Creasy Lane III, seconded by Commissioner Jones. Motion carried.

STONEWICK & THORNHILL SUBDIVISIONS

Dan Lee, Ticen Schulte & Associates, presented the Board with proposed final drainage plans of Stonewick and Thornhill Subdivisions located at the corner of County Road 300 South and 50 East, downstream from the regulated Elliott Ditch. Stonewick and Thornhill subdivisions are split by a high ridge running from Northeast to Southwest. Stonewick is proposed as a single family 44 lot development on 16.2 acres and Thornhill is proposed as a two family 47 lot development on 20.9 acres. Mr. Lee asked for a waiver on the requirement of an onsite detention facility explaining the site has natural swales which can handle the runoff to the Elliott Ditch after being caught by the storm sewer system. Mr. Lee concluded in a 100 year storm event the peak for the subdivisions is 1.23 hours and in a 100 year storm event the peak for the Elliott Ditch is 19.02 hours, therefore giving ample time for the water from the subdivision to escape before upstream water would reach the proposed subdivisions.

Mr. Stolz recommended final approval with these conditions.

1. A typical lot drainage detail has been supplied which references some of the lots. However, more information concerning side-yard swales must be supplied. Either, typical lot drainage details for all lots must be provided or additional spot grades must be shown in the side-yard swales to ensure drainage to the storm sewer structures. In addition, the emergency flow path for Stonewick Subdivision in the vicinity of lots 9-11 must be clarified. It appears that these lots would be significantly impacted during a low frequency event.

2. The provided profiles of the storm system do not include all of the lateral pipes. Although the size for these pipes are shown on the ILLUDAS computations, the materials, sizes and inverts must also be shown on the plans.

3. The final set of plans need to be certified.

Commissioner Gentry moved to grant final approval of Stonewick and Thornhill Subdivision subject to the three conditions, seconded by Commissioner Jones. Motion carried.

#### DUNBAR HIGHLANDS/HIGHLAND MEADOWS

Dale Koons, Civil Engineering, presented the Board with preliminary drainage plans of Dunbar Highlands/Highland Meadows Subdivision, located at the Northwest corner of County Road 550 East and 50 North. Originally the two Subdivisions were one, but were divided as a result of negotiations with surrounding home owners. The two subdivisions combined consist of approximately 35 acres, Area 1 consist of 19.1 acres and drains to an existing 15" culvert under County Road 550 East, Area 2 consist of 9.2 acres draining by a swale to the Wildcat Creek, Area 3 consist of 1.7 acres draining by tributaries to the South Fork of the Wildcat Creek, Area 4 consist of 5.1 acres which sheet flows westerly to the flood plain of the Wildcat Creek and Area 5 consist of 1.0 acres and drains to a culvert under County Road 50 North. A retention pond is proposed at the Southeast corner of the site which will retain runoff from the entire site except for 4.85 acres of Area 4 will continue to sheet flow to the Wildcat Creek and .5 acres of Area 5 will continue to drain to in the road right-of-way along County 50 North. The retention pond will discharge into a 15" outlet pipe as part of the new storm drainage system and the existing 15" pipe under County Road 550 East will provide an emergency outlet. Mr. Bob Adams is an adjacent landowner that has agreed to provide a drainage easement for the proposed site starting at County Road 550 East to the flow line of a tributary ravine of the South Fork Wildcat Creek. The system will be designed to handle a portion of Mr. Adams property as part of the agreement. Mr. Koons asked the Board to determine the easement widths.

Mr. Hoffman suggested making the width of the easement 50 feet, 25 feet either side of the ditch. Also, before final approval is granted the Board needs a written statement from Mr. Adams agreeing to the easement and the possibility of the ditch becoming a regulated drain.

Mr. Spencer recommended preliminary approval.

Commissioner Gentry moved to grant preliminary approval of Dunbar Highland/Highland Meadows Subdivision, seconded by Commissioner Jones. Motion carried.

#### SADDLEBROOK SUBDIVISION

Bill Davis, Hawkins Environmental, asked the Board for final approval of the drainage plans for Saddlebrook Subdivision. Brookfield Farms Subdivision is to the North, County Road 500 East is to the West of the site which consist of approximately 52.98 acres. Currently Area A drains west into a side ditch along County Road 500 East the Berlovitz Ditch, Area B drains east to the Southeast corner and is intercepted by the Berlovitz Ditch, and Area C drains north by existing swales along the South boundary of Brookfield Farms Subdivision eventually draining to the Alexander Ross Ditch. After development storm water will drain into swales along the South and East property lines which will allow the flow to enter an open channel. The Berlovitz Regional Detention Basin will serve as the detention storage area and the developer has agreed to contribute the portion of the basin which the development requires.

Mr. Spencer recommended preliminary approval until further information is received on the development of the Berlovitz Regional Detention Basin.

Commissioner Gentry moved to grant preliminary approval of the drainage plans for Saddlebrook Subdivision, seconded by Commissioner Jones. Motion carried.

#### LEWIS JAKES DITCH HEARING

Mr. Spencer called for this hearing to propose making a portion of the Lewis Jakes Ditch an open channel, starting at County Road 750 North to a part of the ditch that is blown out and will be observed in the video shown.

Mr. Spencer stated the video tape is of the downstream portion of the Lewis Jakes Ditch where broken tile have created an open channel effect. After the video had been shown Mr. Spencer asked Mr. Hoffman to give his legal opinion as to whether or not maintenance money could be used for a temporary open channel instead of a tile.

Mr. Hoffman explained whenever a tile drain goes to an open drain it is considered to be a reconstruction. The maintenance money that is in the Lewis Jakes ditch is only to be used to minor repairs such as moving obstruction, repairing small portions of tile and spraying.

Mr. Spencer stated he would be willing to file a reconstruction report, get a set of Engineering drawings and cost estimate, then arrange the necessary public hearings to get the project started.

Paul Neulieb, 7606 North 250 West, opposed the open channel feeling it would degrade his back yard.

Mr. Spencer replied a reconstruction does not mean it has to be an open channel it could be the installation of a larger tile or a combination of both.

Charles R. Vaughan made a recommendation to the Drainage Board requesting them to ask the Surveyor to file a reconstruction report.

Commissioner Gentry moved to instruct the County Surveyor to file a reconstruction report, seconded by Commissioner Jones. Motion carried.

#### OTHER BUSINESS

US 231 RELOCATION - update

Jon Stolz reported on a meeting between the State Highway Department and Christopher B. Burke Engineering on the US231 relocation. Mr. Stolz stated the

first question asked was: "What is the pre-developed and post-developed conditions for the site?" The State still showed the post-developed figures higher by 25% because of the lack of restricting the flow. Options were discussed on how to restrict the flow, holding the water in the road side ditches, installing a smaller pipe or by creating a retention pond. Mr. Stolz felt the State was willing to agree to one of the options.

Commissioner Gentry requested Mr. Spencer and Mr. Hoffman put together a letter to the State Highway Engineer indicating the 25% increase is significant and the Board still requires the pre-developed and post-developed conditions to be the same.

Mr. Stolz explained on structure 55 the State claims the size of pipe was determined by a Court case in a property settlement.

Commissioner Gentry suggested asking for a copy of the court case in the letter to the State Highway.

#### SHEPERDS POINT SUBDIVISION

Mike Gipson, 47 W 500 N in Sheperds Point Subdivision, explained his property is located adjacent to the detention pond for the subdivisions and wanted to let the Drainage Board know the conditions he has to put up with because he feels the detention pond is not working properly and would like the Board to request the developer to fix it.

Commissioner Gentry requested Mr. Spencer to write the developer, asking him to regrade the pond so that water will flow out of the pond.

Mr. Hoffman stated the Board will also hold the bond until the pond has been regraded.

#### ROMNEY STOCK FARM DITCH

Mr. Spencer presented the Board with a letter from Montgomery County Surveyor's Office explaining the Romney Stock Farm Ditch was discussed in their Board meeting and it was decided that Paul Dickson and Don Hester would serve on the joint board for this project.

Commissioner Haan appointed himself and Commissioner Gentry to serve on the joint board with Montgomery County and requested Mr. Spencer to appoint the fifth member.

#### TWYCKENHAM SUBDIVISION

Mr. Spencer explained that he has received several phone calls from landowners in Twyckenham Subdivision complaining about the detention pond in the subdivision and stating they were referred to him by the City Engineer's Office. In the covenants it states the Tippecanoe County Drainage Board may perform maintenance and any other acts necessary to correct any drainage problems.

Commissioner Gentry stated the Board needs to formally inform the City the Subdivision is in the City limits and request the City to enforce the regulations.

Being no further business Commissioner Gentry moved to adjourn until July 12, 1995, seconded by Commission Jones. Motion carried.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
FEBRUARY 7, 1996

The Tippecanoe County Drainage Board met Wednesday, February 7, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with Nola J. Gentry calling the meeting to order.

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

CUPPY MCCLURE BRANCH OF THE HADLEY LAKE DRAIN

The first item on the agenda was the Reconstruction Hearing for the Cuppy McClure Branch of the Hadley Lake Drain.

Those present were: Jack Coffin, Mark Hatton, Al Parker, Lynford Chaffee, Robert Cox, John Harbor, W.R. Baldwin, Hans Peterson and Paul Elling.

Mr. Spencer stated all affected landowners in the watershed area of the Cuppy McClure Branch of the Hadley Lake Drain have been notified. Mr. Spencer asked the two remonstrance letters and his response letters be placed in the minutes.

"Richard K. Maier  
107 Tealwood Drive  
Bossier City, LA 71111  
11 January, 1996  
318-741-9864

Tippecanoe County Drainage Board  
20 N 3rd St  
Lafayette, IN 47901

Dear Sir:

I received your notice of the hearing on the schedule of assessments for the Cuppy-McClure and Hadley Lake drain. As I do not live in-state, I will not be able to attend the hearing, however, I would like to dispute the number of acres benefitted by my farm. Although I am not familiar with the specific location effected, I do know that most of my land drains to the south and not toward the ditch. I have included a map of the areas and direction of shed for my farm. The blue line divides the flow from the south and east. The 8.9 in the "Acres in Tract". Outside the woods, I would estimate 3 to 4 additional acres that drain east. Tile shown on the map all drain south. The farm to the west of me was listed as 3 acres benefitted.

I would appreciate your attention to this matter to correct the acres benefitted. I would be glad to arrange for the tenant farmer to accompany anyone who wishes to confirm the flow directions and number of acres effected. Thank you.

Sincerely

Richard K. Maier"

Mr. Spencer's response letter.

"January 19, 1996

Richard K. Maier  
107 Tealwood Drive  
Bossier City, LA 71111

Dear Mr. Maier:

This letter in response to your letter of January 11, 1996, Concerning acres benefitted by the Cuppy McClure Branch of the Hadley Lake Drain.

I agree that the 8.92 acre woods was not included in the "acres in tract" and it should have been.

I have reviewed the topo maps for the watershed for your property and I have determined that your acres benefitted should be reduced from 25.00 acres to 15.00 acres. For your information I have enclosed a copy of the amended recommended plan for the Cuppy McClure branch of the Hadley Lake Drain stormwater improvement plan.

Please call or write if you have any questions or concerns.

Very truly yours,

Michael J. Spencer,  
Tippecanoe County Surveyor"

The second letter received.

"January 26, 1996

TO: Shelli Muller, Executive Secretary  
Tippecanoe County Drainage Board

Letter of objection

Dear Sir:

- 1) It will be a mess in our daily life, in and out of our house especially when we have a visitor.
- 2) It will destroy the surrounding trees and flowers, I have planted 15 years ago. It will destroy the lot.
- 3) It will be very inconvenient for us being elderly couple in and out of the house. I truly object strongly to your digging! It will destroy the beautification I did some 15 years ago.
- 4) It will depress our feelings my wife and myself of your digging those dirt. It will hurt our feelings after living here X 15 years ago. All the mess we can not stand looking! It all the dirt and dust not healthy for my wife's asthma.
- 5) It will mess our life thinking of those digging. It will depress our feeling the mess you are going to make.

6) I can not attend your meeting. I am too busy at the hospital. We don't care about the cost, its the mess.  
Sincerely

Romuld Jardenil, M.D."

Mr. Spencer's response to letter.

"January 30, 1996

Mr. Romuld Jardenil  
1925 Carlisle Street  
West Lafayette Indiana 47906

Dear Mr. Jardenil:

I have received your letter of objection to the proposed construction of the Cuppy McClure Branch of the Hadley Lake Drain.

I would be willing to meet with you at your convenience to show you the project plans and hopefully satisfy your concerns.

Please call me at 423-9228 and we can set a meeting date and time.

Very truly yours,

Michael J. Spencer,  
Tippecanoe County Surveyor"

Mr. Spencer referred to a watershed map of the Cuppy McClure Branch. He explained the stormwater improvement plan, a clean out and regrading of the existing open channel. A 48 inch pipe to a 11' x 5' box culvert under U.S. HWY 52 West is designed, South of U.S. 52 a low flow 42 inch pipe with a high flow side swale to another 10' x 5' box culvert across Great Lakes Chemical property and connect with another 36 inch pipe with a swale running on top of the pipe. There is a proposed structure at North end of the Celery Bog.

Commissioner Gentry asked what the schedule is for construction.

Mr. Spencer stated after this hearing, advertisements for bids will be published, then begin construction this spring.

Commissioner Gentry asked for questions and comments from the audience.

John Harbor, 2512 Nottingham Place, asked what the need is for this project?

Mr. Spencer stated there is an existing old clay tile that was installed in the early 1900's, the soils have moved causing the tile to no longer function properly. In 1992 a petition was filed to reconstruct the Hadley Lake Drain, the Cuppy McClure Ditch is a Branch of this Drain. It will provide a positive outlet for Celery Bog Park and the future development of West Lafayette.

Mr. Harbor asked how the size of the pipe was determined and if such a large size of pipe really is necessary?

Hans Peterson, RUST Environmental & Infrastructure, stated the main reason for the designed sized pipe is so it can handle future development in West Lafayette.

Mr. Harbor asked if the project included the funding for any environmental ratification for this project?

Mr. Peterson stated I.D.E.M. has required the project include a four to one tree mitigation plan. Also, the construction will be a one sided channel clean out and the portion of open channel just south of Hadley Lake will be a channel bottom clean out.

Mr. Spencer pointed out another hearing will be set up after the completion of construction to establish a maintenance fund.

Mark Hatton, Great Lakes Chemical, asked what the easements are for the ditch.

Mr. Spencer stated the current easements for the ditch are 75 feet either side of the center of the pipe or 75 feet either side of the top of the bank on the open channel portions. A landowner can make a request to the Board to reduce the easement on their property to a minimum of 25 feet either side of the center of the pipe or the top of each bank on an open channel.

Mr. Hatton asked what the restrictions are for construction of a parking lot or road in the easement?

Mr. Spencer stated with the approval from the Board, parking lots or roads can be constructed in the easement, but a structure has to be outside the easement.

Lynford Chaffee, 1411 Ferry Street, stated he owns the property south of U.S. 52, just east of Cheswick Village Apartments. He explained his back yard floods and wondered if the construction of this pipe was going to help his problem?

Mr. Spencer stated the 42 inch pipe with the swale running along side of it will be constructed to the southwest of Mr. Chaffee's property. The swale will collect the water off the property and take it to a manhole from there the pipe will carry the water on downstream.

Being no further questions or comments from the audience, Commissioner Gentry read the findings and orders.

BEFORE TIPPECANOE COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE CUPPY-MCCLURE BRANCH OF THE HADLEY LAKE DRAIN:  
FINDINGS AND ORDER FOR RECONSTRUCTION

This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Surveyor and filed on January 2 1996.

Certificate of mailing of notice of time and place of hearing to all affected landowners filed. Notice of publication of the time and place of hearing in the Lafayette Journal & Courier, & Lafayette Leader were filed.

Remonstrances were (were not) filed.

Evidence was presented by the Surveyor and many of those landowners affected were present. A list of those present is filed herewith.  
After consideration of all the evidence, the Board does now FIND THAT:

- 1) The reconstruction report of the Surveyor and the schedule of assessments were filed in the office of the Surveyor on \_January 2, 1996.
- 2) Notice of the filing of the reconstruction report and schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- 3) Notice of the time and place of this hearing was given by publication in the Journal and Courier, a newspaper of general circulation in Tippecanoe County, Indiana, and Lafayette Leader a newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- 4) The legal drain consists of 1550 feet of open ditch, 4990 feet of tile in the Main ditch and 0 feet of tile in branches.
- 5) The largest diameter tile is 48 inches.
- 6) The drain drains 900 acres.
- 7) The total estimated annual volume of water handled by the drain is 69,200,000 cubic feet.
- 8) The land drained consists of approximately 700 acres of wetland, golfcourse, & cropland, 200 acres of urban, industrial, business or subdivision land.
- 9) Soil types involved are: Houghton Muck, Mahalasville, sloan clay loam, wea silt, toronto-octagon silt loam, langlois silt, throcmorton silt loam, stark-fincastle silt loam .
- 10) The present condition of the drain is: poor .
- 11) The drain needs the following reconstruction: Open ditch needs cleaned out, new storm sewer installed to provide positive outlet for the watershed .
- 12) The estimated cost of reconstruction is: \$1,035,455.00 \_.
- 13) Estimated annual benefits to the land drained exceeds \_the costs\_ and consists of: Providing a positive stormwater outlet for the watershed.
- 14) Reconstruction would result in the following damage to the following landowners. No damages
- 15) There is now due the General Drain Fund for the past work on said drain \$0.00
- 16) The drain should be reconstructed.
- 17) In order to provide for the reconstruction an assessment of \_\$0.00\_ should be levied on each acre benefited.

- 18) A Maintenance fund for annual maintenance should be established.
- 19) In order to provide for the annual maintenance an annual assessment of \$5.00 per acre benefited and \$10.00 per patted lot benefited should be levied.
- 20) The Reconstruction Report and the Schedule of Damages and Assessments presented by the Surveyor should be amended as follows:
- 21) The Schedule of Damages and Assessments (as amended) including the annual assessments for periodic maintenance are fair and equitable and should be adopted.
- 22) The first assessments should be collected with the \_N/A taxes.

HOW, THEREFORE, IT IS ORDERED THAT:

- 1. The Cuppy-McClure Branch of the Hadley Lake Drain be reconstructed.
- 2. The Reconstruction Report filed by the Surveyor is adopted (as amended).
- 3. The Schedule of Damages and Assessments for Reconstruction filed herein (as amended) is adopted.
- 4. The annual maintenance fund (is not) established.
- 5. The Schedule of Assessments for reconstruction filed herein by the Surveyor (as Amended is adopted).
- 6. The assessments shall be collected with the \_\_\_\_\_ taxes.

Dated at \_\_\_\_\_, Indiana this \_\_\_\_\_ day of 19 \_\_\_\_\_.

\_\_\_\_\_

Nola J. Gentry, Chairman

\_\_\_\_\_

Gene Jones, Member

\_\_\_\_\_

William D. Haan, Member

ATTEST: \_\_\_\_\_  
 Shellie L. Muller, Executive Secretary

NOTE: The Final Report by the Surveyor, the Notice to the Landowners, the list of landowners in the watershed area and the Advertisements from the Journal & Courier and Lafayette Leader are on file along with the Finding and Order in the Tippecanoe County Surveyor's Office.

Commissioner Haan moved to approve and adopt the finding and order of the Cuppy McClure Branch of the Hadley Lake Drain, seconded by Commissioner Jones. Motion carried.

Commissioner Gentry recessed the meeting until 10:00 a.m.

DRAINAGE BOARD MEETING  
 Commissioner Gentry called the meeting to order.

Approval of Minutes

Commissioner Haan moved to approve the minutes from the meetings held December 21, 1995, a special meeting and January 3, 1996, a regular meeting, seconded by Commissioner Jones. Motion carried.

#### WABASH NATIONAL

Jennifer Bonner, Hawkins Environmental, asked for preliminary approval of Wabash Nation's parking lot located near the corner of U.S. 52 and 350 South, previously the General Foods property. Changes were made from the original report in regards to the area that drains to the current outlet under U.S. 52 to the Elliott Ditch. Ms. Bonner stated the memorandum from Christopher B. Burke Engineering will be addressed before final approval.

Mr. Spencer recommended preliminary approval.

Commissioner Haan moved to grant preliminary approval of Wabash National parking lot drainage plan, seconded by Commissioner Jones. Motion carried.

#### Elliott Industrial

Jennifer Bonner, Hawkins Environmental, asked for preliminary approval of Elliott Industrial located at the southeast corner of C.R. 250 East (Concord Road) and C.R. 150 South (Brady Lane). The site includes 17.5 acres, 3.88 acres of the total will be for future development, but 13.6 acres is proposed for seven light industrial lots. Commissioner Haan excused himself from the meeting at 10:04 a.m.. There are two dry bottom detention areas designed for the site, they are both located along C.R. 250 East (Concord Road) and divided by a driveway, both will outlet into the Elliott Ditch.

Mr. Spencer recommended preliminary approval with four conditions:

1) The applicant must submit an analysis of the proposed detention ponds using the TR-20 computer model when submitting for final approval.

2) When submitting for final approval, the applicant must clarify the existing tailwater elevation on Elliott Ditch for the 100 year frequency, 1.5 hour duration storm and use this value in the stage-discharge calculations for the proposed detention ponds.

3) The applicant should clarify the existing drainage for the site east of the subject site when submitting for final approval. The clarification should include delineation of the off site area, determination of the 100 year frequency runoff, comparison with the estimated contribution utilized in the preliminary analysis and determination of flow paths for any excess runoff.

4) The applicant must obtain a construction in a floodway permit from IDNR before final approval is granted.

Commissioner Jones moved to grant preliminary approval of Elliott Industrial Park with the four condition read by the Surveyor, seconded by Commissioner Gentry. Motion carried.

Commissioner Haan returned to the meeting at 10:08 a.m.

#### SANWIN APARTMENTS

Bob Grove asked for final approval of Sanwin Apartments located off State Road 25 West. At the last meeting Mr. Spencer requested the owners make a request to the Board for a variance to reduce the building setback from a 25 foot distance between the buildings and detention facilities. The second request from Mr. Spencer was that landowner acknowledge the restrictions for the front 125 feet of the site.

Mr. Spencer recommended the Board grant the variance and final approval.

Commissioner Haan moved to approve the variance of the 25 foot requirement for a setback between buildings and a detention facilities, seconded by Commissioner Jones. Motion carried.

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

#### WAKEROBIN ESTATES II PHASE I

Allen Jacobsen, C & S Engineering, asked for preliminary plan approval for Wakerobin Estates located north of Lindberg Road, west of McCormick Road and east of the railroad. A detention basin is proposed as a wet bottom facility located at the southern end of the site. The storm runoff will be routed through the basin and discharge into the 30 inch culvert under Lindberg Road. The majority of the site, 32.76 acres, will drain south to the basin and the remaining 1.89 acres will drain uncontrolled to the northeast similar to the current pattern and will be picked up by the future development of Wakerobin Estates II Phase II.

Mr. Spencer asked if phase I was going to be done all at once or will it have different sections?

Mr. Jacobsen stated phase I will probably be done in three different sections.

Commissioner Jones asked what size of discharge pipe is proposed?

Mr. Jacobsen replied the pipe will be 24 inch corrugated metal pipe. Mr. Jacobsen explained the outlet structure outlets into a concrete gutter, upstream from the existing culvert under Lindberg Road. He stated another thought is to extend the 30 inch culvert to connect with the outlet structure. The off-site area to the west enters the site in two areas, half of the off-site runoff will enter the existing ditch on the north side of Lindberg Road. A pipe has been designed at the entrance to convey the flow under the entrance to the subdivision. The other off-site runoff comes over the ingress and egress of the driveway to the west of the development and will flow into an inlet to capture the flow. Mr. Jacobsen asked for a variance for the detention facility to be located on lots 176 and 177 of the subdivision.

Mr. Harbor, Sherwood Forest stated he reviewed the plans for Wakerobin and submitted a report of his concerns. He wanted to know what impact the development would have on the existing Wakerobin and Sherwood Forest.

Mr. Eichelberger stated he read the review comments from Mr. Harbor and incorporated them into his review memorandum.

Mr. Spencer recommended preliminary approval with twelve conditions:

1) Starks Fincastle Silt Loam was presented in the submittal as a B/C hydrologic soil group and calculations make as a group B, when this soils is a group C. This value used in curve number determinations was used for both existing and developed conditions for both on and off-site CN determinations. All curve number determinations should be revised to reflect this fact. Also, Rockfield and Kalamazoo soils have been incorrectly assumed to be C group soils in the off-site drainage area.

2) All TR-20 runs have Huff 3rd quartile distribution that is different than the values in the Tippecanoe County Ordinance. Although not a large difference between values, there may be enough difference to make changes in discharge values, thus warranting a correction by the applicant.

3) HY-8 tailwater conditions for the Lindberg Road culvert are analyzed using a normal flow cross section of the receiving swale. No information has been provided regarding the receiving system or the cross section. Slope and condition of the swale need to be provided to confirm this assumption.

4) Although not required by the Ordinance for this project, the TR-20 analysis of the 50-year event of the Lindberg Road culvert did not include the 8.74 acres of off-site drainage area.

5) The following comments are related to the time of concentration calculations:

a. The developed conditions Tc value has been incorrectly computed for the Sheet Flow condition. The slope value was incorrectly entered as a value of 2 versus the correct value of 0.02 foot per foot. In addition, the flow path for the developed condition should be provided in order to confirm the values provided with the submittal.

b. The off-site Tc value has been incorrectly computed for the Sheet Flow condition. The slope value was incorrectly computed as a value of 1 versus the correct value of 0.01 foot per foot. (the calculation sheet does show a value of 0.01 though). In addition, the flow path for the off-site area should be provided in order to confirm the values provided with the submittal.

c. The applicant has not provided a calculation for the uncontrolled runoff time of concentration.

6) It appears that the construction plans differ from the ILUDRAIN calculations at reach 1-3, 0.4 vs 0.5%. The grassed flow length for the area contributing to reach "AS" (5-0) appears to be too long (540 feet).

7) All grading information and subbasin areas assume, in general, that the individual lots will be graded to split front and back yard drainage. The noted grades do not always show a clear indication of the drainage breaks. The acceptance of the provided analysis assumes that the noted drainage peaks will be adhered to during construction of the subdivision.

8) No mention of emergency access nor a safety ramp has been provided for the proposed pond. It appears that lots 176 and 177 contain all of the proposed detention facility on the lot not in common area. If the applicant plans on having detention on lots 176 and 177, a variance request should be submitted.

9) The applicant has not provided indication of drainage easements around critical flow areas between lots 9 & 10 nor near the primary storm outlet into the pond on lot 178.

10) No capacity calculations for the back-yard beehive inlets were provided. Maintaining the minimum 1.5 foot depth of emergency and rear yard swales does not appear possible in a few locations. This appears to be the case near lots 167-168, between lots 9-10 along 6-7(to collect the west off-site flow), and lots 36-37.

11) It does not appear that the applicant has noted erosion control measures for the uncontrolled runoff in the north part of the subdivision.

12) The applicant appears to provide an adequate drainage area map for the off-site area, however, it appears that the 8.76 acres may actually need to include slightly more area above the 702 contour.

Commissioner Haan moved to grant preliminary approval of Wakerobin Estates II, Phase I, with the twelve condition as listed, seconded by Commissioner Jones. Motion carried.

#### CROSSPOINTE COMMERCIAL SUBDIVISION

Allen Jacobsen, C & S Engineering, asked for final drainage approval of Crosspointe Commercial Subdivision located east of Creasy Lane and south of Burberry Place Apartments. The site consists of a total of 80 acres, with Crosspointe Commercial Subdivision being the first of three different sections, consisting of 25 acres and 16 lots. A road is planned through the middle of the subdivision off Creasy Lane and another entrance to the south of the site for access to the future development of apartments. There are two major drainage facilities that run through the site, the open Treece Meadows Legal Drain and the Treece Meadows Relief Drain. The project proposed not to have any on-site detention facility, direct the water to the Treece Meadows Relief Drain then south to the Wilson Branch, which outlets into the regional retention facility. The portion of the relief

drain that runs through the site is very shallow, to eliminate that problem it is proposed to widen the ditch by 10 feet without altering the existing flowline. Also, change the culvert size under Amelia Avenue to accommodate the full 100 year flow and to extend the culvert under Creasy Lane to the northeast to connect with the relief drain.

Commissioner Gentry asked if the existing culvert under Creasy Lane is large enough to accommodate the runoff?

Mr. Jacobsen stated the culvert is designed to convey a 100 year storm event, the plan is to continue the culvert at the same size, so it should function the same as it does currently.

Mr. Jacobsen explained on-site there is an existing 15 inch clay tile, which is proposed to be rerouted and increase the size of the pipe to 18 inches.

Mr. Spencer stated there is a grade conflict with the new storm sewer going down the access road and the back of the lots.

Mr. Jacobsen stated he would make sure in the final submittal there will be no conflict. He also, agreed that with each development of the individual lots approval from the Board will be needed.

Mr. Spencer recommended final approval with three conditions:

- 1) IDNR response to the applicant's January 31, 1996 letter.
- 2) Verification of the cross-section reach lengths through the modeled section of the Treece Meadow Relief Drain.
- 3) Comparison plots of the cross-section.

Ms. Bonner, Hawkins Environmental on behalf of the City of Lafayette, stated many of the easements are not shown and the easements for the Treece Meadows

Relief Drain need to be shown on the construction plans. The developer also, needs to coordinate the proposed construction plans for the widening of Creasy Lane. The Treece Meadows Legal Drain will be extended south approximately 350 feet, which will cross the proposed Amelia Avenue and will affect lots to the south of the access road.

Pat Clancy, Tippecanoe County Highway Engineer's Assistant, asked for a meeting to be held to discuss the future widening of Creasy Lane and the proposed Crosspointe Subdivision. The County Surveyor, the developer, the City and the County Highway should be represented.

Commissioner Haan moved to grant final approval of Crosspointe Commercial Subdivision with the above listed conditions and an agreement be made between the developer, County Highway Engineer and County Surveyor, seconded by Commissioner Jones. Motion carried.

#### HUNTINGTON SUBDIVISION

Andy Slavens, Vester and Associates asked for preliminary approval of Phase I and II of Huntington Subdivision located upstream from State Road 26 and west of the existing Green Meadows Subdivision. A concern from the review of the proposed subdivision is the existing culvert under SR 26, the watershed area included 374 acres to the northeast of Huntington Subdivision, which is tributary to the culvert. After further review, the result was the Subdivision utilizes 20% of the culvert, to control the discharge into the culvert an additional pond was designed at the northwest corner of the site. Another concern from the review was an existing 12 inch tile that is a legal drain, which has the 75 foot easement either side of the pipe.

Commissioner Gentry stated since this is not going into a legal drain what happens when the property owners say they are getting a lot of adverse water and put fill in the drainage area, what happens to the drainage system?

Mr. Slavens stated the drainage plan is designed to handle the water.

Pat Cunningham, Vester & Associates, stated that currently the ten year release rate off the proposed site is between 40 and 50 cfs runoff, per Mr. Spencer's requirement, after development there will only be 10 cfs.

Mr. Spencer recommended preliminary approval with the five conditions David Eichelberger provided in the memorandum dated February 6, 1996.

Commissioner Haan moved to grant preliminary approval of Huntington Subdivision subject to the five condition of the memorandum dated February 6, 1996, seconded by Commissioner Jones. Motion passed.

#### WATERSTONE SUBDIVISION

Dale Koons, Civil Engineering, asked for final approval of Waterstone Subdivision, located between 9th and 18th Streets, south of County Road 350 South and North of the Kirkpatrick Ditch. The approval is to relocate a surface inlet into the Kirkpatrick Ditch along the south end of the proposed subdivision. Two options were proposed for the design of the subdivision in the fall of 1993, the first was to minimize the encroachment into the existing floodplain, and not provide any on-site detention storage. Instead, 77 acre-feet of storage would be provided in the Kirkpatrick Ditch. The second option was to increase the encroachment into the existing floodplain, and provide on-

site detention that is distinct from the drainage way of the Kirkpatrick Ditch. This option would provide approximately 4 to 5 acre-feet of on-site storage above the 100 year flood elevation. In an informal meeting with the Board in December it was decided to pursue the first option and maximize the storage of the Kirkpatrick Ditch. The Commissioners expressed concern about the depth of the flooding and asked that it be fenced off.

Some reconstruction of the Kirkpatrick Ditch will be required from County Road 350 to 9th Street to alleviate the problem of standing water at the 9th Street crossing.

Mr. Spencer recommended final approval, with the condition the proposed invert elevations of the reconstructed Kirkpatrick Ditch should be clarified between the downstream invert of the 18th Street crossing and the 622 contour line. For example, the cross-section labeled as Sta. 79+00 on sheet 51 indicates an invert elevation of 622.30. This cross-section appears to be located at Sta. 25+00 of the Kirkpatrick Ditch centerline as shown on Sheet 10. The invert elevation according to Sheet 10 appears to be approximately 621.7. The applicant should clarify this issue.

Commissioner Haan moved to grant final approval of the drainage relocation connection to the Kirkpatrick Ditch for the Waterstone Subdivision, seconded by Commissioner Jones. Motion carried.

#### OTHER BUSINESS

##### ROMNEY STOCK FARM DITCH

Marvin McBee stated he submitted a petition to the Board for the reconstruction of the Romney Stock Farm Ditch and wanted an update on the progress.

Mr. Spencer stated there was a joint board meeting between Tippecanoe County and Montgomery County. Montgomery County was suppose to get the landowners, names, address, and acreages to him so the County could notify the landowners in the watershed. Mr. Spencer explained shortly after the meeting he received a letter stating Montgomery County was withdrawing from the joint board. Mr. Spencer suggested Mr. McBee ask the Montgomery County Surveyor to send the information of the landowners in the watershed area of Montgomery County.

#### CONTRACTS

Commissioner Haan moved to sign the contract for the Tippecanoe County Drainage Board Attorney with Hoffman, Luhman and Busch, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to sign the contract for the Tippecanoe County Drainage Board Engineering Consultant with Christopher B. Burke Engineering Limited, seconded by Commissioner Jones. Motion carried.

Being no further business, Commissioner Haan moved to adjourn until March 6, 1996, seconded by Commissioner Jones. Meeting adjourned.

DRAINAGE BOARD MINUTES      FEBRUARY 7, 1996

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
APRIL 3, 1996

The Tippecanoe County Drainage Board met Wednesday, April 3, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with Nola J. Gentry calling the meeting to order.

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

The first item on the agenda was to approve the minutes of the Drainage Board Meeting held March 6, 1996. Commissioner Haan moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

ARLINGTON COMMONS/BRIDLEWOOD SUBDIVISION

Jennifer Bonner, Hawkins Environmental, presented the Board with final drainage plans for the Arlington Commons/Bridlewood Subdivision located between County Road 500 East and 550 East, south of Saddlebrook Subdivision. Ms. Bonner explained there is no onsite detention facility planned for the site due to the Berlovitz Regional Detention Basin, which will be build before or along with the development of Arlington Commons/Bridlewood Subdivision. Arlington Commons runoff will mostly be collected by inlets in the street then directed east to a culvert under the proposed South Brookfield Drive to a lake located in the center of Bridlewood Subdivision. The lake will not hold the runoff from the two subdivision, but serve as a collection point and then outlet into the Berlovitz Regional Detention Basin through a 2'x 4' RCP box culvert under County Road 550 East.

Mr. Spencer asked Ms. Bonner why stop logs where being used in the development?

Ms. Bonner stated the reason for the stop logs are to adjust the water level down to enable cleaning of the pipes.

Mr. Spencer recommended final approval with conditions:

1. The Berlovitz Regional Detention Basin must be build and completed along with the completion of Arlington Commons/Bridlewood Subdivision.
2. Clarification of calculation are needed for the pond outlet capacity.
3. Clarification of calculation for the regional basin.

Commissioner Haan moved to grant final approval of Arlington Commons/Bridlewood Subdivision with the three condition set by the Surveyor, seconded by Commissioner Jones. Motion carried.

COUNTY ROAD 350 SOUTH - Phase IV

Brian Litherland, Bernardin, Lochmueller and Associates, presented the Board with final design plans of County Road 350 South, Phase IV which will be located

from U.S. 231 to the new U.S. 231. Mr. Litherland explained a portion of the road will drain directly to wetland areas, and portions directly to Elliott Ditch. The new U.S. 231 has incorporated the new 350 South in the design of the new highway by providing an approach and a culvert. Side ditches will drain toward the new U.S. 231 and the plans for the highway have made provision for these ditches.

Mr. Spencer recommended final approval with two conditions:

1. Copies of the final certified plan, Corps of Engineers permit and Department of Natural Resources permit must be provided.
2. A revised copy of Sheet 9 must be provided.

Commissioner Haan moved to grant final approval of County Road 350 South, Phase IV with the conditions set by the Surveyor, seconded by Commissioner Jones. Motion passed.

#### OTHER BUSINESS

Cuppy McClure - update

Mr. Spencer stated he had a discussion with Hans Peterson, RUST Environment and they are putting together the bid documents for the Cuppy McClure Ditch. The bid documents should be ready next week.

Romney Stock Farm Ditch

Mr. Spencer stated he has received the information needed from the Montgomery County Surveyor and the project is moving forward.

Being no further business, Commissioner Haan moved to adjourn until May 1, 1996, seconded by Commissioner Jones. Meeting adjourned.

DRAINAGE BOARD MINUTES    APRIL 3, 1996 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
July 3, 1996

The Tippecanoe County Drainage Board met Wednesday, July 3, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with Nola J. Gentry calling the meeting to order.

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

The first item on the agenda was to approve the minutes of the Drainage Board Meeting held June 5, 1996. Commissioner Haan moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

BUCKINGHAM ESTATES SUBDIVISION

Dale Koons, Civil Engineering, asked the Board for final approval of Buckingham Estates Subdivision located south of County Road 400 South and east of the proposed relocation of U.S. 231. The project consist of 129 single-family lots on approximately 55 acres. Mr. Koons stated the temporary detention facility on Buckingham property and the detention facility for Stratford Glen Subdivision will be eliminated. The developer is proposing to replace the offsite drainage structure under the first driveway north of Buckingham with a 4' X 7' box culvert. There are two structures located at County Road 400 South, the first structure is located at the intersection of County Road 400 South and Old Romney Road. This structure conveys a portion of the Old Romney Road side ditch flow to Wea Creek through a 30" corrugated metal pipe, the flow continues to the second structure located at County Road 400 South, that is a 24" RCP culvert west of Old Romney Road. The first structure will be replaced with a 48" RCP culvert and the south side ditch of County Road 400 South will be regraded. Mr. Koons requested a variance to permit no on-site detention.

Mr. Spencer recommended final drainage approval with three conditions:

- 1) The applicant should provide construction plans for the off-site construction and written agreements from the applicable land-owners.
- 2) Drainage easements should be provided for the on-site ditch that will convey the on and off site 100 year frequency discharge through the site.
- 3) The Typical Street Cross Section should be revised to eliminate the conflicting cross slopes indicated.

Commissioner Haan moved to grant the variance to waive the requirement for on-site detention, seconded by Commissioner Jones. Variance granted.

Commissioner Haan moved to grant final drainage plans for Buckingham Estates subject to the three condition read by Mr. Spencer, seconded by Commissioner Jones. Motion carried.

PINE VIEW FARMS PHASE II

Mr. Pat Sheehan, Schneider Engineering, asked the Board for a continuance of Pine View Farms Phase II.

Commissioner Haan moved to continue Pine View Farms Phase II, seconded by Commissioner Jones. Continuance granted.

#### ELLIOTT INDUSTRIAL

Mr. Bill Davis, Hawkins Environmental, asked the Board for final approval of Elliott Industrial located at the southeast corner of Concord Road and Brady Lane.

Commissioner Haan and Mr. Tom Busch excused themselves from the discussion of Elliott Industrial at 9:20 a.m.

Mr. Davis stated the National Wetland Inventory Map indicates the site is not within the wetland, also per the Flood Insurance Rate Maps the site does not lie within the limits of the 100 year flood plain. The application for a permit has been submitted to IDNR for construction in the floodway of Elliott Ditch. Mr. Davis stated the adjacent landowners have been notified of the re-routing of the existing 36-inch RCP.

Mr. Spencer recommended final approval with three conditions.

1. The applicant request a variance for the pond depth from the maximum allowable depth of 4 feet for a dry detention pond for the north pond, which has a maximum depth of approximately 6.8 feet.
2. The applicant should supply a detail of the emergency spillways for the proposed detention ponds, correct the size of the orifice on the detail for the south detention pond, Include the 100 year elevation of the proposed detention ponds on the site development plans and revise the pipe sizes on the site development plans to match the calculations for the pipe segments downstream of structure MH-H2 to the pond, as necessary.
3. The applicant should obtain approval from the adjacent land-owner to re-route the existing 36-inch RCP and should obtain permits from IDNR for construction in a floodway.

Commissioner Gentry moved to grant a variance for the north pond in Elliott Industrial to exceed the maximum 4 foot depth requirement for a dry bottom detention basin to be a depth of approximately 6.8 feet, seconded by Commissioner Jones. Variance granted.

Commissioner Gentry moved to grant final approval of Elliott Industrial subject to the three conditions, seconded by Commissioner Jones. Motion carried.

Commissioner Haan and Mr. Busch returned to the meeting.

#### OTHER BUSINESS

##### HADLEY MOORS SUBDIVISION - vacation of easement

Mr. Spencer presented the Board with a letter from Mr. & Mrs. Tyree Harris which requests vacation of an easement on lot 145 in Hadley Moors Subdivision. They are wanting to vacate the drainage easement on the west side of their property to add a 15' x 15' enclosed deck to the northwest corner of their home. Mr.

Spencer stated instead of vacating the easement the Board could grant an encroachment into the drainage easement. Mr. Harris submitted along with the letter, signatures from property owners within 100 feet of his lot which shows their consent of the easement vacation. They also received letters from Tipmont REMC, American Suburban Utilities, Inc., Cox Communications, and GTE Telephone Operations. These letters contain no objections to the construction of the deck over the easement with the understanding if the need arises at a future date to access the easement, the current lot owner would be liable for any dismantling.

Mr. Busch stated the encroachment will have to be recorded.

Mr. Spencer stated he will contact Mr. Harris to ask him to have his attorney write an encroachment permit and submit it to the Drainage Board.

CUPPY MCCLURE - Up-date

Mr. Spencer stated he has not received the permits for Cuppy-McClure, but they have been granted.

Commissioner Gentry stated Mayor Margerum informed her West Lafayette will not be contributing to the project.

Mr. Spencer stated when he receives the DNR permits he will bring them to the Commissioners Meeting to be signed. Atlas Excavating had the lowest alternate bid of \$312,767.00.

BERLOVITZ REGIONAL DETENTION BASIN

Mr. Spencer stated he received a letter from Deluxe Homes stating if the existing Berlovitz tile drain is disturbed or damaged in any way by the construction of the detention basin they will immediately correct or repair the damage. They will construct a clay liner 1' thick and 20' wide centered on the existing Berlovitz drain tile in the detention basin.

ELLIOTT DITCH WATERSHED STUDY UPDATE PROPOSAL

Mr. Spencer asked to be placed on the July 8, 1996 Commissioners Meeting for the approval of the proposed Elliott Ditch Watershed Study update by Christopher B. Burke Engineering, LTD. A letter has been written to the DNR asking them to be involved in the study.

WILSON BRANCH OF THE ELLIOTT DITCH

Mr. Spencer received the dedication of the relocated portion of the Wilson Branch of the Elliott Ditch on the south side of Maple Point Drive between US52 and State Road 38.

ROMNEY STOCK FARM DRAIN

Commissioner Gentry spoke with Marvin McBee and he asked since Montgomery County has waved the right to a joint board what is the next step?

Mr. Spencer stated the next step would be to compile an assessment list. He needs from Montgomery County the acres that drain north into the ditch. The Montgomery County Treasurer can tax the landowners in the watershed area and send the money to the Tippecanoe County Treasurer for collection.

Commissioner Gentry presented an article from Prairie Farmer entitled "Drainage Boards power extended to private drains" which discusses the new Indiana law which gives the County Drainage Boards the authority and responsibility to arbitrate when private landowners can't resolve disagreements about drainage.

The County Surveyor will have the authority to enter onto private property to investigate drainage disputes and the Drainage Board will hear the case and have the power to act. The Drainage Board may have the problem fixed and the cost distributed to the various owners involved based upon how much each owner should benefit. County Drainage Boards were given authority to hear cases involving "natural surface watercourses". In those situations property owners could block water out allowing the flow onto a neighbor's property. The new law will not allow the flow to be blocked.

Being no further business Commissioner Haan moved to adjourn until August 7, 1996, seconded by Commissioner Jones. Motion carried.

DRAINAGE BOARD MINUTES JULY 3, 1996 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
SEPTEMBER 4, 1996

The Tippecanoe County Drainage Board met Wednesday, September 4, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana.

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

ROMNEY STOCK FARM DITCH HEARING

Commissioner Gentry called the hearing to order.

Commissioner Gentry explained the proof of publication were not received for the Notice to Landowners in the watershed area of Romney Stock Farm Ditch, therefore the hearing cannot proceed. Another hearing will be set for October 2, 1996 at 9:00 a.m.

Commissioner Haan moved to continue the Romney Stock Farm Ditch Hearing until October 2, 1996 at 9:00, seconded by Commissioner Jones. Motion passed.

HIGH GAP ROAD DITCH HEARING

Commissioner Gentry stated the proof of publication were not received for the Notice to Landowners in the watershed area of High Gap Road Ditch, therefore the hearing cannot proceed. Another hearing will be set for October 2, 1996 at 9:15 a.m.

Commissioner Haan moved to continue the hearing for High Gap Road Ditch until October 2, 1996, seconded by Commissioner Jones. Hearing continued.

DISCUSSION

Commissioner Gentry asked the audience for any questions on either ditch.

Mr. William Windle, 6835 S 375 W, Lafayette Indiana, stated he opposed the idea of creating a maintenance fund for High Gap Road Ditch. He explained in the past the landowners maintained the ditch and it should continue to be that way.

Mr. Spencer stated Mr. Windle has an undivided 1/2 interest in parcel #128-02200-0030, the other half belongs to his sister, Phyllis Windle. The tax statement shows William & Phyllis Windle at Mr. Windle's address which is where the notice was sent. Should a notice of the October 2 hearing also be sent to Phyllis Windle?

Mr. Hoffman replied Phyllis Windle should receive a notice of the hearing.

Mr. Windle questioned the paragraph in the notice which states "The County Surveyor has estimated that the total cost of periodically maintaining such drain is estimated at the sum of \$6,000.00 dollars per annum." Mr. Windle stated when he spoke with Mr. Spencer concerning the \$6,000.00 dollar assessment he understood it to be only for the first year, then set at a rate of \$1.50 per acre thereafter.

Mr. Spencer stated the notice does not confirm the reduction after the first year, but a copy of the Surveyor's report was sent along with the notices, within the report and on the findings & order it clearly states an assessment of \$13.72 per acre for the first year which is for the excavating expense and then reduced to \$1.50 per acre thereafter for maintenance.

Mr. Windle asked the Board if the \$1.50 per acre will always be on the taxes?

Mr. Hoffman explained the ditch will have an assessment until it exceeds the 4 year annual assessment, when the ditch exceeds the 4 year annual assessment it will go dormant until money is depleted below the 4 year annual assessment, then the ditch assessment will become active.

Lloyd Leamon stated the notice on High Gap Road Ditch should have been sent to the Town of Shadeland, not the Union Township Trustee.

Mr. Spencer stated the assessment list will be corrected so that the Town of Shadeland will receive the notice.

There was no more discussion on either hearing so the meeting moved on to the discussion on Prairie Oaks Subdivision.

PRAIRIE OAKS SUBDIVISION - outlot "A"

Mr. Hoffman mentioned Dave Lux contacted him about the County buying outlot "A" which serves McCutcheon Heights, but is located and more accessible to Prairie Oaks Subdivision. This was discussed at the June 1996 meeting, but the County was not willing to buy the outlot. Commissioner Gentry suggested making it part of a legal drain. It was also suggested to have the landowners that border the outlot to have an undivided interest with restrictions concerning the landowners maintain the outlot as a functioning dry bottom detention basin. Mr. Hoffman stated he would share the suggestion with Mr. Lux and let him decide the next step.

JAMES N KIRKPATRICK - petition to reconstruct

Mr. Spencer stated he received a petition from the City of Lafayette to reconstruct the Kirkpatrick Ditch. The location of the portion that is being petitioned is south of 350 South, between US231 and south 9th Street then east to US52. Mr. Spencer stated an engineering study needs to be done on the ditch.

Mr. Hoffman stated the petition needs to be referred to the County Surveyor for his study and recommendation of the J.N. Kirkpatrick Ditch.

Commissioner Haan moved to refer the petition from the City of Lafayette on the reconstruction of J.N. Kirkpatrick legal Ditch to the County Surveyor for a study, seconded by Commissioner Jones. Motion carried.

CUPPY-MCLURE - update

Commissioner Gentry asked for an update on the progress of the Cuppy-McClure drainage project.

Mr. Spencer stated he spoke with Gab Horn of Atlas Excavating and the structures are being built for the project. When the structures are delivered they will get started, which should be within the month of September.

#### APPROVAL OF MINUTES

Commissioner Haan moved to approve the minutes of August 7, 1996 regular Drainage Board Meeting, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to recess until 10:00 a.m., seconded by Commissioner Jones. Meeting recessed.

#### REGULAR MEETING

Commissioner Gentry reconvened the meeting.

#### 26 CROSSING PHASE II

Andy Slavens, Vester & Associates, asked for final approval of 26 Crossing, Phase II which is located on property of the O'Ferrall Estates south of State Road 26 behind the Meijer store off County Road 500 East.

Mr. Hoffman stated he represents the O'Ferrall Estate, but is not involved in this development because it is being sold to the developer.

Mr. Slavens explained runoff from the site will be stored in the existing detention pond located between the Meijer store and I-65. The drainage design is for the site only and does not include development of lots. As the lots are being developed each individual lot will have to receive Drainage Board approval. Mr. Slavens asked for a variance in the length of 400 feet between manholes. Line 1 and 2 of the south leg of the storm sewer system are longer than 400 feet between manholes. Mr. Slavens asked for a second variance on the cover over the pipe at structure 4, it is only 14 inches and the ordinance requires 18 inches of cover. Mr. Slavens felt with the development of the lots additional cover will be created.

Mr. Spencer stated he would agree to the second variance as long as the pipe is re-enforced concrete pipe. The plans currently show plastic pipe.

Mr. Slavens withdrew the request for a variance on the 14 inches of cover at structure 4 and stated they will provide addition cover to comply with the ordinance.

Mr. Spencer recommended final approval with conditions.

1) The applicant must provide additional information to verify that the inlet capacity and gutter spread calculations meet the ordinance requirements.

2) The applicant must obtain a U.S. Army Corps of Engineers permit for the proposed activity in the existing on-site wetland, if required.

3) Additional information must be provided to ensure that the proposed culvert under Meijer Drive is sized so that there is no adverse impact to Meijer Drive or County Road 500 East.

4) The applicant must petition the Drainage Board to vacate a portion of the Alexander Ross Ditch south of the Meijer store, east of Interstate 65 and west of County Road 500 East.

Commissioner Haan moved to grant the variance on the pipe length between structures for lines 1 and 2 on the south leg, seconded by Commissioner Jones. Motion carried

Commissioner Haan moved to grant final approval subject to the four condition stated by the Surveyor, seconded by Commissioner Jones. Motion carried.

#### WATKINS GLEN SUBDIVISION PART II

Mr. Spencer stated on behalf of R.W. Gross & Associates he asked for the Watkins Glen Subdivision part II hearing be continued.

Commissioner Haan moved to continue the hearing of Watkins Glen Subdivision part II to a future date, seconded by Commissioner Jones. Motion passed.

#### WOODS EDGE II MOBILE HOME PARK

Roger Fine, John E. Fisher & Associates, asked the Board for discussion on the proposed Woods Edge II Mobile Home Park and turned the discussion over to Doug Miller of Consulting Engineering.

Mr. Miller stated Woods Edge II Mobile Home Park consist of 95 acres located north of County Road 650 North. The site is designed to direct release into the north fork of Burnett Creek. Mr. Miller stated there will be no adverse affect on the peak discharge and asked the Board for a variance from the ordinance which requires on-site detention.

Mr. Spencer asked if the development is bounded by Burnett Creek along the north property line? If not, the developer will have to receive approval of the landowner(s) that will be affected.

Commissioner Gentry was concerned on granting the direct discharge because the surrounding area is not heavily developed and if the Board grants the variance for this project other projects to follow will except to be allowed to direct discharge. Commissioner Gentry felt that would eventually cause a problem with the Burnett Creek. Commissioner Haan and Commissioner Jones agreed with Commissioner Gentry's concern.

Mr. Miller stated he will continue to look at other solutions.

#### HERITAGE COVE

Todd Warrix, Schneider Engineering, asked the Board for a discussion on Heritage Cove Subdivision located south of Brookfield Heights and north of Heritage Estates. Mr. Warrix asked for a variance regarding the first floor elevation which should have 2 feet of freeboard above the 100 year flood elevation or have the flood protection grade. The lowest pad is 662.7 which is .59 feet of

protection above the 100 year flood elevation and 3/10 above the emergency routing for higher intensity storms. The second variance is no detention basin or water storage area shall be constructed under or within 10 feet of any power lines. The location of the detention basin are within PSI Energy easement and under high voltage lines. PSI has indicated to the developer approval of the location of the planned detention basins, all basins are dry bottom.

Mr. Spencer understood PSI did have a problem with the location of the basins because of pole access. The Board will need written documentation of PSI approval or denial of the detention basin located within the easement and under the lines.

Mr. Warrix stated the third variance is the maximum plan depth of dry bottom storm water storage shall not exceed 4 feet in depth. The maximum depth for this development is 4.11 feet of storage for the 100 year storm event this creates an increase of .11 feet over the maximum depth. The last variance is the peak runoff rate after development for the 100 year storm event must not exceed the 10 year storm event pre-development peak runoff rate. The existing 10 year runoff rate is 1.28 cfs at the post-development 100 year runoff rate is 1.51 cfs creating an increase of .23 cfs over the existing conditions. The overflow will go into the Brookfield Height system.

Mr. Hoffman stated the development will have to receive approval from Brookfield Heights Homeowners Association and approval from the landowner of the lot at which the hookup will occur.

Commissioner Haan stated his major concern is with the first variance. The second variance needs clarification, the third variance is acceptable and the last variance depends on Brookfield Heights and providing prove of the capacity of the existing pipe.

Being no further business, Commissioner Haan moved to adjourn until October 2, 1996, seconded by Commissioner Jones. Motion carried.

DRAINAGE BOARD MINUTES      SEPTEMBER 4, 1996 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
OCTOBER 2, 1996

The Tippecanoe County Drainage Board met Wednesday, October 2, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana.

Those present were: Tippecanoe County Commissioners Nola J. Gentry and William D Haan; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; and Drainage Board Secretary Shelli Muller.

ROMNEY STOCK FARM DITCH HEARING

Commissioner Gentry called the hearing to order.

Mr. Spencer read the maintenance report for the Romney Stock Farm Ditch.

"The portion of the Romney Stock Farm Ditch as petitioned for maintenance needs the ditch bottom cleaned starting at County Road 1300 South then South for six hundred (600) feet then the ditch bottom needs cut to grade for twenty nine hundred (2900) feet to provide a better outlet for tile drains at the very upper end.

The first year assessment (\$12.13 per acre) should be sufficient to do the proposed ditch excavating then the annual assessment will be reduced to \$1.50 per acre."

The estimated cost for the first 600 feet equals \$750.00 and the following 1700 feet estimated cost of \$4,250.00 for a total estimated cost of \$5,000.00.

Commissioner Haan asked how many acres are within the watershed of the proposed clean out?

Mr. Spencer stated there are 412.18 acres within the watershed area of the Romney Stock Farm Ditch. Mr. Spencer stated he did not receive any remonstrance letters, but did receive a letter from Carol DePlanty. The notice she received indicated her owning 13.33 acres, this was incorrect she owns 6.76 acres the remaining 6.57 acres are owned by Doc Widmer.

Commissioner Gentry mentioned that Paul Kerkhoff was not in favor of the ditch becoming a county regulated drain because Mr. Kerkhoff is concerned about crop damage when maintenance is being done to the ditch.

Mr. Spencer replied that he spoke with Mr. Kerkhoff on his concerns and reassured him it is not the County's intention to do the maintenance while crops are in the field.

Mr. Hoffman asked the length of the extension?

Mr. Spencer stated 1600 feet is what the petition request to become county maintained.

Marvin McBee was present, representing his acreage in the watershed area, and confirmed he is agreeable with the petition to create a maintenance fund for the Romney Stock Farm Ditch.

Mr. Hoffman stated there are two request, the first is to add 1600 feet to the existing legal drain. The second request is to create a maintenance fund for the entire drain starting at County Road 1300 South.

Commissioner Haan moved to extend the Romney Stock Farm legal drain 1600 feet southeast from the ending point of the existing legal drain, seconded by Commissioner Gentry. Motion carried.

Commissioner Haan moved to establish a maintenance fund for the Romney Stock Farm Legal Drain, the first year assessment is \$12.13 dollars per acre and thereafter be reduced to \$1.50 per acre per state statute, seconded by Commissioner Gentry. Motion carried.

Marvin McBee asked if the landowners in the Grimes Ditch watershed pay for the proposed portion of the Romney Stock Farm ditch?

Mr. Spencer stated the Grimes Ditch is considered a separate ditch from the portion that is being petitioned today. The only way the landowners upstream will pay for the proposed ditch is if the two ditches are petitioned to become combined. Mr. Spencer stated after the quotes are received and a contract awarded, the annual assessment will be lowered if the cost is lower than the estimate.

#### HIGH GAP ROAD DITCH MAINTENANCE HEARING

Commissioner Gentry called the hearing to order.

Mr. Spencer read the maintenance report:

"The High Gap Road Ditch needs to be cut to grade the twenty two hundred (2200) feet to provide for a better tile outlet at the South end of the ditch at County Road 800 South. To provide a better tile outlet the drive culvert at station 15+40 must be removed and or replaced at a deeper depth. The first year assessment (\$13.72 per acre) should be sufficient to do the ditch excavation, then the annual assessments will be reduced to \$1.50 per acre."

Commissioner Gentry inquired about the estimated cost for construction?

Mr. Spencer stated the estimated cost of construction is \$6,000.00. Hugh Pence, the farm manager for the Baugh property, would like to extend the excavation to the west property line of the Baugh's eighty acre tract. The petition does include the ditch through the Baugh property, but the estimated cost of construction was based on the clean out of two thousand two hundred feet north of 800 South. Mr. Spencer stated he did another cost estimate which includes continuing the clean out to the west two thousand five hundred fifty feet (2550 ft) for a total cost estimated of nine thousand eight hundred twenty five dollars (\$9825.00). There was one written remonstrance from Jeanne Snoddy.

"Dear Mr. Spencer:

As an absentee landlord I am not as knowledgeable as someone who is living on the premises and operating the farm.

However, I am not in favor of paying for the maintenance and excavation of High Gap Road from which I will not derive any benefit. Our family has been able to maintain our drainage ditch and replace tiles as needed.

I am therefore registering in opposition to the hearing on maintenance report on September 4, 1996 at 9:30 a.m. at the Community Meeting Room of Tippecanoe County Courthouse." signed Jeanne J. Snoddy. Mr. Spencer stated she

owns an eighty acre tract east of High Gap Road and along with Bill Windle who expressed his objection to the ditch at the last Drainage Board Meeting, Mr. Spencer thinks they would agree to the ditch becoming a legal drain if the project extended over to the west property line of the Baugh property.

Commissioner Gentry stated it is possible to continue the project over to the Baugh's west property line by doing the necessary improvements and continue assessment until the drain maintenance fund repays the general drain improvement fund in full.

Commissioner Haan moved to establish High Gap Road Drain as a legal ditch as described in the petition filed, seconded by Commissioner Gentry. Motion carried.

Commissioner Haan moved to clean out and maintain High Gap Road Drain and create a maintenance of \$13.72 per acre for the first year assessment and then reduce the assessment to \$1.50 per acre per statute, seconded by Commissioner Gentry. Motion carried.

#### WATKINS GLEN SUBDIVISION PHASE IV PART II

Mr. Spencer stated on behalf of Vester & Associates, he asked Watkins Glen Subdivision Phase IV part II be continued.

Commissioner Haan moved to continue to Watkins Glen Subdivision Phase IV part II, seconded by Commissioner Gentry. Motion carried.

#### APPROVAL OF MINUTES

Commissioner Haan moved to approve the Drainage Board minutes from September 4, 1996, regular meeting, seconded by Commissioner Gentry. Motion carried.

#### ARNETT CLINIC SOUTH

Todd Warrix, Schneider Engineering, asked for final approval of Arnett Clinic South. The proposed site consists of 3.00 acres located at the southwest corner of U.S. Highway 231 South and County Road 240 South in the Wea-Ton Subdivision. The development will include a medical facility which will accommodate an urgent care center and various medical offices. Mr. Warrix explained there is a proposed dry bottom detention basin along the east property line, between US231 and the proposed parking lot area. The emergency overflow that will not be held in the detention basin and any additional storm water not contained within the basin will be routed at the southeast corner of the property into the west roadside ditch of US231 South.

Mr. Spencer stated a study was done of the Wea-Ton area and an agreement was created concerning the development of the area. Wea-Ton agreed to design the drainage system for the area and now the City of Lafayette wants the design finished for this development. Mr. Spencer suggested the developer of this site meet with the Wea-Ton members and get a letter of commitment which states before any more construction can be done the drainage system must be implemented. After further discussion it was decided that Mr. Spencer will write the Wea-Ton members and let them know that the Drainage Board will not approve additional construction within the subdivision until the drainage system is constructed.

Mr. Warrix read the two conditions suggested by Christopher B. Burke Engineering.

- 1.) Orifice calculations or revised outlet detail must be provided which indicate that the pond will release flows at or below the allowable discharge rate of 1.64 cfs.
- 2.) Additional spot elevations must be added to the construction plans on the northern and northeast sides of the pond to verify that overflow from the pond will exit via the emergency overflow indicated at the southeast corner of the pond.

Mr. Spencer recommended final approval with the two conditions read by Mr. Warrix and the client must submit a copy of the permit from the State Highway approving the discharge into the US231 side ditch.

Commissioner Haan moved to grant final approval of Arnett Clinic South subject to the three conditions, seconded by Commissioner Gentry. Motion carried.

#### OTHER BUSINESS

##### Osco Drug Store

Commissioner Gentry referred to the Osco Drug Store located at the the northwest corner of US231 and Beck Lane, she stated she has received complaints of standing water on Beck Lane.

Commissioner Haan stated the Drainage Board needs to analyze the situation at Osco Drug Store before granting approval of that type of drainage system for any other development. The Commissioners asked the Surveyor to investigate the complaint and look into what can be done to correct the drainage system at Osco Drug Store.

##### Lighthouse Homes Center

Mr. Spencer referred to the Lighthouse Homes Center agreement with the Drainage Board on the Elliott Regional Retention Basin. They have a proposal to excavate the dirt they need for their development out of the area where the future regional basin is planned. There are questions in paragraph 7 of the proposal dated August 27, 1996 that need to be answered before entering into an agreement.

##### Paragraph 7

"Not withstanding Paragraph 4 hereof, the Board grants to Light House the right to commence construction of the Regional Detention Basin and to remove dirt therefrom to Light House land and use. The excavation will be in compliance with the design and specifications of the Board. In the event Light House completes removal of dirt from the area of the Regional Detention Pond equal to 4.4 acre feet of storage, its share of the costs of the design and construction of such Regional Detention Pond shall be reduced in an amount equal to the costs of removal of such 4.4 acre feet of dirt, such amount to be determined by dividing the total costs of dirt removed for such facility divided by its capacity and the resulting number multiplied by the storage capacity of 4.4 acre feet."

Mr. Spencer stated the questions are:

1. How much dirt does Lighthouse Homes need?

2. Do they have an estimate of the cost of moving the amount of dirt which they need?
3. Does this volume of dirt equal 4.4 acre feet?

Mr. Spencer stated Mr. Hoffman wrote Light House Homes a letter asking these questions September 23, 1996. Per telephone conversation with Amy Moore of Butler Fairman & Suifert, representing Lighthouse Homes, she stated they will need seventy-five thousand yards of dirt, it will cost \$.75 per yard to move, and equal more volume of dirt than 4.4 acre feet.

Commissioner Gentry thought the proposal would not be rational because no time table has been determined for the start of the design on the Elliott Regional Retention Basin.

Mr. Spencer felt it not the County's responsibility to get the DNR permits needed for them to work within the floodplain. The design of the basin has not been discussed because of lack of funding, if Lighthouse Homes were to make a cash contribution it would allow the design of the basin to begin.

JN Kirkpatrick Ditch - reconstruction

Mr. Spencer asked to be placed on the Commissioners Meeting agenda to determine dates for the James N. Kirkpatrick Ditch pre-proposal meeting and submittal date for the proposals.

Mr. Spencer asked if October 15, 1996 would be an agreeable date for Woolpert to meet with the Commissioners for the "kick off" of the GIS pilot program?

Commissioner Gentry stated October 15th is available and Commissioner Haan stated he is available October 15th in the morning only.

Being no further business Commissioner Haan moved to adjourn until November 6, 1996 meeting, seconded by Commissioner Gentry. Meeting adjourned.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JANUARY 8, 1997

The Tippecanoe County Drainage Board met Wednesday January 8, 1997 in the Tippecanoe Room of the Tippecanoe County Office Building, Lafayette, Indiana with Commissioner Jones calling the meeting to order.

The first item on the agenda was to approve the minutes from the last meeting held December 11, 1996. Commissioner Jones moved to continue the approval of the minutes until the next meeting allowing time for review, seconded by Commissioner Hudson. Motion carried.

ELECTION OF OFFICERS

Mr. Cy Gerde opened the floor to nominations for President to the Drainage Board.

Commissioner Jones moved to nominate Commissioner Hudson for President to the Drainage Board, seconded by Commissioner Chase. Motion carried.

Commissioner Jones moved to nominate Commissioner Chase for Vice President, seconded by Commissioner Hudson. Motion carried.

Commissioner Jones turned the meeting over to the President.

APPOINTMENTS TO THE BOARD

The next item on the agenda was to appoint an attorney to the Drainage Board.

Commissioner Jones moved to appoint Cy Gerde as Drainage Board attorney, seconded by Commissioner Hudson. Motion carried.

Mr. Spencer presented the Board with a contract from Christopher B. Burke Engineering Limited, they have been the Engineering Consultant for the last eight years. Mr. Spencer submitted the contract to Mr. Gerde for his review and approval.

Commissioner Chase moved to appoint Christopher B. Burke Engineering Limited as Drainage Board Engineering Consultant, subject to the review and approval of the contract, seconded by Commissioner Jones. Motion carried.

Mr. Spencer stated for the last five years Shelli Muller has been the executive secretary to the Drainage Board.

Commissioner Jones moved to appoint Shelli Muller as executive secretary to the Drainage Board, seconded by Commissioner Chase. Motion carried.

Mr. Spencer asked for the reading of the active and inactive ditch list be continued until the February Drainage Board Meeting. The active ditch list are those County maintained ditches that have a maintenance fund below the four year assessment total and will be on the 1997 tax roll.

Commissioner Chase moved to continue the reading of the 1997 active and inactive ditch list until the February Drainage Board meeting, seconded Commissioner Jones. Motion carried.

STONEHENGE SUBDIVISION AND PLANNED UNIT DEVELOPMENT - Phase I

Andy Slavens, Vester and Associates, Inc., asked the Board for final approval of Stonehenge Subdivision and Planned Unit Development, Phase I. The proposed subdivision is located south of County Road 450 North and east of County Road 375 West. Mr. Slavens explained at the December 11, 1996 Drainage Board meeting the development was continued until this meeting due to some comments and concerns of various landowners to the east of the proposed subdivision. Per the request of the landowners and the Board a meeting was held at Vester and Associates to address the concerns of Mr. Bill Kepner, Mr. Scott Kepner and Mr and Mrs. Tsao. Dr. Darrell Norton, a professional soil scientist, was also in attendance to make recommendation such as to address the washout of the Kepner's driveway. The original 30 inch outlet pipe has been reduced to an 18 inch RCP in order to allow the culvert under the driveways to perform effectively in a ten year storm event. Subsurface drainage will be provided along the east property line of the development in order to curtail any possible leakage from the pond or potential for a high water table on the adjacent properties. The last change made to the development per request of the landowners was to install a stilling basin at the outlet of the detention basin. A stilling basin consist of digging out an area below the outfall pipe, putting in riprap and installing a hickenbottom riser pipe to tie into the existing 8 inch farm tile which daylight into the creek on the Kepner's property. The stilling basin will slow down the intensity of the water coming from the detention basin, help maintain the current conditions of the creek and help the erosion concerns of the adjacent property owners. With these three major changes to the proposed subdivision, it now complies with the County Drainage Ordinance and addresses the concerns of Kepners and Tsao. Mr. Slavens asked for final approval of Stonehenge Subdivision and Planned Unit Development.

Mr. Bill Kepner stated on behalf of himself, his son, and his daughter, they agree with the changes made and are comfortable with the Commissioner's approving the development.

Mr. and Mrs. George Tsao stated they are not convinced the changes will address their concern. Mr. Tsao felt the proposed detention basin will create more runoff to his land which will cause soil erosion and make part of his land inaccessible. They requested in writing that no additional amount of water than there is now be allowed to drain into their land. Also, they requested that Stonehenge Development be made to bear the responsibility of the potential damage to their land. They requested additional time before approving the drainage system so they can have a professional and legal evaluation of the drainage situation. (correspondence between Mr. and Mrs. Tsao, the Commissioners and Mr. Spencer are on file in the Stonehenge Subdivision file at the County Surveyor's Office).

Mr. Patrick Cunningham, Vester and Associates, Inc., stated the flow from the site currently goes to the Tsao's property. After development with the design of the detention basin and the stilling basin less flow will go across the Tsao's property in a ten year storm event.

Commissioner Hudson presented and agreement to Mr. Tsao titled "THE DEVELOPER'S CONTINUING RESPONSIBILITY" This agreement states at any time the subdivision is being developed and until every home is built, the landowners can inform the developer of their dissatisfaction of how their land is changing and the developer will be responsible to correct the problem.

Mrs. Tsao stated they have not had enough time to review all the information submitted to them and asked the subdivision not be approved.

Mr. Spencer stated he recommended final approval with two conditions. Stonehenge Subdivision and Planned Unit Development does meet the requirements of the County Drainage Ordinance. The two conditions are:

1. The applicant should add the minimum 10 foot base width requirement for proposed temporary swales.
2. The applicant should obtain an agreement with affected landowners for proposed off-site construction activities prior to any work performed on said properties.

Commissioner Jones moved to approve Stonehenge Subdivision and Planned Unit Development, Phase I subject to the two condition, seconded by Commissioner Chase. Motion carried.

#### MILL CREEK SUBDIVISION - Phase II

Jennifer Bonner, Hawkins Environmental, presented the Board with plans for Mill Creek Subdivision, located on the east side of South Eighteenth Street and North of County Road 350 South. Ms. Bonner requested approval of the Mill Creek, Phase I, to have a direct discharge into the Elliott Ditch. The project consist of the regrading of an 8.61 acre section of the Elliott Ditch extending 2,500 feet to the east of South 18th Street, this will adjust the flood elevation and increase the capacity of the ditch allowing enough storage for direct release from the development to the ditch. Mill Creek is within the City limits and will meet the requirement of the City drainage ordinance. The development has received a waiver of storm drainage detention and the Department of Natural Resources has confirmed that the project will not increase the flood stage.

Mr. Spencer stated he recommended to approve the direct release into the Elliott Ditch subject to two conditions.

1. The IDNR permit must be obtained for the dry pond outfall structure.
2. No new residential construction can occur within the floodway of Elliott Ditch as shown on the current FIS FBFM (effective date March 16, 1991) without the LOMR from FEMA.

Commissioner Chase moved to approve the request for direct discharge into the Elliott Ditch with the two conditions, seconded by Commissioner Jones. Motion carried.

#### THE MEADOWS AT NORTHRIDGE

Pat Sheehan, Schneider Engineering, presented the Board with The Meadows at Northridge drainage plan consisting of twenty-three lots on 22.8 acres located south of County Road 200 North. The entrance to the subdivision is off the existing Foxmoore Lane located in the present Northridge Subdivision. The

original plan included two detention basins for this development, the first wet-bottom basin borders Lockwood Subdivision directly south of the project and the second, dry-bottom basin borders Northridge Subdivision east of the development. The developer asked for a variance for the first basin to be constructed without a fence, after review it was determined that it does not meet the cross section detail of a basin without fence.

Mr. Spencer explained the drainage ordinance was changed in 1994 to eliminate the constant requests for a variance from fencing detention basins. Many developers would ask for this variance because it required a six foot chain link fence to surround the basin which caused an eyesore to the surrounding landowners. The County reviewed the situation and came up with two different concepts. The detention basin with and without a fence shall meet the same requirement except for the cross-section. The basin with a fence should be surrounded by a nonclimbable fence and meet specified cross section. The safety and maintenance ledges are more narrow and have steeper slopes. The basin without a fence shall have wider safety and maintenance ledges with minimum side slope to meet the specified cross-section causing the surface area of the basin to be larger.

Mr. Sheehan stated the developer plans to keep the vegetation which lines the south side of the basin in tact, as much as possible, that is why the basin can not meet the cross-section of a basin without a fence. Mr Sheehan explained the second option is to make the wet bottom basin a dry bottom basin. The calculation are not complete for a dry bottom basin, but would like that to be a condition with the approval of this project.

Commissioner Chase moved to grant final approval of The Meadows at Northridge subject to the developer submitting new plans that meet the drainage ordinance requirements for a dry bottom detention basin or meet the drainage ordinance requirements for a wet bottom detention basin without a fence, seconded by Commissioner Jones. Motion carried.

#### OTHER BUSINESS

##### HIGH GAP ROAD DITCH AND ROMNEY STOCK FARM DITCH

Mr. Spencer informed the Board letters to various contractors have been sent asking for quotes on the cleanout of two drains, High Gap Road Ditch and Romney Stock Farm Ditch. The two drains were petitioned and approved to become County Regulated Ditches. Quotes are due 11:00 a.m. on February 5, 1997 in the County Auditor's Office.

##### FAITH PRESBYTERIAN CHURCH

Mr. Spencer stated he has been in contact with Ed Hemmer of Faith Presbyterian Church. Mr. Hemmer wrote a letter and included pictures which Mr. Spencer presented to the Board and are on file in the County Surveyor's Office.

{quote}

"Faith Presbyterian Church

December 19, 1996

Mr. Michael Spencer, County Surveyor  
20 N. Third Street  
Lafayette, IN 47901

Dear Mr. Spencer:

These pictures were taken December 15 showing the water problem we now have at Faith Church. I know you are aware of this, but the volume of water to be drained should be of interest since it relates directly to the size of ditch, swale, or storm sewer required for its removal.

Two points should be kept in mind: 1) the ground was not frozen, so maximum seepage has already occurred to saturate the ground, and 2) recent rains were not unusually heavy for this area and had stopped 3 days before the pictures were taken.

I may send similar pictures to Doug Schrader of Prairie Homes.

Sincerely,

Edgar H. Hemmer"

{end quote}

Mr. Spencer stated he wanted to make the Board aware of the situation and expect to be contacted concerning this. The developer is aware of the problem and will correct it within ten to fifteen days. Mr. Hemmer has been informed of the developers intent and to call if he is not satisfied.

Being no further business, Commissioner Chase moved to adjourn until February 5, 1997, seconded by Commissioner Jones. Meeting adjourned.

REGULAR MEETING    JANUARY 8, 1997 DRAINAGE BOARD MINUTES

TIPPECANOE COUNTY DRAINAGE BOARD  
 REGULAR MEETING  
 FEBRUARY 5, 1997

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

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

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

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

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

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

ACTIVE DITCH LIST 1997

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

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

INACTIVE DITCH LIST 1997

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

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

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

#### 1997 CONTRACTS

##### ENGINEERING CONTRACT

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

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

##### ATTORNEY CONTRACT

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

Commissioner Hudson read the paragraph that was added:

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

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

#### **JAMES N. KIRKPATRICK DITCH**

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

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

#### **OBSTRUCTION OF DRAINS**

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

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

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

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

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

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

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

#### MARCH DRAINAGE BOARD MEETING DATE

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

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

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

# TIPPECANOE COUNTY DRAINAGE BOARD

February 4, 1998

regular meeting

## **Those present were:**

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

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

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

## **MIKE MADRID COMPANY**

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

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

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

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

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

## **DRAINAGE BOARD 1998 CONTRACTS**

### **Attorney**

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

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

**Engineering Consultant**

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

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

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

**1998 ACTIVE AND INACTIVE DITCH LIST**

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

**ACTIVE DITCH LIST**

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

**INACTIVE DITCH LIST**

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

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

**OTHER BUSINESS**

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

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

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

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

**MINUTE BOOK**

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

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

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

---

Ruth Shedd, President

---

---

Shelli Muller, Secretary

---

Kathleen Hudson, Vice President

---

John Knochel, Member



# TIPPECANOE COUNTY DRAINAGE BOARD

February 3, 1999

Regular Meeting

**Those present were:**

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

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

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

ACTIVE

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

INACTIVE

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

Calvin Peters Saltzman Skinner Ray William Stewart	Peter Rettereth  Abe Smith	Alexander Ross  Mary Southworth	John
Alonzo Taylor Harrison Wallace Wilder J&J Wilson	John Toohey Sussane Walters  Franklin Yoe	John VanNatta McDill Waples  Jenkins	Lena
<b>Shawnee Creek</b>			
Buetler/Gosma Lake High Gap Rd	John McLaughlin  Romney Stock Farm	S.W. Elliott	Hadley

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

**WATKINS GLEN SUBDIVISION, PHASE 4, PART 3**

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

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

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

**SEASONS FOUR SUBDIVISION, PHASE III**

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

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

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

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

\_\_\_\_\_  
Ruth Shedd, President

\_\_\_\_\_  
Shelli Muller, Secretary

\_\_\_\_\_  
Kathleen Hudson, Vice President

\_\_\_\_\_  
John Knochel, Member

# TIPPECANOE COUNTY DRAINAGE BOARD

February 9, 2000

Regular Meeting

## **Those present were:**

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

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

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

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

## **CROSSPOINTE APARTMENTS SUBDIVISION**

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

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

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

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

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

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

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

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

Steve Murray asked if there was a duration limit.

Dave Eichelberger stated none that he is aware of.

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

#### **WABASH NATIONAL SITE DETENTION**

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

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

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

#### **WILLIAMS COMMUNICATIONS – FIBER OPTIC CABLE**

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

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

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

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

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

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

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

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

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

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

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

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

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

Steve Murray asked what is your construction schedule.

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

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

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

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

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

## **2000 ACTIVE AND INACTIVE DITCH ASSESSMENTS**

Mr. Luhman read the 2000 active and inactive ditch list

### ACTIVE

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

INACTIVE

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

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

**OTHER BUSINESS**

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

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

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

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

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

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

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

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

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

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

**CHICAGO TITLE INSURANCE COMPANY**

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

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

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

---

Kathleen Hudson, President

---

Doris Myers, Secretary

---

John Knochel, Vice President

---

Ruth Shedd, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**April 2, 2003**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President Ruth Shedd, John Knochel Vice President, and KD Benson 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.

**Approval of March 5, 2003 Minutes**

John Knochel moved to approve the minutes of the March 5, 2003 meeting. KD Benson seconded the motion and the minutes were approved.

**Shawnee Ridge Subdivision Phase 3**

Mr. Tim Beyer appeared before the Board to request final approval for Shawnee Ridge Phase 3 Subdivision. The site was located on the north side of County Road 600 North between State Road 43 and Prophets Rock Road in Tippecanoe Township. The project was not within the Battleground City Limits. The site involved 96 acres and would ultimately be developed into 190 single-family residences. Phase 1 of Shawnee Ridge was approved under the name of Battlefield Heights on August 11, 1999 and consisted of 59 lots on 22 acres. Phase 2 was renamed Shawnee Ridge and consisted of 54 lots on 19 acres, and approved on July 3, 2001. The proposed storm sewers within Phase 3 would connect to and convey runoff from portions of Phase 1 to the existing detention basin for the development, while conveying runoff from Phase 3 to the pond. The Detention Pond, located in the northeast portion of the project, had been constructed and approved during the prior phases.

The Surveyor recommended final approval with conditions as stated in the Burke memo of March 26, 2003 for Shawnee Ridge Subdivision Phase 3. He stated the conditions must be met before submission of the final construction plans. John Knochel made the motion to approve Shawnee Ridge Phase 3 for final approval with conditions as stated on the March 26, 2003 Burke memo. KD seconded the motion. Shawnee Ridge Phase 3 was given final approval with the conditions stated on the March 26, 2003 Burke memo.

**Wake Robin Estates 2 Phase 3**

Tim Beyer from Vester & Associates appeared before the Board and requested final approval for Wake Robin Estates 2 Phase 3. The site was located along the west side of McCormick Road (County Road 250 West) and north of Lindberg Road in Wabash Township. The proposed project consisted of 45 lots on approximately 19 acres. The development included the construction of a dry-bottom detention pond to accommodate runoff from an overall 32.5-acre watershed. The detention portion of the project was previously approved on September 5, 2001 for Phases 2 and 3. In addition to Phase 3 on-site impacts, the pond would control runoffs from rear-yard portions of lots in the previous phases, off-site drainage from north of the site and the areas that currently drained to a temporary detention pond in the center part of the site. A waiver for the onsite detention storage to be located on platted lots was requested. KD Benson noted the reason public hearings had been held in the past on this project was lots had been platted up to the road. The revised plat placed the pond on those lots. Steve recommended to the Board the waiver be granted. In addition to the Drainage Board's approval, IDEM and the Corps of Engineers would have to issue a permit, due to a portion of this project located within a designated wetland.

KD Benson inquired when State Highway 231 goes through this area, would the State be responsible for the interruption of the area? Steve stated the State would be responsible for any area that was disrupted in the construction of the Highway. Also, in the planning process of the Highway construction those issues would be addressed by the State. KD also asked if and when McCormick Road gets straightened out at the s curve, what would happen to the area affected? The attorney stated if the road was straightened out it might affect four or five lots. Steve stated whoever proposed the McCormick Road project would be responsible for the acquisition of right of ways, easements, etc. He stated that the final construction plans would not be signed until all conditions listed on the March 31, 2003 Burke memo were met.

KD Benson moved to grant Wake Robin Estates 2 Phase 3 a waiver for the standard onsite detention storage to be located on platted lots as requested. John Knochel seconded the motion and the waiver was granted. John Knochel moved for final approval on the Wake Robin Estates 2 Phase 3 with the conditions stated on the March 31, 2003 Burke memo. KD Benson seconded the motion and the final approval was given.

### **Foxfire @ Valley Lakes Phase 1**

Alan Jacobson from Fisher & Associates appeared before the Board to request final approval for Foxfire @ Valley Lakes Phase 1. The proposed Phase I of Foxfire @ Valley Lakes project was located on approximately 19 acres and would consist of 258 apartment units within 16 buildings, a pond and a clubhouse/pool facility. The site was located on the south side of County Road 350 South, between South 18<sup>th</sup> Street and Concord Road. Alan also requested a waiver for onsite detention storage, a reduction of the existing drainage easement, and the reconstruction of 780 feet of Branch #5 of the James N. Kirkpatrick Regulated Drain. Due to poor soil and wetland issues, approximately 15 acres would remain undeveloped.

At the Northeast corner of the site, a single drainage easement channel was proposed for both the Foxfire project and a project by G&L Development called The Villas at Stones Crossing Subdivision and would follow the common property line between the two. The present easement was 150 feet wide with 75 feet of width on each of the adjoining properties and extended south 520 feet. The existing easement was granted in the early 1990's and was related to the reconstruction of County Road 350S. There was a well-defined swale at the northern end of the easement that flared out gradually as it flowed to the south and allowed the stormwater to continue to the Kirkpatrick Ditch. The requested easement was 25 feet in width along the west side of the Foxfire project, along with a similar width on the G&L project site. Alan felt the proposed width would allow enough room for any maintenance work that may be needed in the future. Alan also informed the Board, in addition to the Drainage Board approval, the proposed easement was pending review by the City of Lafayette Engineer's Office.

The J.N. Kirkpatrick Regulated Drain was located along the southern property line of the site. The Regulated Drain was currently under reconstruction from a closed tile to an open channel and would eventually include the reach of the drain along the southern boundary of the project site. Branch # 5 of the J.N. Kirkpatrick Regulated Drain consisted of a 12-inch clay tile and flowed from northeast to southwest through the site. Originally the branch tied to the 30-inch main tile. The plans called for interception at the east property line and reconstruction as part of the site's storm sewer. A riser pipe was to be placed at the upstream end of the undisturbed portion of Branch #5 which would allow the tile to continue to function.

Steve stated he wanted to insure the riser was in the plans for possible future use of location of the tile and development. He then stated a review of the discharge had been done and it was at or below the projected amount based on land use and the study done by Burke of the Kirkpatrick Drain. He recommended a waiver of the standard onsite detention storage be granted. John Knochel made a motion to grant a waiver of the onsite standard stormwater detention storage for Foxfire at Valley Lakes Subdivision. KD seconded the motion and a waiver was granted.

Steve then recommended granting final approval with conditions as stated on the April 1, 2003 Burke memo for the Foxfire at Valley Lakes Subdivision. John Knochel made the motion to grant final approval for the Foxfire at Valley Lakes Subdivision with the conditions stated on the April 1, 2003 Burke memo. KD seconded the motion. The motion carried and Foxfire at Valley Lakes Subdivision was granted final approval with the conditions stated on the April 1, 2003 Burke memo.

Steve then recommended granting the relocation and reconstruction request of Branch #5 of the J.N. Kirkpatrick Regulated Drain, per I.C. 36-9-27-52.5. John Knochel moved to grant the relocation and reconstruction as proposed, and KD Benson seconded the motion. The relocation, reconstruction request of Branch #5 of the J.N. Kirkpatrick Drain was granted.

In regard to the easement on the 350S side ditches, Steve stated the County Highway purchased it at the time of reconstruction on 350S. It was put in for the discharge of 350 and extended down to the 150 feet easement for Branch #5 of the J.N. Kirkpatrick drain. A riprap dissipater was put in at that time and Steve felt the proposal at hand was actually an improvement, as a positive surface channel would be in place. After conferring with the attorney, he recommended the reduction of the drainage easement at the Foxfire at Valley Lakes Subdivision side from 75 feet to 25 feet as requested. The attorney stated the Commissioners could give the Drainage Board the required authority at their April 7, 2003 meeting. John Knochel made the motion to approve the reduction of easement from 75 feet to 25 feet for the J.N. Kirkpatrick Drain on the Foxfire at Valley Lakes property pending the April 7, 2003 Commissioners meeting date. KD Benson seconded the motion and as there were no objections, the motion carried.

## The Commons At Valley Lakes Phase II

Alan Jacobson from Fisher & Associates appeared before the Board to request final approval for the Commons at Valley Lakes Phase II Subdivision. The Subdivision was located east of 150E (South 18<sup>th</sup> Street) south of County Road 350S. Phase II would add 87 single-family slightly oversized residential lots to the overall development. Stormwater from the site would be routed to existing storm sewer systems through additional storm sewers and drainage swales. In addition, he requested approval for the partial reconstruction of the **J.N.Kirkpatrick** Ditch Branches #7, #8 and a reduction of the existing easement pertaining to Branch #10. A waiver for the standard onsite stormwater detention was also requested. He stated the runoff associated with this phase of the Commons would be less than assumed in the modeling of the project.

Alan proposed 320 feet of reconstruction on a 12-inch clay field tile known as Branch #7 of the J.N. Kirkpatrick Drain which crossed the northeast corner of the site. The downstream portions of Branch #7 had been previously reconstructed as part of the Commons at Valley Lakes Phase 1 construction. The 12-inch tile would be reconstructed to a 15-inch RCP storm sewer that would follow the eastern boundary of the site. The abandoned portions of the existing tile would be removed and vacated.

Alan proposed to remove the remaining portion of Branch #8 of the J.N. Kirkpatrick Drain. The approval for reconstruction was granted previously during the Landing At Valley Lakes Phase 2 construction. The Branch flowed to the north and crossed the southeast corner of the site as a 10-inch and 12-inch diameter clay field tile, and connected to Branch #7 just east of the site. Upstream portions of the branch were previously rerouted. Currently the flows were routed through an existing 42-inch storm sewer that crossed the eastern portion of the site and no off-site water from the south was being conveyed through the existing tile. The abandoned portion of the tile would be excavated and vacated.

A portion of Branch #10 of the J.N. Kirkpatrick Drain flowed to the northwest and impacted the western side of the site. A 10-inch clay tile crossed under 18<sup>th</sup> Street to a riser pipe approximately 80 feet east of the road. Alan's proposal for Branch #10 of the J.N. Kirkpatrick Drain was to vacate and reduce the 75 foot Legal Drain Easement located east of the riser to correspond with the eastern limits of an existing 40 foot Utility Easement and a proposed 60 foot Drainage and Utility Easement as shown on Lots 119 and 120. No alterations to the tile or the riser pipe (with the exception of raising or lowering the rim) to accommodate the grading) were proposed. The City Engineer had signed off on the drawings as the project lied within the city limits.

The Surveyor recommended to the Board granting a waiver for the standard onsite stormwater detention to allow direct release into the J.N. Kirkpatrick Legal Drain. John Knochel made the motion to grant a waiver for the standard onsite stormwater detention for the Commons at Valley Lakes Phase 2 Subdivision. KD Benson seconded the motion, and the motion carried.

The Surveyor then recommended granting final approval for the Commons at Valley Lakes Phase 2 with the conditions as listed on the April 1, 2003 Burke memo excluding # 4 of the memo. Since the project was in the city limits and the city maintains the storm sewer system, he felt condition #4 on the memo was not necessary. John Knochel moved to grant final approval as stated with the exception of condition #4 on the April 1, 2003 Burke memo for the Commons at Valley Lakes Phase 2. KD seconded the motion and as there were no objections the motion carried.

The Surveyor recommended the vacation and reduction of the current Legal Drain Easement of Branch #10. He also recommended the relocation and reconstruction of Branches #7 and #8 as proposed. John Knochel made the motion to vacate and reduce Branch #10 of the J.N. Kirkpatrick Drain as stated. He also included within the motion approval of the relocation and reconstruction of Branches #7 and #8 as stated. KD Benson seconded his motion and the motion carried.

Alan Jacobson thanked the Board for their consideration on both matters.

**Other Business**

*Letters of Credit*

The Surveyor presented an Irrevocable Letter of Credit #51004659 submitted by the Eagles Nest Corporation in the amount of \$10173.64 for Hickory Hills 3<sup>rd</sup> Subdivision Phase 1 Section 1 (AKA Eagles Nest), drawn under the Farmers Bank in Frankfort Indiana dated March 17, 2006. The Letter of Credit was intended for the storm/sewer basin and waterways construction outside the County Road Right of Way. John Knochel moved to accept the Letter of Credit submitted by Eagles Nest Corp. and presented to the Board by the Surveyor. KD Benson seconded the motion and the motion carried.

**Steve Murray**

As the Surveyor did not have any other business to present to the Board, John Knochel moved for adjournment. KD Benson seconded the motion and the meeting was adjourned.

\_\_\_\_\_  
Ruth Shedd, President

\_\_\_\_\_  
John Knochel, Vice President

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

\_\_\_\_\_  
KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**March 24, 2006**  
**SPECIAL Meeting**

**Those present were:**

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

**Classification of Drains (Partial)**

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

He reviewed his report with the Board as follows:

1.) Drains in need of Reconstruction

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

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

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

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

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

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

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

1. F-Lake Detention Facility

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

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

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

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

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

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

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

2.) Hearing and rates established in 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

KD Benson, President

---

John Knochel, Vice President

---

Brenda Garrison, Secretary

---

Ruth Shedd, Member

March 24, 2006

Tippecanoe County Drainage Board

- 439 -



**Tippecanoe County Drainage Board**  
**December 7, 2011**  
**Romney Stock Farm #109 Joint Regulated Drain**  
**Maintenance Hearing**

**Those present were:**

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

The President turned the hearing over to the Surveyor. The Surveyor read the Romney Stock Farm #109 Regulated Drain maintenance report into the record as follows: Maintenance Report on the Romney Stock Farm #109 Regulated Drain Tippecanoe County Drainage Board October 17, 2011 The Romney Stock Farm Drain was originally established as a branch of the Kellerman – Leaming (Carl L. Norman) Drain by the Superior Court of Tippecanoe County, Indiana in 1949. The Drain and its watershed are located in Sections 35 and 36 of Township 21 North and Range 4 West in the political township of Lauramie, Tippecanoe County, Indiana and Sections 1 and 2 of Township 20 North and Range 4 West in the political township of Madison, Montgomery County, Indiana. There are approximately 3500 lineal feet of open ditch and 4200 lineal feet of tile under maintenance. Note: Historically there were zero (0) lineal feet of tile under maintenance, however from this point forward there shall be 4200 lineal feet of tile and 3500 lineal feet of open ditch under maintenance. The watershed contains 412.18 acres. The Romney Stock Farm Drain Maintenance Fund was established by the Tippecanoe County Drainage Board on the 2<sup>nd</sup> day of October, 1996. It is the judgment of the Tippecanoe County Surveyor that a sum of \$34,000.00 is needed to maintain and improve the existing drainage system. An assessment of \$10.00 per acre and a \$100.00 minimum over an (8) eight year period is recommended. This will generate \$34,747.20 over an (8) eight year period. It is the opinion of the Tippecanoe County Surveyor that this rate increase will cover the cost of the much needed open ditch dredging project and ensure that monies will be generated for future maintenance and tile replacement on this system.

The Surveyor noted he had been approached by a couple landowners to dredge the open ditch portion of the drain. One of the landowners Randy Geswein, could not be in attendance today, however he was in favor of the project. The open ditch portion was located south of Co. Rd. 1300South and drained to the northwest. He noted his staff had completed the field work and anticipated the maintenance would start in the spring of 2012.

The Attorney noted a remonstrance was received by Mrs. Phyllis Schultz, 4093 E 1200N, Romney Indiana, 47981 and read it in the record as follows: "I very strongly object to the Romney Stock Farm Joint Regulation Drain #109. I am a widow and on a limited income. My property drains into a culvert under the road into a field across the road. \$10 an acre is far too much and \$100 minimum is definitely outrageous. I don't want to be forced to sell my home because of a ditch tax. Need to find cheaper ways to clean ditch." Phyllis Schultz 4093 E 1200N Romney Indiana 47981. The Attorney then read letters from Montgomery County Surveyor's Office as follows: Letter received November 18, 2011 and dated November 14, 2011 addressed to the Tippecanoe County Drainage Board and the Tippecanoe County Surveyor. To the Drainage Board and County Surveyor: The Montgomery County Drainage Board, at their regular meeting on Monday Nov. 7, 2011, voted to waive their rights to be represented at the December 7, 2011 Drainage Board Hearing regarding the Romney Stock Farm Joint Regulated Drain #109 assessment increase. We appreciate your consideration in this matter and look forward to working with you in the future. Respectfully submitted, Tom Cummins, Montgomery County Surveyor, dated November 14, 2011. The second letter received was received on November 18, 2011 and dated November 14, 2011 It is as follows: RE: Montgomery County Highway Dept.; Romney Stock Farm Drain Assessment To the County Surveyor; I am writing in response to the notice of assessment received by the Montgomery County Highway Dept., for the Romney Stock Farm Regulated Drain #109. The Montgomery County Commissioners and the Montgomery County Drainage Board have decided to cease any assessment of the county road easements, as it pertains to regulated drains. The decision was made in 2010, based on several factors. The county road right of way is not real property, and there is no parcel number or tax ID attached. The adjoining property lines are drawn to the center of the roadway, so this property is assessed to the adjoining landowners. By relieving the department of regulated drain assessments, it allows more money to be budgeted by the department for assistance in other drainage needs, such as roadside ditch maintenance. Therefore, I request the removal of any assessment of the Montgomery County Highway Dept. for the Romney Stock Farm Regulated Drain #109. Please call if you have any questions, or if you need anything else from my office. Respectfully Submitted, Tom Cummins Montgomery County Surveyor dated November 14, 2011. The Attorney noted the pertinent facts from the letter were, they did not own any of the designated roadways as fee simple, they report they only have easements for right of way- the adjoining property lines are described legally as running to the centerline of the roadway so that the acreage is included in those adjoining property owners properties. When you have based your assessments based on acreage of property owners, the portion underneath those roadways would have been included in the acreage of the adjoining landowners. So you have not missed assessing the

maintenance fund against any benefited acres. They have taken action in Montgomery County to have those assessments based on the adjoining landowners. The assessment list submitted by the Surveyor indicates all assessments assessed to adjoining landowners as requested. Discussion was held regarding adjoining multiple regulated drain watersheds. There were several tile drains which outlet into a separately maintained regulated open ditch. The attorney reviewed reasons for separate maintenance funds for multiple branches of same drain or open ditches. There was no public comment.

David Byers made a motion to hear the Findings and Order by the Surveyor. John Knochel seconded the motion. The Attorney then read the Findings and Order into the record. BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD IN THE MATTER OF THE ROMNEY STOCK FARM REGULATED JOINT DRAIN #109: 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 October 17, 2011. Certificate of mailing of notice of time and place of hearing, to all affected landowners filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Leader of Tippecanoe County, Indiana and The Journal Review of Montgomery County, Indiana were filed. Remonstrances were filed. A waiver of rights was submitted by the Montgomery County Drainage Board and on file. Evidence was presented by the Tippecanoe County Surveyor. A list of landowners who were present is filed herewith.

After consideration of all the evidence, the Board does now FIND THAT:

- (1) The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on October 17, 2011.
- (2) Notice of filing of the maintenance report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier, The Lafayette Leader, and The Journal Review newspapers of general circulation in Tippecanoe and Montgomery Counties, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 3500 lineal feet of open ditch and 4200 lineal feet of tile.
- (5) The present condition of the ditch is poor and in need of maintenance.
- (6) The ditch needs the following maintenance at present:  
Clearing, Dredging and tile replacement
- (7) There is now \$7,740.08 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 412.18 acres total.
- (9) Estimated annual cost of maintenance is \$4,334.80.
- (10) Estimated annual benefits the land drained exceed the cost of maintenance.
- (11) A fund for annual maintenance should be established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$10.00 per acre with a \$100.00 tract minimum. The maintenance fund should be allowed to accumulate to a total of **eight** times the annual maintenance.
- (13) The assessment list filed herewith should not be amended.
- (14) The assessment list filed herewith is fair and equitable and should be adopted.
- (15) The assessment should be collected with the **May 2012** taxes.

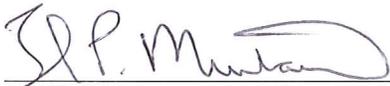
NOW, THEREFORE, IT IS ORDERED THAT:

- (1) A maintenance fund be established for the Romney Stock Farm Regulated Drain #109 at the annual rate of \$10.00 per acre with a \$100.00 minimum per tract benefited. The maintenance fund should be allowed to accumulate to a total of **eight** times the annual maintenance.
- (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 2012** taxes.

DATED at Lafayette, Indiana this 7<sup>th</sup> day of December 2011. Signature lines for the Tippecanoe County Drainage Board and attested by the Drainage Board Secretary.

David Byers made a motion to accept the Findings and Order as presented by the Surveyor and read into the record by the Attorney. John Knochel seconded the motion. The Romney Stock Farm #109 Joint Regulated Drain Maintenance rate was approved as submitted.

David Byers made a motion to adjourn. The Romney Stock Farm #109 Joint Regulated Drain Hearing was adjourned.



Thomas P. Murtaugh, President



David Byers, Vice President



John Knochel, Member



Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**March 14, 2012**  
**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 Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison.

**Approval of Minutes**

Tom Murtaugh made a motion to approve the January 4<sup>th</sup> Regulated Drain Hearing and the January 4<sup>th</sup> Regular Drainage Board Meeting minutes as written. John Knochel seconded the motion. The December 7<sup>th</sup> Regulated Drain Hearings and the December 7<sup>th</sup> Regular Drainage Board Meeting minutes were approved as written.

**Winding Creek Section 6**

Clem Kuns from TBird Design Services appeared before the Board to present Winding Creek Section 6 for final approval. The site was located south of County Road 600 North and west of County Road 75 East on approximately 25 acres. He noted a master drainage plan for this area was approved in 1998 by the Board. This Section was the last section of the overall development. The northern boundary of this section adjoined the Coyote Crossing Golf Course. The onsite detention facility was originally designed to accommodate a portion of this section as well. The existing pond outlet would be modified with stormwater quality measures. Part of the northern portion drained uncontrolled to the Cole Ditch after passing through the Coyote Crossing Golf Course. All minor modifications of the existing pond were indicated on the construction plans. Plans called for lowering the existing spillway 2 feet (presently a grassy Berm). Regarding crossing the Golf Course, they were presently looking for wetlands in the area which may need to be accommodated or mitigated. A signed agreement was obtained from the Golf Course owners in order to proceed with the construction and permitting process. The construction plans were reviewed with the Golf Course owners. The exhibit which indicated the exact locations of the proposed crossings was reviewed with them specifically. IDEM and DNR permitting was presently in the process phase. Responding to Mr. Knochel's inquiry, Clem stated safety signs and flotation equipment were proposed for the pond ramp area. However, the ramp was not on the property being developed for this section. Therefore additional safety accommodations were not included in the plans. He noted there were future development plans for a clubhouse close to the area of the pond. After a lengthy discussion with the Board Attorney, the Board concluded additional pond safety requirements would be addressed at the clubhouse project's drainage approval presentation.

A variance regarding the TSS removal rates was requested and he noted several stormwater quality measures for the majority of the site were planned. He asked for approval of the variance and project at that time. Responding to Tom Murtaugh's inquiry, Clem stated the L-shaped outlot indicated on the plans was designed for Utility and Drainage Easements. A mound was proposed to be located there to block the view of the treatment plant. It was noted American Suburban and Indiana American Water both have infrastructure in this area. Tom Lawrence, 8 Grapevine Court West Lafayette 47906- Lot 118 of Winding Creek Subdivision Section 1, appeared before the Board as the Homeowners Association Representative for Winding Creek Subdivision. He stated the clubhouse project was indefinitely delayed until more monies were collected by the Association. Mr. Byers stated pond safety was very important to the Board and it was prudent to address this before construction on the clubhouse was started. The Board would address this at that time. The Surveyor stated while the pond was designed and approved under the 1998 Drainage Ordinance, efforts were made to achieve the current TSS required rate for this section of the project. In addition, he noted a meeting had been held to specifically discuss certain issues of them being the safety and TSS rate. As a result of the meeting, he stated measures taken were sufficient and recommended approval of the variance request. Tom Murtaugh made a motion to grant the variance as requested. John Knochel seconded the motion. Winding Creek Section 6 was granted a Variance to the Stormwater Quality requirement. After confirming safety measures were currently on the plans, Tom Murtaugh made a motion to grant Winding Creel Section 6 final approval with the conditions as stated on the March 9, 2012 Burke memo. John Knochel seconded the motion. Winding Creek Section 6 was granted final approval with conditions as stated on the March 9, 2012 Burke memo.

**Reserve at Raineybrook Phase II**

Kyle Betz of Fisher and Associates appeared before the Board to present Reserve at Raineybrook Phase II for final approval. The site was located west of the new U.S. 231 South and north of County Road 500 South and consisted of 7.48 acres. Original plans called for 39 units for this phase of the project; however the revised and current plan indicated 30 single family residential units to be located on site. The Overall Raineybrook development was approved by the Board in January March 14, 2012

2001; Phase II was included in the plans submitted at that time. Drainage for this phase of the project was served by two existing outlets. Approximately 1/3 of the project site drained into the southwest corner through a previously constructed drainage outlet and the remaining runoff drained into a natural pond known as Corley Pond. Runoff from this phase eventually discharged to Little Wea Creek. Kyle stated the schematics had not changed from the original drainage plan for the site. No modifications were planned for the natural pond with the exception of the installation of an outlet pipe and the associated materials for its placement. Responding to Mr. Knochel's inquiry, Kyle stated while the developer acknowledged safety concerns, the pond was not located on the developer's property. Kyle stated he felt it was best to discuss signage and safety box issues with the Home Owners Association or the developer of Raineybrook Subdivision. He stated it would be a better benefit to serve all the lots adjacent to the pond and not just the five new lots associated with this phase only. Responding to John Knochel, he stated the Raineybrook development project was presented to the Drainage Board in 1994 and prior to any County Pond Safety Ordinances. The Reserve at Raineybrook development project was included in the Master Drainage Study and then presented to the Board in 2001. The Surveyor stated the uniqueness of this pond was that it was natural and not manmade. Kyle stated due to the natural uniqueness of the pond it was likely the slopes did not follow the present day ordinance standards. The pond was located in a conservation easement- as a wetland covered most of the pond.

The Board Attorney, Dave Luhman, inquired whether the width of the easement at the discharge pipe location into the pond was wide enough for emergency vehicles to access. Kyle confirmed the easement was wide enough for emergency vehicles to access the pond during an emergency. He stated there was common area which a blanket easement covered. Dave Eichelberger noted due to the blanket easement a variance was not required. However, where there was not a building pad indicated on the plans, the blanket easement should be indicated throughout the plans when submitted. Kyle agreed with Mr. Murtaugh in that a mulch trail circled the pond. Mr. Eichelberger suggested the mulch trail should be changed to a hard surface wide enough to accommodate emergency vehicles as well as pedestrian traffic. Kyle noted they were reviewing making a portion of the trail -where the drainage easement crossed -a hard surface and leaving the remaining trail mulch. Mr. Eichelberger stated he did not feel that area alone would be sufficient for vehicle traffic in emergency situations. The Attorney stated this would be an ongoing issue for the Board as developers use ponds existing prior to the Safety Ordinance and with different ownership as outlets. Most ponds existing prior to the Safety Ordinance did not have safety ramps, safety boxes etc. as it was not required when the projects were presented for approval by the Board. In this case the pond was surrounded by existing homes on the east and the south sides which made it difficult to access in an emergency. Emergency vehicles would have no choice but to access this pond from the west side. Requiring a total hard surface on the trail surrounding the pond would accommodate emergency vehicles. Responding to Mr. Betz, Mr. Murtaugh noted the open lots adjacent to the pond was indeed wooded, very steep and would not be suitable for access to the pond. He noted he thought the most northern portion of the pond at the service road location would be the best access area to the pond.

The Surveyor stated precedent had been set on new phases or sections of a project -approved prior to the current Stormwater Ordinance- regarding the current TSS rate requirement. Developers should attempt to reach the required 80% TSS removal rate on all subsequent phases/sections of a previously approved project. Based on the March 9, 2012 Burke memo comments, it appeared there was no attempt to reach the 80% TSS rate (stormwater quality requirement). Therefore, from a technical standpoint he could not recommend the variance be granted. He informed the Board his office did discuss the safety issues surrounding the pond (warning signs, rescue equipment etc.) with Mr. Betz in a meeting prior to the Burke memo stated. The comment Mr. Betz made at that time was "They would take the issue under consideration". It appeared none of the suggestions regarding safety were included in the most recent plans. To do nothing as far as safety concerns because the pond was under different ownership was worrisome and bothersome to him. Therefore he would not recommend the variance as requested to the Board. As the remaining conditions on the memo were minor, he recommended project approval with the conditions as stated on the March 9, 2012 Burke Review Memo. Hearing no motion for the approval of a variance, the request was not approved by the Board. Responding to Mr. Murtaugh' inquiry, Dave Luhman stated the Board could not require safety measures around the natural pond adjacent to the project site. Had the pond been a constructed detention pond owned by the same developer, the Board would have that option. The Board could (although not required) request the developer in a good faith effort volunteer to provide safety signs in adjoining areas of the pond. Mr. Murtaugh asked if the developer would be willing to install safety signs and safety boxes where appropriate on their site. Mr. Greg Milakis developer of the project and present, stated he would be willing to add safety measures such as signs and safety equipment boxes. Due to this agreement, Tom Murtaugh made a motion to grant final approval with the conditions as stated in the March 9, 2012 Burke Review memo. John Knochel seconded the motion. Reserve at Raineybrook Phase II was granted final approval with conditions as stated on the March 9, 2012 Burke memo. The conditions included the agreed addition of safety signs and safety boxes to be located in the common area near the pond and the 5 lot locations which adjoined the pond indicated on the plans.

### **Zachariah Beasley /Inspection Results: Hawthorne Ridge Subdivision**

The Surveyor noted the Homeowner Assoc. President for Hawthorne Ridge Subdivision and a couple landowners appeared before the Board in January 2012. They discussed several drainage concerns they had within the subdivision regarding what they felt was drainage from adjoin tracts. He noted his office made a site visit to the areas of concern. He gave a power point presentation to the Board of the inspection. He stated, the developer of St. Andrews Church reminded him at the 2006 Drainage Board Meeting it was a condition of approval the developer walk the downstream conveyance system and take photographs of the current condition before the church was built. Dale Snipes Stormwater Coordinator within the Surveyor's office walked the downstream conveyance area as was done before the church was constructed. The power point presentation included the developer's 2006 photographs with the 2012 photographs taken by Mr. Snipe's inspection. The photographs were taken roughly every 500 feet and stopped at County Road 500 North. He noted the photos indicated the channel itself was still relatively straight. He informed the Homeowners Association debris from yards such as yard clippings, brush etc. should be removed from side slopes of the ditch. The debris kills vegetation which would cause erosion to the ditch at a faster rate. Noticeable erosion occurred during this time at the manhole location. However this amount of erosion was not uncommon as the time frame between photographs was 6 years. He noted a landowner had armored the bank with rip rap which was a good practice. At the private bridge location (Martins Blueberry Patch site) there appeared to be silt built up since the 2006 photographs were taken. This had caused some obstruction of the stream's flow. Responding to Mr. Byers' inquiry, the Surveyor noted this was a private stream/creek therefore his office could not maintain it. D.N.R. would allow a private landowner with a required permit to remove the built up silt. He concluded the presentation by stating based on the 2006 current condition photographs and present day photographs; it did not appear a substantial problem was created by the St. Andrews Church project. The stream looked no different than any other stream in the county would during a 6 year time frame. With the armoring of the ditch in some locations using rip rap it actually was in better shape than a lot of private ditches within the county. He stated did not feel St. Andrews Church project have caused a negative impact on this subdivision drainage. The Church was built as designed and approved by the Board in 2006. Regarding the homeowners specific concerns he stated the orifice plate and aqua swirl were in place as designed. The Surveyor noted this was a large watershed area as there was approximately 700-800 acres if not more. He informed the landowners the Revised Stormwater Quality Ordinance was revised this year (Jan. 2012) to control the more frequent storm events and was confident it would assist in the drainage of future developments.

### **Zachariah Beasley/Petitions**

The Surveyor presented four Petitions to Encroach submitted by Duke Energy regarding their Line Relocation project. The project started roughly around the Town of Concord south of Lafayette and extending south of Tippecanoe County into Montgomery County crossing 4 regulated drain locations involving 3 regulated drains, with one drain being encroached in two areas. The following drains were being encroached upon: Frank Kirkpatrick (2 Locations), Train Coe and Romney Stock Farm Regulated Drains. The Surveyor noted his office met the Duke Representatives on site and the tile locations were marked for them. Duke Energy was very cooperative in this process. The Surveyor recommended approval for the Encroachment Petitions as submitted. Tom Murtaugh made a motion to grant approval for the Duke Energy Line Relocation project's Petitions to Encroach on the Frank Kirkpatrick, Train Coe and Romney Stock Farm Regulated Drains. John Knochel seconded the motion. The Petitions to Encroach on the Frank Kirkpatrick, Train Coe and Romney Stock Farm Regulated Drains were approved as submitted.

The Surveyor presented a Petition to Encroach on the S.W. Elliott Regulated Drain #100 Branch #14 submitted by TBird Design Svc. for the Warehouse of Lafayette project. The location was east of Concord Road and south of Brady Lane. The Surveyor recommended approval of the petition as submitted. Tom Murtaugh made a motion to grant approval for the Warehouse of Lafayette Petition to Encroach on the S.W. Elliott #100 Branch #14 Regulated Drain. John Knochel seconded the motion. The Petition to Encroach on the S.W. Elliott #100 Branch #14 Regulated Drain submitted by TBIRD Design Svc. Regarding the Warehouse of Lafayette project was approved as submitted.

### **Zachariah Beasley/ BONDS**

The Surveyor presented Performance Bond #B-0353260 for the Tippecanoe County Indoor Soccer Facility in the amount of \$85,700 and submitted by JBD Builders for approval by the Board. Tom Murtaugh made a motion to approve Performance Bond # B-0353260 for the Tippecanoe County Indoor Soccer Facility in the amount of \$85,700 and submitted by JBD Builders. John Knochel seconded the motion. Performance Bond # B-0353260 for the Tippecanoe County Indoor Soccer Facility was approved as submitted. Performance Bond #105534123 for the Duke Energy Line Relocation Project in the amount of \$20,000 was submitted by Duke Energy for approval by the Board. Tom Murtaugh made a motion to approve Performance Bond #105534123 for the Duke Energy Line Relocation Project in the amount of \$20,000 submitted by Duke Energy. John Knochel seconded the motion. Performance Bond #105534123 for the Duke Energy Line Relocation Project in the amount of \$20,000 and submitted by Duke Energy was approved by the Board. Maintenance Bond #105717687 for the

Harrison High School project in the amount of \$21,000.00 and submitted by MacDougal & Pierce. Tom Murtaugh made a motion to grant approval for the Maintenance Bond #105717687 for the Harrison High School project in the amount of \$21,000.00 and submitted by MacDougal & Pierce. John Knochel seconded the motion. Maintenance Bond #105717687 for the Harrison High School project in the amount of \$21,000.00 and submitted by MacDougal & Pierce was approved as submitted. Maintenance Bond #105717693 for Huntington Farms Section 4 in the amount of \$5055.10 and submitted by Fairfield Contractors for approval by the Board. Tom Murtaugh made a motion to grant approval of Maintenance Bond #105717693 for Huntington Farms Section 4 in the amount of \$5055.10 and submitted by Fairfield Contractors. John Knochel seconded the motion. Maintenance Bond #105717693 for Huntington Farms Section 4 in the amount of \$5055.10 and submitted by Fairfield Contractors was approved by the Board.

### **Regulated Drain Updates**

Responding to Mr. Knochel's request, the Surveyor stated he would be willing to continue the status update on the following drains. Moses Baker #113, John Blickenstaff #11, John Saltzman #70 /2 Stage Ditch Regulated Drains. As there were no landowners present to comment regarding the drains, the aforementioned drain updates were continued to the April 4, 2012 meeting as requested.

### **John Hengst Regulated Drain #117 Amended Findings and Order**

The Attorney noted after review of the Findings and Order from the March meeting regarding the John Hengst #117 Regulated Drain Reconstruction, there were two typographical errors that need to be corrected. Those changes were the total watershed acreage amount (492.085 acres) and the amount of reconstruction assessment (\$150.00) due from Kopf Jerry W Patricia W State Key #79-08-23-300-004.000-009/ Previous Parcel #112-02300-0199. Therefore he read the **Amended Findings and Order** into the record as follows:

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD- IN THE MATTER OF THE JOHN L. HENGST DRAIN #117:  
FINDINGS AND ORDER FOR RECONSTRUCTION AND ANNUAL MAINTENANCE AMENDED

This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on July 15, 2011 and **amended on March 13, 2012**. Certificate of mailing with notice of time and place of original hearing to all affected landowners was filed. Notice of publication of time and place of hearing in the Lafayette Journal & Courier, Lafayette Leader were filed. Remonstrances were filed. Evidence was presented by the Tippecanoe County Surveyor and landowners affected were present at original hearing date and time. A list of those present is filed herewith. After consideration of all the evidence, the Board does now FIND THAT:

- (1) The reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on April 18, 2011.
- (2) The Petition for Establishment of the John L. Hengst Drain as a regulated drain was filed November 30, 2010 and thereafter referred to the Tippecanoe County Surveyor for a report.
- (3) Notice of filing of the reconstruction 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.
- (4) Notice of the time and place of this hearing was given by publication in the Journal & Courier and The Lafayette Leader newspapers of general circulation in Tippecanoe County, Lafayette Indiana more than ten (10) days prior to this hearing.
- (5) The legal drain consists of 200.00 feet of open ditch.
- (6) The legal drain consists of 9100 lineal feet of main tile and 2815 lineal feet of branch tile.
- (7) The present condition of the ditch is poor and in need of repair.
- (8) The ditch needs the following maintenance at present:  
Replace 2800 lineal feet of 18"(inch) tile and clearing.
- (9) There is now \$2626.16 owed to the General Drain Fund for past maintenance on this ditch.
- (10) **The total watershed acres was amended on March 13, 2012 by the Tippecanoe County Drainage Board to correct a clerical error only and reflect the true and correct amount of 492.085 acres of which the ditch drains.**
- (11) Estimated annual benefits to the land drained exceed repairs and maintenance costs and consists of general tile replacement.
- (12) A fund for annual maintenance should be established.
- (13) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per Acre and a \$150.00 minimum over a five year period is recommended. This will generate \$12,832.50 per year and a total of \$64,164.00 over a five year period. Assuming the reconstruction and improvements are complete and the General Drain Fund has been repaid after the five year period,

the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$12.00 per acre with a \$75.00 minimum.

(14) The assessment list filed herewith was amended to reflect the true and correct schedule of payment for the following landowner: Kopf Jerry W Patricia W State Key #79-08-23-300-004.000-009/ Previous Parcel #112-02300-0199. The amended schedule of assessment was due to clerical error on this parcel only.

(15) The amended assessment list filed herewith is fair and equitable and should be adopted.

(16) The amended assessment should be collected starting with the **May 2012** taxes.

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

(1) The John L. Hengst is a Regulated Drain under the provisions of Indiana Code 36-9-27, et seq.

(2) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per acre and a \$150.00 minimum over a five year period is recommended. This will generate **\$14,026.18** per year and a total of **\$70,130.90** over a five year period. Assuming the reconstruction and improvements are complete and the General Drain Fund has been repaid after the five year period, the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$12.00 per acre with a \$75.00 minimum.

(3) The **March 13, 2012 Amended Schedule of Assessments** filed herewith is adopted and made a part thereof.

(4) The first annual assessment shall be collected with the **May 2012** taxes.

**DATED** at Lafayette, Indiana this **13th day of March 2012**. Tippecanoe County Drainage Board signature lines and attested by the Secretary. Tom Murtaugh made a motion to approve the Amended Findings and Order on the John Hengst #117 Regulated Drain as presented by the Attorney. John Knochel seconded the motion. The Amended John Hengst #117 Regulated Drain Findings and Order was approved as presented.

**Hearings**

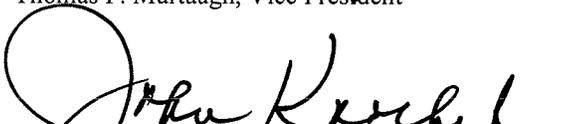
The Surveyor requested a reconstruction hearing date for the Combs Ditch located in Perry Township. His office received a Petition to Reconstruct for this ditch. Tom Murtaugh made a motion to schedule May 4, 2012 for a reconstruction hearing regarding the Combs Ditch to immediately follow the regular scheduled Drainage Board meeting on that date. John Knochel seconded the motion. May 4, 2012 immediately following the regular scheduled meeting, the Combs Ditch Reconstruction Hearing was scheduled.

**Public Comment**

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

  
David S. Byers, President

  
Thomas P. Murtaugh, Vice President

  
John Knochel, Member

  
Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**September 5, 2012**  
**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.

**Romney Stock Farm Regulated Drain #109/ 2012 Maintenance contract**

President Dave Byers referred to the Attorney regarding the Romney Stock Farm Regulated Drain #109 Maintenance Contract Bids submitted for consideration by the Board. The Attorney opened the submitted bids as follows: Maxwell Farm Drainage- total estimate \$24,200.00; Tony Garriott- total estimate \$17,354.00; Lauramie Excavating-total estimate \$13,310.00. He recommended the Board review the submitted bids for compliance with contract specifications. John Knochel made a motion to accept the submitted bids for review. Tom Murtaugh seconded the motion. The Romney Stock Farm Regulated Drain #109 Maintenance Contract bids were taken under advisement for review of compliance with the contract specifications. President Byers stated Jim Butcher Project Manager with the Surveyor Office would review the bids during the meeting. The Romney Stock Farm Regulated Drain #109 Maintenance Contract would be awarded prior to adjournment today.

**Approval of Minutes**

Tom Murtaugh made a motion to approve the August 1<sup>st</sup> Regular and the August 15<sup>th</sup>, 2012 Special meeting minutes as written. John Knochel seconded the motion. The August 1<sup>st</sup> and August 15<sup>th</sup>, 2012 meeting minutes were approved as written.

**Crosswalk Commons**

Andy Gutwein representing the Petitioner appeared before the Board regarding Crosswalk Commons PD. The site consisted of approximately 1.35 acres and was located on the west side of Hilltop Drive on Purdue University Campus. He stated prior preliminary approval had been granted by the Board and he stated he felt everything was in order at this time. He requested final approval from the Board. The Surveyor reminded the Board preliminary approval along with three variances were granted during the July 11, 2012 Board meeting. His office had reviewed all submittals since that time and recommended approval with the conditions as stated on the August 17, 2012 Burke memo. There was no public comment regarding the project.

Tom Murtaugh made a motion to grant approval with the conditions as stated on the August 17, 2012 Burke memo. John Knochel seconded the motion. The Crosswalk Commons PD was granted approval with the conditions as stated on the August 17, 2012 Burke memo.

**Calvin Lesley Regulated Drain #48/ Ratification of Contract Award**

The Attorney stated Maxwell Farm Drainage was awarded the Calvin Lesley Regulated Drain #48 2012 Tile Replacement Contract during the August 15, 2012 Special Meeting of the Board. He opened the floor for the ratification of said contract. Tom Murtaugh made a motion to ratify the award of the 2012 Tile Replacement Contract with Maxwell Farm Drainage. John Knochel seconded the motion. The award of the Calvin Lesley Regulated Drain #48 2012 Tile Replacement Contract with Maxwell Farm Drainage was ratified. The Surveyor then presented a short video of tile installation on the Calvin Lesley Regulated Drain #48.

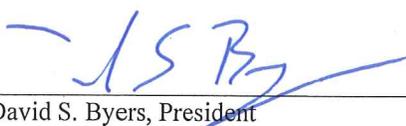
**Romney Stock Farm Regulated Drain #109/ 2012 Maintenance Contract**

The Attorney stated all bids for the Romney Stock Farm Regulated Drain #109 Maintenance Contract had been reviewed for compliance. He noted the lowest bid of \$13,310.00 was received from Lauramie Excavating with all contract documents in order. Tom Murtaugh made a motion to accept the low bid submitted from Lauramie Excavating in the amount of \$13,310.00 regarding the Romney Stock Farm Regulated Drain #109 / 2012 Maintenance Contract. John Knochel seconded the motion.

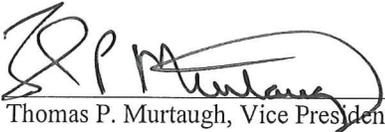
Lauramie Excavating bid of \$13,310.00 for maintenance work on Romney Stock Farm Regulated Drain #109 was accepted by the Board.

**Public Comment**

As there was no public comment Tom Murtaugh made a motion to adjourn. The meeting was adjourned.



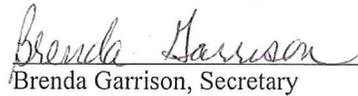
David S. Byers, President



Thomas P. Murtaugh, Vice President



John Knochel, Member



Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**December 5, 2012**  
**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.

**Approval of Minutes**

Tom Murtaugh made a motion to approve the November 7, 2012 regular minutes as written. John Knochel seconded the motion. The November 7, 2012 regular meeting minutes was approved as written.

**Country Side Storage Phase 4**

Joe Coutts from Starr Associates appeared before the Board to present Countryside Storage Phase 4. The site was located north of intersection State Road 43 and State Road 225 on the east side of State Road 43. Mr. Coutts stated Phase 4 was in essence Phases 3 and 4 combined. (Phases 1, 2 and 3 were designed and prepared by someone else; however Phase 3 was never implemented.) To account for the additional impervious areas the existing detention pond would be expanded. He stated they were not comfortable with the previous freeboard design. The pond design was modified by lowering the maximum water surface elevation in the hundred year storm along with an increase to the pond bank elevation to ensure one foot of freeboard for sufficient capacity to retain the hundred year storm release rates. He noted the developer Mr. David Krueger was in attendance if the Board had any questions. He requested approval by the Board. Responding to the Surveyor, Mr. Coutts confirmed downstream landowners were notified.

The Surveyor noted he recommended conditional approval to the Board with the added condition that the November 30, 2012 Burke memo conditions must be met before ANY construction was started on site. Mr. Coutts stated they were in agreement with the conditions as stated on the Nov. 30, 2012 Burke memo at this time to include the added condition the Surveyor stated. Tom Murtaugh made a motion to approve Countryside Storage Phase 4 with the conditions as noted on the Nov. 30, 2012 Burke memo as well as the added condition that no building would be started prior to the conditions of said memo being met. John Knochel seconded the motion. Gregory Johnson 2114 State Road 225 East Lafayette Indiana approached the Board. He stated his tract was directly east of the subject property. The water table was high on his tract and he was concerned his land would be flooded by the additional development. He stated mainly he was concerned on how it would affect his property value. Mr. Coutts interjected the previously approved release rate was not altered with this phase and would remain the same as approved by the Board with the first phase of the project. Mr. Eichelberger stated Mr. Krueger's tract would not be considered in the flood plain due to the development of the project. The planned expansion of the pond was intended for the storage of any additional runoff. Mr. Johnson stated he had no problem with the pond or its expansion. His concern was he planned to sell the property in 5-10 years and wanted to make sure the future purchaser would not have problems. Mr. Johnson noted he was zoned R1 and did not know what Mr. Krueger's property was zoned. Mr. Murtaugh stated no action today affected the zoning. Mr. Krueger thanked the Board for their time. Countryside storage Phase 4 was granted conditional approval as aforementioned.

**Southern Winds Apartments Phase I**

Joe Coutts of Starr Associates presented the Southern Winds Apartments Phase I project to the Board. The site was located on the northeast corner of Co. Rd. 350 South (Veterans Memorial Parkway) and US 231. It consisted of 10.67 acres on a 15.25 acre site. He noted Brian Walker was in attendance representing Southern Winds LLC. The project was split into two phases. Phase I of the project's drainage drained southwest into the right of way of US 231. Drainage for Phase II of the project would be presented at a later date and was not included in the current phase of the project. A detention pond was planned in the northeast corner of intersection of US 231 and Veterans Memorial Parkway restricting the runoff to an allowable release rate. A storm drainage system would capture the runoff from the planned buildings and parking lots of this phase. A proprietary unit-mechanical separator would be placed just north of the pond for stormwater quality treatment. The dry pond would also treat the stormwater in addition to the runoff restriction. There would be 2 separate pipes at two different elevations (multi-stage outlet). The lower elevation pipe would treat the runoff for stormwater quality and the higher elevation pipe would be the primary outlet for the pond. A storm drainage system as well as constructed swales would route the runoff to the pond. He stated they were in agreement with the November 30, 2012 Burke memo and its conditions and were diligently working to address those conditions. He requested conditional approval from the Board.

The Surveyor stated he recommended approval to the Board with the conditions as stated on the Burke November 30, 2012 conditions. He noted he was aware of the desire to start building as soon as possible however each memo condition MUST be met prior to any construction activity on site. He noted condition No. 7 under stormwater quantity specifically and stated emergency routing and detention storage were main components of drainage and as such must be addressed. He stated he would not release any building permits until the conditions were met as stated on the Nov. 30, 2012 Burke memo. There were no questions from the Board or from the public on this matter. Tom Murtaugh made a motion to grant approval with the conditions as stated on the Nov. 30, 2012 Burke memo and the added condition that no construction would commence until ALL of the stated conditions were met. John Knochel seconded the motion. Southern Winds Apartments Phase 1 was granted conditional approval.

#### **S.W. Elliott Gaging Station**

The Surveyor gave an overview of the S.W. Elliott Gaging Station and referred to Dave Eichelberger for further discussion. At the Board's request, a report had been completed and provided to them regarding the gaging station implementation and status to date. He noted \$46,550.00 had been spent to date by the County for installation and yearly maintenance costs. Mr. Eichelberger stated they had requested to utilize the 2000 Elliott Ditch study's discharge rates to DNR. DNR refused to allow this due to the inclusion of private depressional areas within the study. Only government entities were allowed to be used (F-Lake/Wilson Branch Reservoir) within a study for DNR to recognize the discharge rates. Mr. Eichelberger noted there was 4 years of data however there has not been a significant rainfall event within this watershed which could be used for calibration. He stated the Surveyor at that time intended to possibly cost share with the affected landowners of the station at the 5 year mark. As that mark was approaching it was time to revisit the issue and review the cost etc. In 2008 County Surveyor Steve Murray requested a cost allocation analysis to identify affected properties along this reach of Elliott Ditch and to develop a potential cost allocation plan if cost sharing was to be pursued. Five properties were identified that appeared to be impacted by the existing Elliott Ditch floodplain and would benefit from a floodplain reduction. Two plans were developed. One plan was based on a percentage of overall property acreage and a second plan based on a percentage of floodplain acreage. Responding to Mr. Murtaugh' inquiry, Mr. Eichelberger explained that one good rainfall event could produce the numbers to use. However such an event had not happened within the time the gaging station has been implemented. He noted DNR had begun to update the flood insurance studies (FIRM maps) across the state. Elliott Ditch had been recognized by DNR as a priority stream. However it could be approximately two years before new preliminary maps would be issued for review by the County. He noted the Board may want to consider cost sharing for 2014 and 2015 if they in fact keep the station in place through 2015. At that time Mr. Eichelberger referred to the Board. Mr. Knochel requested a copy of the cost analysis which Mr. Eichelberger prepared in 2008. The Surveyor noted he had contacted USGS Scott Morlock and requested his attendance at the January meeting. He also would invite a representative from DNR/Division of Water. He would also invite those landowners affected by the station to the January meeting as well. It was the general consensus of the Board to indeed invite a representative from DNR/Division of Water as well as a representative from USGS to present an overview of the station and its benefits etc. It was also the Board's consensus to invite those landowners affected by the station for their input as well. Mr. Murtaugh would provide the secretary with names from Ivy Tech Community College to invite.

#### **The Orchards Pond Maintenance**

The Surveyor stated he has been contacted by a couple landowners living within The Orchard Subdivision as well as the President of the Homeowners Association for The Orchards. There were a couple issues with the Orchard's pond. Mr. Jim Pence of the Schneider Corporation was in attendance since the Schneider Corporation did the design of the concrete weir. He reviewed pictures of the problems for the Board. The first issue was erosion around the concrete weir outlet structure-causing it to not function as designed. Water was eroding the ground around the structure. He informed the landowners that the Homeowners Association was responsible to maintain the common areas or out lots according to their Homeowners Covenants. Landowner Mr. Tim Zaspal requested the Surveyor or the County Drainage Board send a letter to the Homeowners Association to "force the issue" of maintenance of the pond. If the maintenance was not done the Drainage Board had the ability to have the maintenance completed and back charge those landowners within the Subdivision. A letter dated October 17, 2012 sent by Mr. Tim Zaspal was received by the Surveyor. In the letter he requested assistance to force the Homeowners Association to perform the necessary maintenance on the weir. In addition he requested the pond to be dredged and cleaned out. Mr. Zaspal had hired an attorney who wrote a letter to the Homeowner's Association President explaining the covenants and the Association's responsibilities of maintenance for the drainage infrastructure. A meeting was held by the Homeowners Association regarding the maintenance needed. Maintenance on the weir was agreed upon by the landowners present. Regarding the dredging of the pond, the Surveyor stated he did not feel it was the Board's responsibility to force the issue. The second issue was approved plans indicated the pond area was a floodway and wetland area. If this area was indeed a floodway area or wetland area- permits would have to be obtained before any dredging could take place. Mr. Jim Pence approached the Board and stated he provided Mr. Zaspal with all Schneider Corp's documentation used in the planning of the subdivision. This would include all the submittals provided to the County (Drainage Reports, Wetland

reports, FEMA studies, letters etc.). He stated he had not been contacted by Mr. Zaspal since. Conversations he has had with the Homeowner Association President Art Krugal consisted of what could be done based on Schneider Corp.'s understanding the pond area was classified as a wetland. In 1999, 2000 when the development was planned the area was wetland area and left intact and no work was to be done within it. It was his understanding the Army Corps of Engineers or at the very least DNR would have to be involved for any removal of the pond sediment. Responding to Mr. Murtaugh' inquiry, Mr. Pence noted the sediment originated from upstream due to "a huge area to the west draining through the said wetland." The Surveyor then reviewed the area utilizing G.I.S. for the Board. The Surveyor stated both lot owners expressed concern that a potential buyer for a home located on the north side of the pond responded with negative comments due to the unsightliness of the area. Responding to the Attorney's inquiry, Mr. Pence noted the pond existed prior to the project being developed. The attorney stated at this time the Drainage Board had no authority or funds to conduct the work. Responding to the Surveyor's inquiry, the Attorney offered to review the covenants to see if there was any way the Board could assist in the maintenance of the weir (only). He would confer with the Surveyor at that time. Based on Mr. Zaspal's request for a letter to be sent to the Homeowners Association, the Surveyor asked if the Board would want him to send a letter. By consensus the Board agreed for the Surveyor to send the letter to The Orchards Homeowners Association as requested by Mr. Zaspal.

#### **Petition to Encroach/Romney Stock Farm #109**

Mr. Randy Geswein submitted a Petition to Encroach on the Romney Stock Farm Regulated Drain #109. Mr. Geswein was placing a bioreactor on a tile lateral which outlet into the Romney Stock Farm Regulated Drain #109- just south of Co. Rd. 1300 South and west of Co. Rd. 400 East intersection.. He explained the use of a bioreactor and recommended approval of the Petition to Encroach as submitted. Tom Murtaugh made a motion to approve the Petition to Encroach as submitted on the Romney Stock Farm #109. John Knochel seconded the motion. The Petition to Encroach on the Romney Stock Farm #109 was approved by the Board.

#### **Roberts Ridge Phase 1 Maintenance Bond #105827303**

The Surveyor presented Roberts Ridge Phase 1 Maintenance Bond #105827303 in the amount of \$40,112.50 dated November 12, 2012 and submitted by Fairfield Contractors for approval. Tom Murtaugh made a motion to grant approval of Roberts Ridge Phase 1 Maintenance Bond #105827303 in the amount of \$40,112.50 dated November 12, 2012 and submitted by Fairfield Contractors. John Knochel seconded the motion. Roberts Ridge Phase 1 Maintenance Bond #105827303 for \$40,112.50 dated November 12, 2012 and submitted by Fairfield Contractors was approved by the Board.

#### **Public Comment**

Pat Jarboe TBIRD Design approached the Board and encouraged the Board to utilize the local companies and others when reviewing the FIRM maps once the preliminary maps were presented to the Commissioners for review.

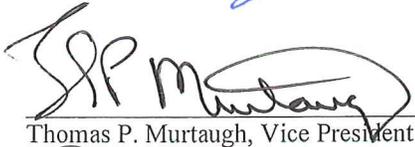
Tom Murtaugh commended the Surveyor on a job well done regarding a drainage issue which Monica Torrez (Lot 82 the Orchards Subdivision) 1285 Priscilla Drive West Lafayette Indiana 47906 brought to the Board in October. Ms. Torrez wrote the Drainage Board a letter expressing her deep appreciation for the Surveyor's time and effort to remedy the problem.

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



---

David S. Byers, President



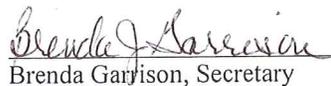
---

Thomas P. Murtaugh, 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**

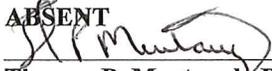
- 1.) Drains in need of Reconstruction
  - a. Elliott, S.W. (#100)
  - b. J.B. Anderson (#02) (Clarks Hill Portion)
  - c. Edwards (Not Maintained)
  - d. McBeth (Not Maintained)
  - e. F.E. Morin (#57)
  - f. Marion Dunkin (#25)
  - g. Huffman-Weimert (Not Maintained)
- 2.) Hearing and Rates Established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

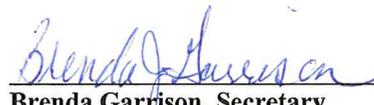
*Please see Classification of Drains- Exhibit Aon file in the Tippecanoe County Surveyor office and Office of the Tippecanoe County Auditor*

ABSENT

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

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

  
 \_\_\_\_\_  
**Tracy Brown, Member**

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

**Tippecanoe County Drainage Board**  
**September 11, 2017**  
**Drainage Board Minutes**

**Those present were:**

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

**#46 J.N. Kirkpatrick Regulated Drain Dredging Project Quotes:**

Regarding the J.N. Kirkpatrick Regulated Drain #46 dredging project, Attorney Masson opened the following quotes:

Tony Garriott: \$79,516.40- Huey Excavating: \$82,845.00

Thomas Murtaugh stated the quotes would be taken under advisement and if in compliance would be awarded at the end of today's meeting.

**Approval of Minutes**

**August 2, 2017 Regular Minutes**

**August 2, 2017 Huffman Weimert #125 Regulated Drain Hearing Minutes**

David Byers made a motion to approve the August 2, 2017 Regular Drainage Board Meeting minutes and the Huffman Weimert Regulated Drain #125 Hearing minutes as written. Tracy Brown seconded the motion. Motion carried.

**Romney Regional Sewer District**

George Lewis of GRW Engineers appeared before the board to request approval of the Romney Regional Sewer District project. The site consisted of approximately 2 acres and was located on the north side of C.R. 1200 South southeast of the town of Romney Indiana. Runoff would be collected via swales and conveyed to a bio-retention basin located within the southern portion of the site. The bio-retention basin would outlet into an unnamed tributary of Romney Stock Farm Regulated Drain #109. (A petition to encroach on the Romney Stock Farm Regulated Drain #109 was approved by the Board in the August 2017 regular meeting.) Mr. Lewis stated he was working with the County Highway Department to address any concerns they may have. He noted they were in agreement with the August 28, 2017 Burke memo and would follow up with appropriate documentation. He requested approval at that time. Responding to the Surveyor's inquiry regarding entrance off the highway, Mike Spencer (in attendance) confirmed the Highway Dept. had been consulted and were working with Mr. Lewis. The Surveyor recommended approval with the conditions as stated in the August 28, 2017 Burke memo. David Byers made a motion to approve the Romney Regional Sewer District project with the conditions as stated in the August 28, 2017 Burke memo. Tracy Brown seconded the motion. Motion carried.

**Country Squire Subdivision**

Justin Frazier with TBIRD Design Services Corp. appeared before the board to request approval for Country Squire Subdivision. The site was located on approximately 5.6 acres of an overall 12 acre site north of US 52 on Morehouse Road. Colony Pines Subdivision was located to the north and Country Squire Estates (apartment complex) to the south of the current project's location. A dry detention basin would be constructed and outlet into the existing storm sewer infrastructure to the north within Colony Pines Development. The detention's runoff was conveyed through the Colony Pines stormwater system and ultimately to the Dempsey Baker regulated drain into the Hadley Lake regulated drain. Mr. Frazier stated they had no objections to the September 6, 2017 Burke memo and requested approval at that time. He confirmed downstream notification was complete and the proof of notification would be submitted to the Surveyor's office for the record.

The Surveyor emphasized the site discharged into an existing storm pipe located in the southwest corner of the Colony Pines site, and that which the northwest dry detention basin for Country Squire Subdivision was located as well. He noted his concern of the emergency routing plan was addressed. The designers went above and beyond what the Ordinance required. They mapped the entire conveyance north through Colony Pines and provided an exhibit of that route as well. The Surveyor pointed out two items of concern. The first was the finding that in the existing condition today the 100 year emergency routing with the pipe being blocked (which was a worst case scenario) the Condominium to the west of the emergency route and immediately north of the Country Squire project, the 100 year elevation was basically at the finished floor elevation then routed out to the street then north to the Dempsey Baker regulated drain. The second item to point out was in the proposed condition, the existing situation would improve. They proposed to regrade the swale through Colony Pines which would give the unit to the west a one foot freeboard elevation and more to the unit on the east side. He thanked the designers for their

public safety point of view and going the extra mile. Responding to the Surveyor's inquiry, Mr. Frazier stated they had every intention to meet with the H.O.A. of Colony Pines Development to obtain an agreement regarding any work planned within the Colony Pines development. The Surveyor then recommended approval with the conditions as stated on the September 6, 2017 Burke memo. Responding to David Byers inquiry of fencing around the pond, the Surveyor confirmed it was a dry detention pond and the design met the ordinance standards. Tracy Brown stated the Board appreciated the extra effort given for the public's future safety. Mr. Frazier acknowledged it was their job to provide plans which was in the best interest of all those involved. Tracy Brown made a motion to approve the Country Squire Subdivision with conditions as stated on the Sept. 6, 2017 Burke memo. David Byers seconded the motion. Motion carried.

**Zach Beasley**

**A&M Thomas Joint Regulated Drain #105 Waiver Request**

Surveyor Beasley presented a letter from the Carroll County Surveyor requesting a waiver of an upcoming Maintenance Increase Hearing on the Andrew and Mary Thomas #125 joint regulated drain. The Surveyor stated he and the attorney had reviewed the request. He informed the Board Carroll County had the majority of acreage benefitted within the watershed and were the administrators for this drain. He recommended the Board approve the waiver, noting Carroll County had approximately 95% of the benefitted acreage. David Byers made a motion to grant a waiver of attendance as requested by the Carroll County Surveyor for the Maintenance Increase Hearing on the joint regulated drain known as the Andrew and Mary Thomas #105. Tracy Brown seconded the motion. Motion carried.

**Lindberg Village Phase 6 Subdivision Maintenance Bond**

The Surveyor presented Maintenance Bond #1231743 in the amount of \$77,417.07, dated Sept. 11, 2017 written by Cincinnati Ins. Co. regarding the Lindberg Village Phase 6 Subdivision for approval. Tracy Brown made a motion to grant approval for Maintenance Bond #1231743 in the amount of \$77,417.07, dated Sept. 11, 2017 written by Cincinnati Ins. Co. for the Lindberg Village Phase 6 Subdivision. David Byers seconded the motion. Motion carried.

**John L. Hengst #117 Regulated Drain/ Branch #08**

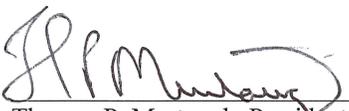
The Surveyor requested a reconstruction hearing for Branch #08 of the John L. Hengst Regulated Drain #117 to be held on November 1, 2017 immediately following the regular scheduled meeting of the Board. David Byers made a motion to set the reconstruction hearing date for Branch #08 of the John L. Hengst Regulated Drain #117 on Nov. 1, 2017 immediately after the monthly meeting of the board. Tracy Brown seconded the motion. Motion carried.

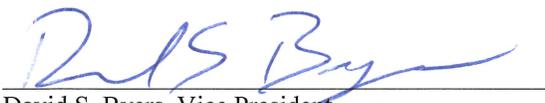
**#46 J.N. Kirkpatrick Regulated Drain Dredging Project Quotes**

After compliance review of the #46 J.N. Kirkpatrick Regulated Drain Dredging Project Quotes and finding they were in order, Tracy Brown made a motion to award the JN Kirkpatrick #46 Regulated Drain Dredging project to Garriott Excavating in the amount of \$79,516.40. David Byers seconded the motion. Motion carried. Thomas Murtaugh thanked those that submitted a quote for this project.

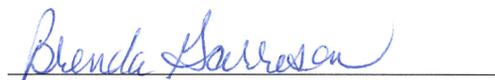
**Public Comment**

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

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
Tracy A. Brown, Member

  
Brenda Garrison, Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
May 2, 2018  
Drainage Board Meeting Minutes

Those present were:

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

**Approval of Minutes**

Thomas Murtaugh made a motion to approve the April 4, 2018 Drainage Board Minutes as written. Tracy Brown seconded the motion carried.

**Three Meadows Section 1 Phase 1**

Kyle Betz with Fishers and Associates appeared before the Board to present Three Meadows Section 1 Phase 1 Subdivision project. The site was located on the east side of CR 300 West (Klondike Road) just south of the Lindberg Road intersection. The first phase would include 62 lots constructed in the south- southeast and southwest portion of site. The majority of the site's drainage would be routed through three detention ponds and outlet into an unnamed tributary (at the south east end of site) to Jordan Creek. Several lots along the east and southwest boundary would direct release into the adjacent ravines and include conservation easements associated with those areas. He requested approval for the project as presented. The Surveyor stated this project's designer and owner participated in the first TAC (Technical Advisory Committee) mtg. held since the new review process started. Mr. Betz stated it was beneficial to the design process and his client was appreciative to be included as well. The Surveyor recommended approval with the conditions as stated on the April 4, 2018 Burke memo. There was no public comment.

Tracy Brown recommended approval with the conditions as stated on the April 27, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

*Other Business*

Zach Beasley requested two public reconstruction hearings to be held immediately follow the July 11, 2018 Drainage Board regular meeting. The reconstruction hearings involved the Marion Dunkin #25 and Huffman Weimert #125 Regulated Drains. Tracy Brown made a motion to grant approval for the July 11, 2018 Reconstruction Hearing dates on the Marion Dunkin #25 and the Huffman Weimert #125 regulated drains. Thomas Murtaugh seconded the motion. Motion carried.

*Petitions*

*Petitions to Encroach*

The Surveyor presented the following petition for acceptance by the Board, he noted this was due to Vectren gas line crossings: Petition for Encroachment Crossing on JK O'Neal #59 Regulated Drainage Easement submitted by Vectren/Petition for Encroachment Crossing on JJ Wilson #88 Regulated Drainage Easement submitted by Vectren/Petition for Encroachment Crossing on Romney Stock Fm. #109 Regulated Drainage Easement submitted by Vectren Tracy Brown made a motion to approve the Petitions submitted by Vectren as presented by the Surveyor. Thomas Murtaugh seconded the motion. Motion carried.

*Petition to Establish a Regulated Drain*

The Surveyor presented a Petition to Reconstruct the Jeremiah Edwards Regulated Drain submitted to his office by Kenneth Kerker. The Petition was signed by over 50% of the benefitted acres within the watershed. He requested the Board accept the petition as presented and refer it back to the Board for a report. Thomas Murtaugh made a motion to accept the Petition and refer it back to the Surveyor for his report. Tracy Brown seconded the motion. Motion carried. The Surveyor noted this petition was the 10<sup>th</sup> petition received in the last 9 months.  
**Amended 2018 Regulated Drains Classification Report**

The Surveyor presented an amended classification report for the Board's approval. He noted when the report was submitted in February of 2018, he had overlooked including the Huffman Weimert Regulated Drain under the section of "Drains in Need of Reconstruction". He has included this in the Amended 2018 Regulated Drain Classification Report and asked for the Board's approval of the amended report. Tracy Brown made a motion to approve the Amended 2018 Regulated Drain Classification Report as presented to the Board. Thomas Murtaugh seconded the motion. The Amended 2018 Regulated Drain Classification Report was approved. Motion carried.

**F.E. Morin Drain #57 Reconstruction Assistance Agreement**

The Surveyor presented a signed agreement for reconstruction assessment assistance from Steve Heimbach for Parcel#791522400001000007 benefitted by the Morin #57 Reconstruction project. The amount was \$68,000.00. He recommended approval of the agreement as submitted. Thomas Murtaugh recommended approval as stated. Tracy Brown seconded the motion. Motion carried.

**Arbegust Young #106 Regulated Drain**

The Surveyor noted a letter was received from Clinton County Surveyor office regarding a hearing to be held on the bi-county Arbegust Young Regulated Drain. The maintenance increase hearing was held, and assessment rates would increase to \$4.00 per acre with a \$30 minimum starting in the year of 2019.

**Public Comment**

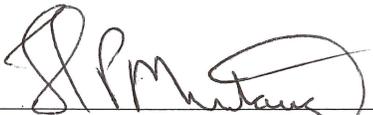
David Kovich approached the board and stated he was grateful to be included in the design process and felt the TAC meetings were a good addition in the process. He stated the procedure of having a meeting prior to the actual presentation to the Board assisted in a better design. He also stated he was grateful the developers/owners are included in the TAC meetings so that they are fully aware of all the requirements on the specific project submittals.

As there were no other public comments, Thomas Murtaugh made a motion to adjourn. The meeting was adjourned.

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

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

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

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