

**ALLEN COUNTY DRAINAGE BOARD MINUTES  
REGULAR HEARING**

July 26, 2007

9:00 a.m.

---

PRESENT: DB: LINDA BLOOM, BILL BROWN, ROGER MOLL, ALLAN FRISINGER, BOH: CATHY DOSECK; CO. ATTY: CATHY SERRANO;  
ACSO: LARRY WEBER; DB SEC: SHARMAN BULTEMEIER; SEE SIGN-IN SHEET FOR OTHERS PRESENT

---

**Call to Order:** Chairwoman, Linda K. Bloom

**Approval of Minutes:** June 28, 2007

*Linda asked for the approval of the June 28<sup>th</sup> 2007 minutes. Bill Brown made a motion to approve minutes as submitted, seconded by Roger Moll.*

*Rob Hathaway from the Bonar representing Pine Tree questioned the minutes: He explained that he thought that the culvert under Thomas Road was not part of their project. He wanted their project to be separate from the Thomas Road project.*

*ADF explained to Mr. Hathaway that under Indiana Code 36-9-27-71 drainage crossing public highways and railroads right-of-ways when a Board find in the construction and reconstruction or maintenance of a Regulated Drain it is necessary to alter, enlarge, repair, or replace a crossing the cost of the work on the crossing shall be paid by the owner of the public highway. The cost can not be considered by the County Surveyor or by the Board in determining the cost of the work on the drain or in assessing benefits or damages. That means that the highway – the person that owns the right-of-way pays for the improvement. That is what the County Highway has always done, that is what the City is expected to do.*

*Larry Weber explained that Rob didn't think he should have to do any engineering on this project.*

*ADF stated that that is between him and his client. It is part of the project because the Board determined that it should be upgraded while you are doing the road reconstruction.*

*Rob asked if his client will be assessed their portion of this culvert.*

*ADF explained that the cost is paid for by the owner of the public highway. That is the City of Fort Wayne.*

*Rob told the Board that they were concerned that they would be stuck with all of it, if the City drags it out.*

*Larry Weber stated to the Board that in the past we have always dealt with the County and the County has always paid for these structures. He didn't know if the City would say, "Yes we are going to pay for the structure under our pavement portion, but the decel lane that you are adding for your benefit, they may say why should we pay for a culvert extension for a decel lane for your benefit." Those discussions will have to be with the City Street Department.*

*Rob told Larry that the City didn't want the culvert increased they didn't even express it.*

*ADF told Rob that the Board was acting in accordance with Indiana Law. The upgrade needs to be done prior to road reconstruction, prior to lane additions, prior to anything.*

*Linda told Rob that this is something he would have to work out with the City.*

*ADF at the last meeting, the Board determined that the drain could be reconstructed on site in accordance with design plans that they had provided,*

---

*but that the upstream pipe or box culvert would have to be rebuilt during the reconstruction of the road, during the addition of lanes and widening.*

*. . .*

*The Board made the determination to accept the minutes as submitted. Bill made a motion to accept the minutes as submitted, seconded by Roger Moll. Motion voted on and carried.*

**Approval of Petitions:**

1. **Doc. #07-087, Valencia Rothman Drain #1 located in St. Joseph Twp.** Certification of Periodic Maintenance set at \$5.00 per acre with a five acre minimum.

*ADF recommended approval. Roger Moll made a motion to approve petition as submitted, seconded by Bill Brown. Motion carried.*

2. **Doc. #07-088, Greenwood Lakes Sec. I located in Adams Twp.** Certification of Periodic Maintenance set at \$25.00 per unit.

*ADF recommended approval. Bill Brown made a motion to approve petition as submitted, seconded by Roger Moll. Motion carried.*

3. **Doc. #07-089, Calera Coves Sec. I located in Lafayette Twp.** Certification of Periodic Maintenance set at \$25.00 per unit.

*ADF recommended approval. Bill Brown made a motion to approve petition as submitted, seconded by Roger Moll. Motion carried.*

4. **Doc. #07-090, Bridgewater Commercial Center located in Aboite Twp.** Certification of Periodic Maintenance set at \$75.00 per unit.

*ADF recommended approval. Roger Moll made a motion to approve petition as submitted, seconded by Bill Brown. Motion carried.*

5. **Doc. #07-083, Huguenard #1 Drain located in Jefferson Twp. Sec. 11.** Petitioner is Tom Ely. Petition for encroachment within the drainage easement for the construction and installation of trenches, laterals and a distribution box.

*Darrin Good of DG Engineering, Inc. address 3932 Rosewood Ave. representing Mr. & Mrs. Ely.  
Tom Ely address 1617 Webster Road, New Haven, IN 46774*

*ADF explained to the Board that they had given an approval to Mr. Ely in April 2006 (Doc. #06-110). The Board is now faced with another petition from the petitioner requesting additional encroachment for two septic lines, laterals, and distribution box because their contractor installed the system too deep now the encroachment has extended out almost to the top of bank of the drain that is next to Webster Rd. He asked Cathy Doseck from the Board of Health if the laterals increase the capacity of the system, or makes up for what was lost.*

*Cathy Doseck explained that in order to compensate for the portions that were too deep they are adding the two additional trenches.*

*A discussion followed regarding the County responsibilities if in the future during drain maintenance these laterals were damaged.*

*ADF wanted everyone to understand any cost associated with any damages at any point in time that occurs during the maintenance of this drain is the property's owner responsibility. Neither the Board nor the County will ever pay for anything on any repair, building structures, septic, tile, anything. That is clear*

---

*in the consent form that we issue. "We need to be very careful, this Board does, on how encroachments are laid out."*

*Darrin Good explained to the Board why the changes are needed and how it would work. The perimeter drain has already been installed to the south that would have to have been taken up, stone removed and that area would have been disturbed soil. The other issue is that the laterals are already too deep.*

*Roger Moll asked Mr. Good what would happen to the family if they don't get to use the right of way of the drain.*

*Mr. Good told him that they would have to start over again get new soil boring further to the east and do a new installation.*

*Roger Moll expressed his concerns regarding if the Board should be in the business of fixing the errors and omission of a contractor.*

*Larry Weber expressed his concerns regarding future maintenance on this property, which the property owners are requesting be cleaned from the road right of way instead of their property. How would future contractors know this?*

*A discussion followed regarding the feasibility of recording all drainage actions with the Recorder's Office, or high lighting the issues of encroachment on our GIS configuration.*

*Bill Brown suggested erecting a monument as a marker on either side of the laterals. A discussion followed concerning the merits of using a marker for encroachments within a drainage easement.*

*Mr. Moll expressed his concerns that this would create a new standard for Allen County drainage and access to easements that means that everybody that builds somewhere near a creek all they would have to do is you did it for these people, so now you have to do it for everybody – just mark it on my GIS and put an attachment on my deed - I shall be responsible and put a monument up.*

*Tom Ely expressed his concerns regarding the results of denying this petition. He told the Board that he is paying for the pumping of his system and the contractor is refusing to pay for the pumping and will only pay for the installation of the new laterals and nothing else. If a new site was requested, that he have to go to court.*

*Bill Brown questions what could be done to apply pressure to the contractor forcing him to fix the problem.*

*. . .*

*Bill Brown made a motion to approve the petition #07-083 with the following conditions: 1) Permanent Markers put at the head of each of the pipes. 2) Location of the pipes in the right of way is created as a specific recordable document 3) In this particular case there is proof that legal counsel has been engaged by the property owner to the contractor. Linda asked for a second received none. Motion failed.*

*Roger Moll made a motion to denied petition #07-083, seconded by Linda. Roger and Linda voted in favor of the motion. Bill Brown voted against. Motion carried 2 to 1. Petition for encroachment was denied.*

6. **Doc. #07-085, Carroll Estate Sec. II and the Jones #3 Drains located in Perry Twp. Sec. 31.** Petitioner is Billy G. Mullins. Petition for encroachment for the construction and installation of roads, utilities, and residential structures as described by approved development plan. Also the relocation of the Jones No. 3 Drain.

*ADF recommended approval. Bill Brown made a motion to approve petition as submitted, seconded by Roger Moll. Motion carried.*

7. **Doc. #07-086, Popitz Drain located in Milan Twp. Sec. 20.** Petitioner is Andrew Fisher. Petition for encroachment within the drainage easement for the construction and installation of a driveway and a perimeter drain tile.

*Al explained to the Board that he have not received a pipe design for the pipe being installed. On June 18<sup>th</sup> of this year we gave them a letter stipulating the size of installation or opening that would be required on the drain. That needs to be shown and given a proper engineering design.*

*Darrin Good of D G Engineering, Inc. address 3932 Rosewood Ave. Fort Wayne*

*Mr. Good explained to the Board that he had provided Mr. Fisher with a proposal for a pipe design for the submittal to this Board and Mr. Fisher opted not to hire him.*

*ADF recommended asking the owners to provide us with a design proposal on the driveway installation. He recommended deferral at this time. Roger made a motion to defer this petition subject to the owner submitting information that the Surveyor deem appropriate, seconded by Bill. Motion carried. Petition deferred.*

8. **Doc. #07-091, A. J. Smith left branch drain located in Lake Twp. Sec. 13.** Petitioner is Jodie Knipstein. Petition for encroachment for the construction and installation of a perimeter drain pipe. Private septic system.

*Al explained to the Board that there are questions regarding the location and the condition of the drain. He asked the Board to defer to give the Surveyor's Office time to research the location and condition of the drain. Roger made a motion to defer for 30 days. Bill amended the motion to read defer for time needed. Roger agreed, seconded by Bill. Motion carried.*

*Darrin Good asked for clarification: He will locate the tile and contact the Surveyor's Office for inspection.*

9. **Doc. #07-092, Vera Bradley Designs located in Lafayette Twp. Sec. 21.** Request from T-E Incorporated for approval of their Storm Water Management Plan. This petition supersedes Doc. #06-167.

*ADF recommended approval. Bill Brown made a motion to approve petition as submitted, seconded by Roger Moll. Motion carried.*

10. **Doc. #07-093, Pion Drain located in Perry Twp. Sec. 15.** Petitioner James & Mary Gorndt. Petition for connection into the Pion Tile. Pipe needed to drain standing water in low area.

*ADF recommended approval. Roger Moll made a motion to approve petition as submitted, seconded by Bill Brown. Motion carried.*

11. **Doc. #06-275, Buckner's Crossing Sec. I Drain located in Washington Twp. Sec. 30 & 31.** Petition for Establishment of a new regulated drain. Motion to proceed.

*ADF recommended approval. Bill Brown made a motion to approve petition as submitted, seconded by Roger Moll. Motion carried.*

12. **Doc. #07-094, Buckner's Crossing Section I located in Washington Twp. Sec. 30 & 31.** Request from Rocke & Associates for approval of their Stormwater Management Plan.

---

*ADF recommended approval, but noted that they have not submitted a petition for encroachment within the drainage easement. Roger Moll made a motion to approve petition #07-094 request to install stormwater pipe only, seconded by Bill Brown. Motion carried.  
Stormwater pipe only.*

*Meeting adjourned*

**ALLEN COUNTY DRAINAGE BOARD**

---

Linda K. Bloom, Chairperson

---

Wm. E. Brown, Vice-Chairperson

---

Roger Moll, Secretary

---

Allan D. Frisinger, County Surveyor

---

Date

Allen County does not discriminate because of disability in the admission to, treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereafter, and Allen County's ADA Policy, are available from the ADA Coordinator. Requests for assistance or suggestions on how the County can better meet the needs of those persons with disabilities may be submitted to the ADA Coordinator at: Human Resources Department, Room 208, 1 East Main Street, Fort Wayne, Indiana 46802, or by telephone at 260-449-7217, TDD 260-44-7881.