

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING**

October 11, 2007

9:00 a.m.

PRESENT: DB: LINDA K. BLOOM, WM. E. BROWN, ROGER MOLL, ALLAN D. FRISINGER; BD ATTY: CATHY SORRANO; ACSO: LARRY WEBER
DB SEC: SHARMAN BULTEMEIER, SEE SIGN-IN SHEET FOR OTHERS PRESENT

Call to Order: Chairwoman, Linda K. Bloom

Approval of Minutes: September 27, 2007 minutes
Roger made a motion to approve minutes, seconded by Bill. Motion carried.

Approval of Petitions:

1. **Doc. #07-133, Becket Main and Branch #1 & 2 Drains located in St. Joseph Twp. Sec. 20.** Petitioner is Mark Keen. Petition requesting a portion of the drains be changed to Urban Drain Status and allowed them to be maintained, maintenance, and possibly reconstructed by Ivy Tech Community College.

*Everett Lawson – Ivy Tech Community College
Kerry Schoeph – MSKTD & Assoc. 1715 Magnavox Way.*

ADF told the Board that before a Drain can become an Urban Drain it needs to be reconstructed, or have a plan of the reconstruction that would illustrate how that would happen. This drain has have a history of misunderstandings as to location, capacity, it particular use and how much has been cut off or been drained to other drains. He recommended that the Board not move this into Urban Drain status without a plan illustrating how it is going to be located at this time and shown it was constructed to a standard that we look for today. He wants to work with Ivy Tech to help facilitate the development of this site.

Kerry Schoeph: He presented to the Board drawings illustrating where the original drain was located and how it has already been changed where portions were vacated with buildings built above the old existing drain. They haven't been able to find portions of the original drain.

ADF recommended telling the Ivy Tech community that we support their efforts and work with them to help develop long term and over time come up with an adequate plan to either create an Urban Drain or reconstruct the system.

Bill Brown told Mr. Schoeph that it appears that they can still move forward with their project.

Mr. Moll asked Mr. Schoeph if he had a master plan of the Urban Drain infrastructure that you wish to have installed.

Mr. Schoeph told him no.

Roger Moll told Mr. Schoeph that before he goes forward, he should have a survey of the existing water flow and outfall and then the easements can be set in place and then you can build and if sometime in the future you need an Urban Drain you have the right-of-way structure in place.

Roger Moll: "A deferral motion leaves this on the table." They can figure out what the next steps can be and how we can cooperate on that. He made a motion to defer, seconded by Bill Brown with the comment that this allows them to move forward, keep the project moving. Today can't grant you what you are asking. Motion carried.

2. **Doc. #07-134, Rodgers Drain located in Aboite Twp. Sec. 1.** Petitioner is Scott Loughheed. Petition requesting the relocation of the Rodgers Drain and designating it as an Urban Drain with a 15-ft easement from center of tile and the

reclassification of the existing Rodgers Drain to a mutual drain status. To facilitate the transport of stormwater from the developed West side of Hadley Road to proposed Regional Detention Basin and discharge to SR 14 surface drain to Durrell Drain.

Scott Lougheed – 1017 S. Hadley Rd.

Mr. Lougheed explained his situation to the Board. The State does not want the relocated drain in their right-of-way easement. Between the State's easement and the drain easement, he would have to decrease the size of his office complex.

ADF: The location of the physical storm drainage structure is going to be on Mr. Lougheed site as it is proposed, and the easement area is the point of contention with the State Highway. They don't want it there; they would like to have that line nearer to their right-of-way. . . Go back to the State and see if you can manipulate the situation.

Mr. Lougheed said that if the Board would say that these plans are acceptable then he could take them back to the state.

ADF told him that he didn't see a problem with the reconstructed drain easement, but the old Rodgers Drain would go away after the Board accepted the new constructed drain as the Rodgers Drain, we don't have to reclassify it as a mutual drain.

ADF told the Board that Mr. Lougheed is asking the Board to give him an approval to reconstruct in accordance with the submitted plans that he can take back to the State and say look the Drainage Board believes that this is a good plan, but causes the statutory right-of-way to be ten foot into the right-of-way on the Northeasterly corner of Hadley and Illinois Road.

ADF recommended to the Board that they offer up an approval of this plan for Mr. Lougheed to take back to the State Highway.

Bill Brown made a motion to approve Doc. #07-134, seconded by Roger Moll. Motion carried.

3. **Doc. #07-124, Ravenswood Section II Stormwater Plan.** Plan was approved subject to receipt of offsite information on the Roy Delagrang Drain during the September 27, 2007 meeting. Plans received do not meet our requirements.

Jim Morlan and Rick Zehr – New Venture Development Corp. 10808 LaCabreah Lane

ADF explained to the Board that direction initiated years ago that requires a positive outfall from any site that is being developed. The Ravenswood site is being discharged into the Roy Delagrang Drain with a negative outfall. The developer's plans do not show them reconstructing the drain to give the required positive outfall. Copy of Project review attached to petition.

Mr. Morlan express his concerns that they shouldn't have to bear full responsibly to improve that drain. He thought that it was a county issue and that the entire watershed should share in the expense. He also told the Board that Larry Weber had told him that he anticipates that when the next section of Carroll Road is improved, that that drain will probably be reconstructed.

A discussion followed regarding the responsibility of the watershed to pay for doing the work instead of the developer benefiting from the improvement. ADF explained to the Board that they wouldn't do a reconstruction it would be

maintenance - Bottom dipping, debrushing, and removing of dead, dying, and leaning trees.

Roger Moll: "The County changed the zoning from A1 to RSP1 and we did that because the petitioner PT Development said please change the law, we want to use this land differently then it is currently being used. The Commissioners said well that will be okay. We will change the law to suite your interests and presumably at the same time the Drainage Board said that part of those interests are we will change these laws so you can make this land improvement therefore you aren't doing this for nothing, we all understand that, and there is going to be a product developed and that is in the form of eight-five units and to the developer profit margins okay. He is not a County Employee. He is not out there working for \$35,000 a year to carve up this parcel. He asked us to change the law to suite him and part of that law change we said this is the standards that you need to meet. That standard is that we have a positive outfall for stormwater drainage."

ADF: The cost would probably be around \$2.00 to \$2.50 a foot to bottom dip, pull the bank back and seed it. Estimated total cost would be around \$6,500.

Bill Brown asked Cathy Sorrano if they could allow them to outfall into the drain.

Cathy Sorrano told him that they are in the position of over ruling a previous Board's decision, if you go ahead and allow something that is in contradiction to it, and setting a precedent for the future.

Rick Zehr from PT Development Corp agreed to do the bottom dipping and seeding to bring the drain into compliance with the Drainage Board's requirements.

ADF recommended approval subject to PT Development saying that they would take care of the bottom dip issue on the Roy Delagrangé. Bill Brown made the motion to approve subject to the Surveyor's recommendation, seconded by Roger. Motion carried.

Other Business:

Doc. #07-135, Kamp Ditch located in Adams Twp. Della Eikenberry requesting a meeting regarding encroaching within the drainage easement for the construction of a garage.

Della Eikenberry did not attend the meeting.

ADF explained to the Board that Ms Eikenberry had given us a hand drawing and don't understand why we would not grant her the right to be very close to the ditch with a 24 x 24 garage because everybody else has done it. He recommended that the Board defer action until we receive more detail. Bill Brown made a motion to defer until receipt of survey, seconded by Roger Moll. Motion carried.

The following three documents were added to the agenda during the meeting.

Doc. #07-136, River Hollow Estates Section I located In St. Joseph Twp. Sec. 3. Petition for the Establishment of a New Regulated Drain, motion to proceed. Petitioner Jim Morlan New Venture Development Corp.

ADF recommended approval of motion to proceed. Bill Brown made a motion to approve, seconded by Roger Moll. Motion carried.

Doc. #07-137, River Hollow Estates Section I located in St. Joseph Twp. Sec. 3. Petitioner Jim Morlan New Venture Development Corp. Petition for

encroachment within the drainage easement for the construction and installation of all mains and structures located within the recorded plat of River Hollow Estates, Section I.

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

Doc. #07-138. Request from D. A. Brown to approve their Stormwater Management Plan for River Hollow Estates Section I.

ADF recommend approval subject to final approval through the Surveyor's Office. Bill Brown made a motion to approve subject to final approval by the Surveyor's Office, seconded by Roger Moll. Motion carried.

Meeting adjourned.

ALLEN COUNTY DRAINAGE BOARD

Linda K. Bloom, Chairperson

Wm. E. Brown, Vice-Chairperson

Roger Moll, Secretary

Allan D. Frisinger, County Surveyor

Date