

**ALLEN COUNTY DRAINAGE BOARD MINUTES  
REGULAR HEARING**

February 14, 2008

9:00 a.m.

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

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

**Approval of Minutes:** January 24<sup>th</sup>, 2008 minutes  
*Bill Brown made a motion to approve minutes, seconded by Roger Moll. Motion carried.*

**Approval of Petitions:**

1. **Doc. #08-013, Andrews Br. #1 drain located in Perry Twp. Sec. 6.** Petitioner is Steven Richards. Petition for encroachment for the construction and installation of a 36-inch culvert and driveway.

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

2. **Doc. # 08-009, William Gernhardt Drain located in Maumee Twp. Sec. 29.** Petitioners are property owners Leland and Gayle Etzler and Zelda R. Mayers purchaser of property. Petition for encroachment for an existing 36' X 44'-4" wood framed ice cream shop with drive-thru and asphalt parking and drive areas. Existing covered drive-thru lane on east side to remain, with the west side to be enclosed under the existing roof area. The existing covered area to be enclosed for indoor seating. The existing asphalt paving will be removed in the area of work. Deferred from the January 24, 2008 meeting.

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

3. **Doc. #08-008, Trier Drain located in Adams Twp. Sec. 11.** Petitioner is Brent Stewart. Petition for encroachment within the drainage easement for the construction and installation of a 72' x 72' commercial structure twenty feet from top of bank. Deferred from the January 24, 2008 meeting.

*Chris McCrea of McCrea Land Surveying, Inc 2812 Lower Huntington Rd.*

*Brent Stewart*

*Loren Stewart 9412 Chippewa Gap, New Haven, IN 46774*

*ADF reviewed the project with the Board presenting them with pictures of the location. Roger Moll questioned why they couldn't move the building to the other part of the parcel and was told by Mr. McCrea that the area in question was filled with debris from the resurfacing of US 24 and 30.*

*The Drainage Board questioned the feasibility of building an auto repair shop twenty feet from the top of bank of a major drainage ditch.*

*ADF asked Mr. McCrea how they were proposing to handle the discharge at the hundred year level.*

*Mr. McCrea told the Board that that would be a challenge.*

*Roger Moll asked if there is a way that could construct your facility and stay at least where the existing barriers are.*

*Mr. Loren Stewart presented the Board with a new set of drawing showing the set back at twenty-five feet from the top-of-bank. He also presented the Board with a letter from an excavating company stating that it would be impossible to complete. "The existing sanitary manhole has an elevation of approximately 735.09 (?), and the proposed manhole and would have an approximately invert of 741." The proposed outfall would be 6.5 feet higher in elevation than the existing manhole.*

*Brent and Loren Stewart told the Board that there was not an easement on the sewer line, but that the City of New Haven won't let them build closer than 7 feet from the line. ADF told them that with the depth of the line, it would take approximately a twenty foot easement.*

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*Drainage Board decision:*

Roger Moll: "They can use this parcel if they get no closer then the existing construction that is on the site and do no more harm to that watershed then they currently have be doing provided they can get detention and meet the NPDES2 water quality standards on their outfall. If they know the perimeter in which they have to work they can take this proposal back and work with New Haven. Re-engineer the (?) utilization of the space within that building; put an office wing on it somewhere where they aren't planning to drive cars that would be outside the big rectangle. I can't think that there are not ways that they might able to be creatively still use this parcel but I don't think it makes good sense for us to impose a barrier in there that is greater then is currently there on parcel that had those existing situations."

Roger Moll made the following proposals:

1. I moved that we would approve an encroachment within the easement not to exceed the encroachment that exists on the existing house.
2. That the stormwater NPDES2 requirements would meet those standards that the Surveyor would require of them.
3. Submittal of the Stormwater Management Plan.
4. Water quality issue, stormwater detention issue.

So the water quality issue, the stormwater detention issue all have to be subject to the Surveyor's approval, but the encroachment issue as the Board I move that we would limit that encroachment to the vertical house structure that exists there and whatever setback that presents. The motion was seconded by Bill Brown. Voted on and carried.

4. **Doc. #08-017, Copper Leaf Drain located in Perry Twp. Sec. 29.** Petitioner is Springmill Woods Development LLC. Petition for Establishment of a new regulated drain. Motion to proceed.

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

5. **Doc. #08-018, Copper Leaf Drain located in Perry Twp. Sec. 29.** Petitioner is Lancia Construction. Petition for encroachment within the easement for the construction and installation of buildings, streets and utilities. For the development of Copper Leaf.

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

6. **Doc. #08-021, Copper Leaf.** Request from D.A. Brown Engineering for approval of their Stormwater Management Plan.

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

*At this time the Board went to Item 13. See item 13 for details.*

7. **Doc. #08-016, Lee Drain located in Perry Twp Sec. 6.** Petitioners are Larry & Krista Jefferies. Petition for Establishment of a new regulated drain. Motion to proceed.

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

8. **Doc. #08-019,** Request from Thomas A. Franke to the Drainage Board to establish periodic maintenance on the Berning Drain located in Madison Twp. Sec. 16.

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

9. **Doc. #08-022,** Request from Z.K. Tazian Associates, Inc. for approval of their Stormwater Management Plan for Classic Heights Villas located in Perry Twp. Sec. 17.

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

10. **Doc. #08-015.** Re-certification of Dawson's Creek (Townhouses) to represent the name change to Stone Cove Villas by the developer.

*ADF explained to the Board that the developer changed the name from the Dawson's Creek Townhouses to Stone Cove Villas. This re-certification is necessary to update our assessment records to correspond with the actual name of the development. Roger Moll made a motion to approve as submitted, seconded by Bill Brown. Motion carried.*

**Other Business:**

11. **Doc. 08-014** list of drains that Allen County will be collecting on this year. Total assessment is \$839,107.28. \$858,362.43 in drain maintenance was spent in 2007.

*Drainage Board reviewed the list.*

12. **Doc. #08-020** review of letter from Jim Feller of the Allen County Surveyor's Office. Subject: Drainage findings requested by Town Council of Leo-Cedarville.

*ADF read the Citizen Concern from Norman & Cheryl Grayless into the records: Since the development of lots 200 & 201 at 9528 and 9529 Yellow Feather Court west of our property we have been getting an enormous amount of run off rain and melted snow. When landscaping the properties elevation was raised and rain run off from downspouts is directed toward our property. At one point the sidewalk on the south of our house was actually floating, this causing damage to our garage and home. In the 36 years we have lived here we've never had water problems of this magnitude. The Developer/Contractor should have utilized swales directing this run off toward existing ditches. We are requesting a solution to this problem as soon as possible before more damage occurs.*

*He read Jim Feller's memo regarding his findings: 1. The Grayless house sits in a bowl as ground is sloped toward them from three directions. 2. The Grayless west property line is a tree/fence line that has remained unchanged by Pioneer Village Development. 3. The construction of a satisfactory swale at the rear of lots 200 and 201 is not present. 4. Site visit on 1/8/08 was the day after a considerable rain event with area flooding but Grayless property showed slight evidence of water problem. 5. Met with Rob Walker of Windsor Homes on 1/17/08. He will have his landscaper cut proper swale when weather permits. 6. I would like to see evidence of "floating sidewalk" stated in Mr. Grayless concerns.*

*ADF told the Board that they would response back to the Town of Grabill or to the owners telling them that it was reported to the Drainage Board and these are our findings*

*No action is needed by the Drainage Board for their information only.*

13. **Doc. #08-023, Witmer #2 Drain located in Cedar Creek Twp. Sec. 24.** Petitioner is The Town of Grabill. Petition for encroachment within the drainage easement for the construction and installation of an extension of existing 60-inch CMP addition of concrete sidewalks and replacement of concrete headwalls.

*Jeff Sorg from the County Highway Department*

*Jeff Sorg explained that this was something the County Highway was doing to help the Town of Grabill. If the bridge needed to be replaced in the future, the Town of Grabill would be responsible for the replacement.*

*ADF express concerns that the County Highway was spending funds for improvement on a bridge that is the responsibility of the Town of Grabill.*

*Bill Brown stated that he was going to abstained. He wasn't comfortable voting on the cost issue.*

*Cathy Sorrano explained to Mr. Brown that ADF point is that he is trying to weigh in what the future cost to a watershed might be if you go this route versus the route he is recommending. From that stand point cost is a question before the Drainage Board. Roger Moll asked if the Highway Department routinely goes into communities like Woodburn and Hometown and Grabill and reconstruct City's Streets and put in sidewalks and spend it out of Highway's money.*

*Jeff Sorg told him yes and no. They don't do sidewalks but they do replace pipes or extend pipes.*

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*Roger Moll, "What you are requesting today is permission to encroach within the easement of the drain that goes through Grabill to install sidewalks along the street and accompanying comfortable stormwater pipe for the drain to go under those sidewalks." "We are going to put five foot extensions on either side of it and pave a sidewalk over the top of it for the benefit of pedestrian access for the City of Grabill. Our concerns are down the road the watershed will at some point have to put in an extra ten feet of whatever replacement size pipe is required to reconstruct that bridge and sidewalk. This is a temporary repair or patch to an existing situation. They are asking permission to do something and spend money that came to the county and highway's funds.*

ADF: Read the following from Indiana Drain Code: When requested by the owner of the highway or right-of-way, the county surveyor shall meet with the owner at a time and place to be fixed by the surveyor. The surveyor shall hear objections to the requirements, and may then change the requirements as justice may require. When the board finds that in the construction, reconstruction, or maintenance of a regulated drain it is necessary to:

- (1) alter, enlarge, repair, or replace a crossing; or
- (2) construct a new crossing where none existed before;

the cost of the work on the crossing shall be paid by the owner of the public highway. This cost may 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 and damages. The Board decision is based on is this right thing to do, does it put an undue burden on somebody else without their knowledge.

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Board decision:

Roger Moll moved approval of the encroachment within the drainage easement to extend with the same capacity the crossing that is there now in order to accommodate the sidewalks. Approve it on the basis that it will not impose any additional cost to all the other upstream owners in the watershed except the City of Grabill whom benefits from this activity in the first place. There should be a flag that says to the City of Grabill that any construction of this increase width and crossing is future responsibility of the Town of Grabill.

Linda asked, "If the box culverts were the right size and not an add on like the lesser expenses that if it was done properly the first way with the dimension that the Surveyor suggested 5' x 8' then there wouldn't be any maintenance at a later time."

ADF told her that it would be years before maintenance would be needed.

Linda told Jeff Sorg that they needed different numbers before they can make the decision.

Roger Moll again moved approval of access to use that drainage easement so that crossing can be made either way. Motion seconded by Linda. Roger Moll and Linda Bloom voted for approval, Bill Brown abstained. Motion carried.

14. Other Business  
Meeting adjourned.

**ALLEN COUNTY DRAINAGE BOARD**

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Linda K. Bloom, Chairperson

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Wm. E. Brown, Vice-Chairperson

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Roger Moll, Secretary

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Allan D. Frisinger, County Surveyor

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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.