

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING
OBSTRUCTION HEARING
WESTCHESTER GLENS
PUBLIC HEARING
JOHN RAPP BRANCH #2**

October 23, 2008

9:00 a.m.

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

The Allen County Drainage Board convened on Thursday October 23rd 2008. Following introductory remarks Ms Bloom asked for approval of the October 9th 2008 minutes. Mr. Moll moved for approval of the minutes as they were prepared, second by Ms Bloom. Motion carried. Wm. Brown did not attend the meeting

Approval of Petitions:

(The following reflects a synopsis of action taken by the Allen County Drainage Board. (Due to a recording error there are no tape recordings of the proceedings available.)

1. **Doc. #08-168, Joe Dennis #1, R. Dale, and Robinson Wellbaum Ditch located in Lafayette Twp. Sec. 3 – 17.** Petitioner is the City of Fort Wayne. Petition for encroachment for the construction and installation of a water main.

This petition was submitted with incorrect drains. The petition was revised at the hearing to include the following: Robinson-Brindle Ditch, Joe Dennis #1, Wellbaum Ditch and the Wellbaum Tile.

All Frisinger recommended approval subject to: delineation of the profile on their actual drawing, a required five (5) foot installation below the cleaning grade of the drain, bank stabilization, inspection of the installation, and payment of all fees relative to installation, inspection and encroachment. Roger Moll made a motion to approve subject to the Surveyor's requirement, second by Linda Bloom. Motion carried.

2. **Doc. #08-169,** Request from Dickmeyer and Associates for approval of a Stormwater Management Plan for a Gravel Lot at 7021 Chalfant Rd in Washington Twp. Sec. 16.

All Frisinger recommended approval as submitted. Roger Moll made a motion to approve, second by Linda Bloom. Motion carried.

3. **Doc. #08-170,** Request from Rocke & Associates for approval of a Stormwater Management Plan for CVS Pharmacy @ Scott Rd Plaza in Aboite Twp. Sec. 3.

All Frisinger recommended approval as submitted. Roger Moll made a motion to approve, second by Linda Bloom. Motion carried.

4. **Doc. #08-172,** Request from Donovan Engineering, Inc. for approval of a Stormwater Management Plan for Northland Center located in Perry Twp. Sec. 16.

All Frisinger recommended approval subject to final review by the Allen County Surveyor's Office. Roger Moll made a motion to approve subject to Surveyor's final approval, second by Linda Bloom. Motion carried.

5. **Doc. #05-070 Revised,** Water Drain located in Washington Twp. Sec. 11 and 12. Petitioner is Fred Beck. Requesting changes to the location of the reconstruction drain.

Following comments and general discussion by the Board Al Frisinger recommended approval of the revised petition. Roger Moll made a motion to approve, second by Linda Bloom. Motion carried.

6. **Doc. 08-165 Hollman Drain located in Jefferson Twp. Sec. 7.** Request for Motion to Proceed to hearing to establish maintenance on December 11, 2008.

Following comments and general discussion by the Board Al Frisinger recommended proceeding to hearing. Roger Moll made a motion to proceed to hearing at the December 11th, 2008 Drainage Board hearing, second by Linda. Motion carried.

Other Business:

Scar Tile:

Al Frisinger explained to the Board that an incorrect motion was made at the October 9th, 2008 hearing. The motion was made and carried to move forward with the reconstruction. The hearing was advertised as an assessment only, not for consideration of reconstruction. Roger Moll made a motion to rescind the October 9th, 2008 motion for reconstruction, second by Linda Bloom. Motion carried. Roger Moll then made a motion to establish maintenance on the Scar Tile at \$37.00 per acre, second by Linda Bloom. Motion carried.

The Regular Meeting was closed.

Public Hearings:

OBSTRUCTION HEARING:

Petition to remove obstruction in a mutual drain or natural surface water course.

Petitioner Westchester Glens Community Association, Inc. address: PO box 40242, Ft. Wayne, IN.

Respondent Rogers Markets PIN 02-11-10-126-005.000-075, north of Westchester Glens Section III.

Surveyor's Report:

Letter from Brian M. Simpson of Shambaugh, Kast, Beck & Williams, LLP. Allen County Drainage Board findings of fact and order on petition to remove obstruction pursuant to I.C. 36-9-27, 4-1 through 25.

(The following reflects a synopsis of action taken by the Drainage Board. Actual tape recordings of the proceedings are available upon request.)

Ms Bloom opened the meeting and asked for the Surveyor's Report

Al Frisinger read the Surveyor's Report and a letter from Brian Simpson, Attorney for Rogers' Market to the Board.

Cathy Serrano joined the meeting at 9:35.

Following comments and general discussion between, the Board, Surveyor, and Bob Doelling, attorney for Petitioners, Brian Simpson and John Rogers of Rogers' Market the Board completed the Findings of Fact and Order on Petition to Remove Obstruction.

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- Item 1. Roger made a motion in the affirmative, second by Linda. Motion carried.
- Item 2. Roger made a motion in the affirmative, second by Linda. Motion carried.
- Item 3. Roger made a motion in the affirmative, second by Linda. Motion carried.
- Item 4. Roger made a motion in the affirmative, second by Linda. Motion carried.
- Item 5. Roger made a motion in the affirmative, second by Linda. Motion carried.

The Allen County Drainage Board on this date orders the respondent to remove the obstruction at his expense. Roger Moll made a motion to approve, second by Linda. Motion carried.

Linda explained that any and all plans regarding this property must be approved by the Surveyor's Office.

Obstruction Hearing closed.

John Rapp Branch #2. Located in Lake Twp.

(The following reflects a synopsis of action taken by the Drainage Board. Actual tape recordings of the proceedings are available upon request.)

Linda Bloom opened the Public Hearing on the John Rapp Br. #2 Tile.

- A. Doc.#08-127 - Surveyor's Report

Mr. Frisinger read the Surveyor's Report into the records.

- B. Comments and letters in Favor: No Letters

- C. Comments and letters in Opposition: Timothy Bohda and Timothy Peters and 1 letter from Tim Guhl expressing concerns

Mr. Frisinger read the three letters into the records.

The following people spoke in favor of the reconstruction:

Dean Hille address 12908 Leesburg Road

Harold Stahlhut address 11308 W. Washington Ctr. Rd.

The following people spoke against the reconstruction or against the amount they are being assessed.

Tim Guhl address 12526 W. Washington Ctr. Rd

Timothy Peters address 12529 Leesburg Rd.

Following comments from the property owners and general discussion by the Board, the Board asked the Surveyor's Office to revised the assessment for property owners with less then ten acres they are being charged.

Roger Moll made a motion to continue hearing to the December 11th, 2008 Drainage Board Hearing, second by Linda. Motion carried. Public Hearing will reconvene on December 11, 2008.

- D. Close Hearing:

- E. Board Finding and Order:

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.