

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING**

March 26, 2009

9:00 a.m.

PRESENT: LINDA K. BLOOM, WM E. BROWN, NELSON PETERS, ALLAN D. FRISINGER; DB ATTY: CATHY SERRANO; BOH: KATHY DOSECK;
DB. SEC: SHARMAN BULTEMEIER; SEE SIGN-IN SHEET FOR OTHERS PRESENT

The Allen County Drainage Board convened on Thursday March 26, 2009. Minutes were approved at end of meeting. Ms Bloom asked for approval of the March 12th, 2009 minutes. Mr. Peters moved for approval of the minutes as they were prepared, second by Mr. Brown. Motion carried.

Approval of Petitions:

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

1. **Doc. #09-024, Christianer Drain located in Madison Twp. Sec. 26.** Petitioner is Robert C. Reynolds Sr. Petition for the construction and installation of a four-inch perimeter drain tile.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval of petition as submitted. Mr. Peters made a motion to approve petition as submitted, second by Linda Bloom. Motion carried. Bill Brown absent for vote.

2. **Doc. #09-025, Durnell, Fred Klaehn and the Klaehn-Merritt Drains located in Aboite Twp. Sec. 1.** Petitioner is the City of Fort Wayne. Petition for the construction and installation of a sanitary sewer system within the Westlawn Subdivision; to allow for the abandonment of the existing septic tanks.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval of petition as submitted. Mr. Peters made a motion to approve petition as submitted, second by Linda Bloom. Motion carried. Bill Brown absent for vote.

3. **Doc. #09-026, Houk Br. #3 Tile.** Certification of assessment set at \$36.00 per acre with a five acre minimum.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval of petition as submitted. Mr. Peters made a motion to approve petition as submitted, second by Linda Bloom. Motion carried. Bill Brown absent for vote.

Other Business:

Bill Brown joined meeting at 9:24.

Arthur & Rebecca Mertens (17228 N. State Road 1) request permission to speak to the Board regarding work they would like to do on the Shambaugh Drain located in Cedar Creek Twp. Sec. 12.

Summary of discussion regarding the Shambaugh Drain.

Mr. Mertens explained to the Board that they have a flooding problem. He presented pictures to the Board showing the flooding.

Mr. Frisinger reviewed the problems with the Board explaining that parts of the tile have been crushed. Mr. Hensinger created an open channel across his and another property to drain a portion of the land back towards highway 1.

Mr. Mertens presented to the Board a survey of his property done in 2001 or 2002 showing a tile easement. The survey was not certified. Mr. Hensinger said that he had a certified survey.

Mr. Frisinger told him that it is showing a tile easement which was not for the regulated drain. He did not see anything on it relative to the Regulated Drain. Mr. Frisinger explained to Mr. Mertens that he had encroached within the easement. Rerouting the drain would require a construction plan and approval through the ACSO and the Drainage Board. Other houses in the area were built without Drainage Board permission and possibly destroyed most of the existing tile.

Mr. Frisinger – Should have a petition to reconstruct and come up with an engineering plan to drain all the properties through the state highway, public hearing at the public hearing assessments are levied for reconstruction and future maintenance. All the people in the watershed are aware of what the proposal is.

Mr. Mertens asked if he could construct a temporary swale until reconstruction of the tile is completed. He was told he could construct it on his property. He was caution not to block water.

Mr. Hensinger address 17323 SR 1.

Mr. Hensinger reviewed the history of the property and the tile. That it was not known that this was a regulated drain tile. If he had, he would have asked for help sooner. Mr. Hensinger asked if he donated the land for the relocation would he still be assessed for the reconstruction. He was told he would be assessed if he was in the watershed.

*Mr. Frisinger reviewed the process for petition for reconstruction:
Field Work – Watershed determination – Assessment – Public Hearing*

Claudio Basilici address 47000 N State Rd 1, Spencerville, Indiana
Mr. Basilici asked how the County decides the placement of the new tile.
Mr. Frisinger explained the process for determination of tile placement.
Mr. Basilici will give the Drainage Board his septic plans.
Mr. Hensinger asked if he should tell his tenant farmer to stay off the area.
Mr. Frisinger told him to let the farmer go ahead and plant, he may or may not lose some of it.
Mr. Hensinger also asked if he could be notified when they are going to be evaluating the area and was told yes.
Mr. Frisinger said it would be thirty – sixty days before a hearing date could be set.
Mr. Mertens may delay constructing a swale until December to give the ACSO a chance to do the reconstruction of the tile.

Joseph Sturm – address 9905 State Road 101 asked to speak to the Board regarding the Flat Rock Ditch north of Hoffman Road.

Mr. Sturm presented pictures, showing the erosion of the ditch bank along his property, to the Board. He asked, if the County would be doing bank stabilization anytime soon?

Mr. Frisinger explained to Mr. Sturm that the County's intention is to relocate the drain through Mr. Sorg's property. We are finishing up the field work now and will be proceeding to hearing upon completion.

Meeting adjourned.