

**ALLEN COUNTY DRAINAGE BOARD MINUTES  
REGULAR HEARING**

October 8, 2009

9:00 a.m.

---

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

---

*The Allen County Drainage Board convened on Thursday October 8<sup>th</sup>, 2009, following introductory remarks, Ms Bloom asked for approval of the September 24<sup>th</sup>, 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 during the Hearing. Actual tape recording of the proceedings is available upon request).*

1. **Doc. #09-101, Botteron Drain located in Milan Twp. Sec. 14.** Petitioner – Martin & Martha Schwartz. Petition for encroachment for the construction and installation of a 4" to 12" PVC SDR 35 pipe within the south Back-slope of drain, also to place a septic absorption trench system within the 75 foot set-back-right-of-way area. Private septic system.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval as submitted. Mr. Peters made a motion to approve petition, second by Mr. Brown. Motion carried.*

2. **Doc. #09-102, Dunten Drain located in Perry Twp. Sec. 16.** Petitioner – Jeffery Thomas. Petition for encroachment within the drainage easement for the construction and installation of house, deck, patio and driveway. To allow construction to platted easements.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval as submitted. Mr. Peters made a motion to approve petition.  
Mr. Brown expressed concerns.  
Mr. Frisinger – When there is an IOP issued on new construction some type of notification to the property owner that they may be affected by a regulated drain on their property.  
Mr. Brown seconds the motion. Motion carried*

3. **Doc. #09-103, The Pointe at Twin Eagles Drain located in Perry Twp. Sec. 16.** Petitioner – Twin Eagles Development, LLC. Petition for establishment of a new regulated drain. Motion to proceed.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval as submitted. Mr. Peters made a motion to approve, second by Mr. Brown. Motion carried.*

4. **Doc. #09-104, The Pointe at Twin Eagles Drain located in Perry Twp. Sec. 16.** Petitioner – Jeffery Thomas. Petition for encroachment within the drainage easement for the construction and installation of house, deck, patio, driveway. To allow construction to platted easement.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval as submitted. He will hold petition until receipt of fees. Mr. Brown made a motion to approve, second by Mr. Peters. Motion carried.*

5. **Doc. #09-105.** Request for Engineering Vision, Inc. for approval of the Stormwater Management Plan for The Pointe at Twin Eagles.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval as submitted. Mr. Peters made a motion to approve, second by Mr. Brown. Motion carried.*

6. **Doc. #09-106, Willow Creek Br. #7 Drain located in Perry Twp. Sec. 20.** Petitioner–Fred Merritt. Petition for encroachment for the construction and installation of driveway crossing, sanitary sewer tap, storm water basin and parking/drive area. Due to constraints of parcel shape and size and only access by crossing ditch; for construction of new engineering building for company.

*See item 7.*

7. **Doc. #09-107.** Request from Dickmeyer & Associates for approval of the Stormwater Management Plan for Riverside Manufacturing located in Perry Twp. Sec. 20.

*Following comments and general discussion by the Board, Mr. Frisinger recommended deferral for items 6 and 7. Mr. Brown made a motion to defer petitions, second by Mr. Peters. Motion carried. Petition 09-106 and 107 deferred.*

8. **Doc. #09-108. Certificate of substantial completion** – John Rapp Branch #2 – Contractor: Wisel Enterprises, LLC. Signatures only.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval as submitted. Mr. Brown made a motion to approve, second by Mr. Peters. Motion carried.*

9. **Doc. #09-109, Upper J.B. Spatz Drain located in Aboite Twp. Sec. 16.** Petition for establishment of a new regulated drain. Motion to proceed.

*Mr. Frisinger reviewed the Eggeman Road Obstruction project.*

*This is a petition that would add an extension to the J.B. Spatz Drain.*

*Ms Bloom and Mr. Peters asked if there were plans that would fix the problem without making it a regulated drain*

*Mr. Frisinger told them, "No."*

*Mr. Brown that it seem logical to him to proceed with the new regulated drain.*

*Mr. Frisinger that he expected that the Board would probably look at a larger assessment toward the Respondents. Mr. Robertson and Mr. Williams have agreed as a temporary measure to opening ground on their side to facilitate getting water to the culvert.*

*Ms Bloom said that the County Highway was going to take care of the flooding on Aboite Center Road, but did not know the detail of the plans.*

*Mr. Brown wanted to know the details and asked Linda to have a representative from the Highway appear before the Board and explain their plans for resolving the flooding issues.*

*Mr. Peters said that he did not have a problem at this point approving a petition.*

*Mr. Brown agreed. Mr. Brown made a motion to approve – interrupted by Ms Bloom*

---

*Mr. Keith Robertson – address 3808 Eggeman Road*

*Mr. Robertson told the Board that both he and Mr. William agreed to do some grading to the surface area to allow the water to flow off the original complainants' land over onto the Williams' and his land and allow it to go under his drive and removing the surface obstruction. It there is larger puzzle that can be done, he is asking the Board to allow them to temporary grade and fix the surface water flow.*

*Mr. Peters asked Mr. Frisinger if the big fix would also take care of the obstruction issue. Mr. Frisinger told him yes.*

*Mr. Peters thought that the Highway should be here during the hearing.*

*Mr. Brown asked for a break for a call to Mr. Bill Hartman from the Highway for input.*

*Ms Bloom and Mr. Peters agreed.*

*Mr. Brown made a motion to recess for five to ten minutes, second by Mr. Peters. No vote.*

*Kathy Serrano explained to Ms Bloom that if the petition meets the criteria, you have to vote on it.*

*Mr. Peters made a motion to approve petition for motion to proceed.*

*Mr. Brown wanted to know more about Aboite.*

*Mr. Brown called for a recess.*

*Ms Bloom left to call the Highway Department.*

*Drainage Board reconvenes proceeding to Doc. #09-110, while waiting for Mr. Hartman.*

*Returned to review of petition.*

*Mr. Hartman – Allen County Highway.*

*Mr. Brown asked Mr. Hartman to review with them, the Highway plans for correcting flooding on Aboite Center and Eggeman roads.*

*Mr. Hartman explained that there are existing inlets and a drain tile that is not working correctly. It is a tile that drains along the natural flow path into a pond which then drains into another tile that at one time found it way to a crosspipe on Eggeman Road. At present time the tile and inlets are clogged and not working. The Highway intends to repair, so that it would work correctly.*

*Mr. Frisinger This is a mutual farm tile that was installed in some juncture, which then falls (?) taking a system up to today urban standards. If you are going to do that kind of work, under petition. This would not meet urban standards.*

*Following comments, Mr. Brown seconded Mr. Peters' earlier motion to proceed to hearing. Motion carried.*

10. **Doc. #09-110, Amstutz Road Drain located Cedar Creek Twp. Sec. 3 & 4.** Petition for establishment of a new regulated drain. Motion to proceed.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval as submitted. Mr. Brown made a motion to approve petition, second by Mr. Peters. Motion carried.*

11. **Doc. #08-049 Notice to Proceed**, signature only – Eggeman Road Mutual Drain contract.

*Following comments and general discussion by the Board, Mr. Frisinger recommended not going ahead with the contract at this time. Petition died for lack of a motion.*

*Mr. Robinson asked if the motion not to proceed should also include that we work with Mr. Frisinger's Office to do this temporary fix.*

*Ms Bloom told him not to do anything.*

*Mr. Brown agreed with Mr. Robinson, that they should add that to it.*

*Mr. Robinson said that he would work with Mr. Lougheed on a plan to fix the problem.*

*Ms Bloom again said, "Why spend the money."*

*Mr. Peters told Mr. Robinson that he would be paying twice for the same problem.*

*Ms Doseck asked how long will it take for the larger fix.*

*Mr. Robinson said that he will work with Mr. Lougheed and Mr. Frisinger and cut the swale within the next 30 days.*

12. **Doc. #09-111**, SSOE, Inc. request approval of the Stormwater Management Plan for the Kroger Fuel Station located at 10230 Chestnut Plaza Dr.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval as submitted. Mr. Brown made a motion to approve, second by Mr. Peters. Motion carried.*

**Other Business:**

*Discussion on the Flatrock relocation*

*Mr. Frisinger told the Board that he had a meeting yesterday with IDNR and Department of Environmental Management for relocating a portion of the Flatrock River parallel and adjacent to State Road 101. He showed a copy of the plans to the Board explaining the plans.*

*Mr. Brown asked about the acquisition of the necessary land. He was told that the land had not been acquired.*

*Mr. Nelson asked Mr. Frisinger about the Scar Tile.*

*Mr. Frisinger told him that he had a letter written.*

*Mr. Nelson said that he had letters dated September 28, and September 29, 2009.*

*Mr. Frisinger told him that the drain does not meet vacation requirements.*

*Meeting adjourned.*

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.