

**ALLEN COUNTY DRAINAGE BOARD MINUTES  
SPECIAL HEARING**

May 19, 2009

9:00 a.m.

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

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The Allen County Drainage Board convened on Tuesday My 19th, 2009. Following introductory remarks the following petitions were submitted for approval.

**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. #09-043, Hitzeman Drain located in Lake Twp. Sec. 24.** Petitioner – Indiana Department of Transportation. Petition for the reconstruction of rusted off end of pipe and bank stabilization. Pipe, road and bank collapse, and guardrail exposure creating a hazardous situation for motorists.

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

2. **Doc. #09-044, Kruse Drain Branches 1 & 2 located in Washington Twp. Sec. 12.** Petitioner – City of Fort Wayne. Petition for encroachment on the Kruse Drain Br. 1 & 2. The City would like to reconstruct the drainage ditch located on the NE side of Block "A" within the Wheatridge Addition.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval with inspection services through the Surveyor's Office. Mr. Peters made a motion to approve petition with the caveat that there on going inspection through the Surveyor's Office, second by Mr. Brown. Motion carried.*

3. **Doc. #09-049, Willow Creek Main Drain located in Perry Twp. Sec. 17.** Petitioner – Verizon Communication. Petition for the installation of two (2) new lines (fiber and copper) under the Willow Creek Main, depth will be 10-12 ft. under base of creek to avoid all issues and follow all rules and regulation from the DNR. Verizon will maintain clearance and separation from all other utilities.

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

4. **Doc. #09-047.** Request from Philip Troyer for approval of a Stormwater Management Plan for Huntertown Woodworking Shop located in Perry Twp. Sec. 7.

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

5. **Doc. #09-048.** Request from Foresight Consulting for approval of a Stormwater Management Plan for St. John's Lutheran Church located in Lake Twp. Sec. 11.

*Chris Hinkle from ForeSight Consultants address 3810 New Vision Drive, Fort Wayne  
Francis Harter address 11626 Hand Road, Fort Wayne.*

*Mr. Hinkle and Mr. Harter expressed their concerns regarding the additional cost of providing outlet for right of way pipe system across the Church's property.*

*Mr. Frisinger explained to them that when the opportunity presents itself, it is the policy of the County to require upgrades to the drainage system. He also explained that the County Highway will be providing the material and the church is bearing the installation cost. Following comments and discussion, Mr. Frisinger recommended approval of plan. Mr. Brown made a motion to approve Stormwater Plan Request with the county supplying all of the material for the project and the owner will supply the labor, second by Mr. Peters. Motion carried.*

6. **Doc. #09-045.** Request from property owners to establish Periodic Maintenance on the Beightel-Nettlerhurst in Cedar Creek Twp. Sec. 18. Motion to proceed.

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

7. **Doc. #09-046.** Signing of Contract between the Allen County Drainage Board and Wisel Enterprises, LLC for work on the John Rapp Br. #2. Amount of contract - \$29,912.80

*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.*

8. **Doc. #09-051,** Certificate of substantial completion for Underground Contractors, Inc for the Lima-Shoaff Drain reconstruction project. Signing.

*Following comments and general discussion by the Board, Mr. Brown made a motion to approve and sign Certificate of substantial completion, second by Mr. Peters. Motion carried.*

**Other Business:**

**Doc. #09-050, Flatrock Creek Drain located in Monroe Twp. Sec. 5.** Petitioners are questing stabilization of ditch bank, restoration of ditch bank and restoration of their driveway.

Discussion regarding the Flatrock Drain and INDOT.

*The following reflects a synopsis of the discussion regarding the above two items.*

*Mr. Frisinger reviewed previous discussion regarding Mr. Sturm's ditch bank cave in which is endangering his driveway. Mr. Sturm's property is at a 90° bend or better and will always be subject to erosion. The relocation of the Flatrock Creek would take care of his problem. When asked by Mr. Brown how that was going Mr. Frisinger explained that it was going very well until the State of Indiana told him that they didn't have any money. The Board will have to make a determination of whether to go to hearing for the relocation of the drain along 101. – He had spoken with INDOT representative Todd Johnson asking him to come up with a proposal for the funding of the project. –*

*Mr. Brown asked if there were short term solutions to the Sturm's problem.*

*Mr. Frisinger – move their driveway, hope the erosion stops or ask the Board to fund bank stabilization for them.*

*Mr. Sturm gave more pictures to the Board showing how the land is caving in.*

*Mr. Peters asked Mr. Frisinger what the down side of proceeding with the hearing, assessing the state, and going to a bank getting the money and having the state pay us back.*

*Mr. Frisinger recommended the Board doing that.*

*Mr. Sturm made the following comments: Hearing in 2001 was presented as information on how the property owners were going to be assess no vote on whether the project should be done or not. He was told that there is never a vote by the property owners; that is a decision that the Board makes. He said the cleaning of the ditch is what is causing the erosion on his property.*

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*Mr. Frisinger is opinion is that Van Wert County, Ohio, they removed every tree and created a channel – increasing the flow of water from Van Wert and Adams County. The clearing that Allen County did probably did not increase the velocity enough.*

*The Sturms asked what can be done to protect his home, driveway and well.*

*Mr. Frisinger – The real solution is the relocation of the drain. –*

*Mr. Frisinger recommended proceed to hearing and he would reevaluate Mr. & Mrs. Sturm's property for cost evaluation. If something can be done to stabilize temporary, we can try that.*

*Mr. Brown that it appeared that during the 2001 hearing comments were made that bank stabilization as needed would be done. – Do we have an obligation to people?*

*Mr. Frisinger explained to Mr. Brown that it could or may be done not that it would be done.*

*Mr. Sturm said that relocation is the way he would like to go.*

*Mr. Peters made a motion to proceed to a reconstruction hearing for the Flatrock Creek Drain, second by Mr. Brown. Motion carried.*

*Meeting adjourned:*

*Tape turned off.*

**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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Nelson Peters, Secretary

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Allan D. Frisinger, 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.