

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING**

May 28, 2009

9:00 a.m.

Call to Order: Chairwoman, Linda K. Bloom

The meeting was called to order at 9:15 AM by Chairwoman, Linda Bloom (LB). Present were Nelson Peters (NP), Bill Brown(BB) from 9:20-10:30, Allan D. Frisinger(ADF), Cathy Serrano/DB Atty, Larry Weber/ACSO, Cheryl Zurbrugg/ACSO. See sign-in list of public present. No minutes were submitted for approval.

Approval of Petitions:

1. **Doc. #09-052, Wilbur Drain located in Milan Twp. Sec. 2.** Petitioners are Candy Carpenter and Jason Giszewski. Petition for encroachment for the installation of a four-inch perimeter drain pipe. Private septic system.

ADF recommended approval of encroachment of a septic perimeter drain pipe into the Wilbur Drain, NP made a motion to approve it, LB seconded it. Motion approved.

2. **Doc. #09-053.** Request from Douglas McComb for Stormwater Management Plan approval for Solid Waste District Building in Perry Twp, Sec 30.

ADF recommended approval subject to an Erosion Control plan for the SWMP for Solid Waste District Building, NP made motion to approve subject to, LB seconded it. Motion approved subject to an Erosion Control plan.

3. **Doc. #09-054.** Request from Lougheed & Associates for Stormwater Management Plan approval for Parkview Plaza/New Vision Drive Reconstruction in Perry Twp, Sec 35.

ADF recommended approval for the SWMP for Parkview Plaza/New Vision Drive Reconstruction, NP made motion to approve, LB seconded it. Motion approved

4. **Doc. #09-055.** Request from CE & M, Inc. for Stormwater Management Plan approval for Rusty Spur in St. Joseph Twp, Sec 4.

ADF recommended approval for the SWMP for the Rusty Spur, NP made motion to approve, LB seconded it. Motion approved

5. Reference Eggeman Road Obstruction Hearing Doc. #08-099.

- Review of Construction Bids
- Discussion request by Keith Robinson (Respondent)

ADF wanted it noted that the Eggeman Road Hearing was already voted on and closed and that today is just discussion and nothing more because the other parties involved are not present. Cathy Serrano/DB Atty interjected that the Board made a unanimous decision when they voted and to change that now would require going to court. Mr. Rick Samek, Atty present with his client Mr. Keith Robinson said he realized that. He continued that the reason they are here today is to say they have a plan for the engineering work that is to be done and if they are going to fix it they want it fixed right. Mr. Samek explained their plan. Mr. Samek stated the problem of ponding will not be fixed with the ACSO plan. Mr. Robinson had pictures showing currently his property dry but petitioner's property wet. ADF stated this is because of obstruction. Mr. Robinson said that is correct but went on to say tile may or may not have been crushed and that he did not know there

was a tile there. ADF asked Mr. Robinson is this your construction plan? Mr. Robinson agreed it was. ADF said this plan shows an 8" tile. LB questioned obstructions. ADF explained obstructions to her. Everyone looked at map. LB questioned watersheds. ADF explained watersheds to her. Mr. Samek said to ADF he would like the plan changed. ADF said my job is given to me from the Board. I'm staying with my plan until this would go back to court and I'm told to change it. BB suggested if there is a better plan with the water going the other way, maybe we could give 30-90 days to change the plan. ADF said we proposed a plan to "today's standards" but Mr. Robinson's plan is not to "today's standards". Discussion was made about culvert under Eggeman Road. Mr. Root of Ecological addressed the Board handing them a letter and asking for 30-60 days for Mr. Loughheed's plans to meet the Board's approval. Cathy Serrano reiterated we cannot vacate last hearing decision but postponing the engineering plans 30-60 days would be acceptable, however it is still up to ACSO for finalization. NP said alternatives exist and would like to see 60 days granted. ADF said we already let bids. BB said we could ask them to hold their bid price. More discussion on alternative plans, breaking shed, offsite easements, respondent's awareness of cost. In finishing BB motioned to give respondents 45 days to submit comments and 60 days to come back to Drainage Board. NP seconded the motion. Motion approved.

Other Business

- **Discussion** – Witmer Drain maintenance in Grabill, IN requested by Chris Cloud. Lynn Witt representing the Grabill Council – Address 13403 Second St, Grabill, IN. Mr. Witt asked the Board to clean the Witmer Drain. Mr. Frisinger – DLZ is working with the town to resolve (?) issues on the sanitary system. Maintenance work on the ditch may or may not affect the sanitary sewer system. The Witmer Ditch does need some maintenance work performed. Mr. Brown left another meeting at 10:30. Following general discussion the Surveyor will continue to work on the project and will keep the Town of Grabill in the loop on progress.
- **Discussion** – W.O. Lake Drain in need of reconstruction. Springfield Twp, Sec 6. Joint Drain with DeKalb County.

Mr. Frisinger explained to the Board that this is a failed drainage system in need of reconstruction. Today he asked for the Board's approval to move forward with a public hearing. This will require a Joint Board with DeKalb County.
Mr. Peters made a motion to proceed to hearing, second by Ms Bloom. Motion carried. Bill Brown not present for vote.
- **Discussion** – Inverness Lake Urban Drain Reconstruction by City of Fort Wayne. Inspection by Allen County Surveyor.

Proposal by the City of Fort Wayne to reconstruct a portion of the Inverness Lake Urban Drain at their expense and we will be doing the inspection.

Note Upcoming Drainage Hearings

- Dunfee Drain on June 25, 2009

Future hearing should be an easy one. Auto Zone Store is paying for a portion of it – 100 foot lateral the City will be paying for.
- John S. Crabb on June 25, 2009

Developer agreed to pay \$60,000 towards the reconstruction of this drain. Highway Department will be paying for the road portion. Hearing to be held on June 25th, 2009.

Update on the Flatrock Creek: Mr. Frisinger reviewed with the board the plan that he is finalizing for presentation to IDEM, DNR and the Corp. General discussion followed.

General Discussion regarding a person who built his house without benefit of permits or talking to us within the last three years. He is now requesting bank stabilization. Ms Bloom said that she wanted to make a motion not to allow any more encroachment. No second.

General discussion followed regarding the Eggeman Road Obstruction.

Mr. Peters made a motion to adjourn.

ALLEN COUNTY DRAINAGE BOARD

Linda K. Bloom, Chairperson

Wm. E. Brown, Vice-Chairperson

Nelson Peters, Secretary

Allan D. Frisinger, Surveyor

Date

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