

ALLEN COUNTY DRAINAGE BOARD MINUTES REGULAR HEARING

November 12, 2009

9:00 a.m.

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

The Allen County Drainage Board convened on Thursday November 12th, 2009, following introductory remarks, Mr. Brown asked for approval of the October 22nd, 2009 minutes. Mr. Peters moved for approval of the minutes as they were prepared, second by Mr. Brown. Motion carried. Ms Bloom was absent for vote.

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. #09-112, Sumner Drain located in Washington Twp. Sec. 14.** Petitioner is Brotherhood Mutual Insurance Co. Petition for encroachment within the drainage easement for the construction and installation of a proposed parking lot and stormwater detention basin. Deferred from October 22, 2009.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval of the petition. Mr. Peters made a motion for approval of petition second by Mr. Brown. Motion carried. Ms Bloom abstains. Ms Bloom joined the meeting at 9:04 am.

2. **Doc. #09-123, Noyer Drain located in Aboite Twp. Sec. 5.** Petitioner is Aqua Indiana, Inc. Petition for the encroachment for the construction and installation of a 16-inch water main across said legal drain approximately +/- vertical feet below the existing 5 foot diameter C.M.P. culvert invert. This water line crossing will complete "Loop" of existing water service lines in the area.

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

3. **Doc. #09-124, Martin #1 Drain located in Perry Twp. Sec. 36.** Petitioner is Diebold Road Properties, LLC. Petition for encroachment for the construction and installation of parking lot, drive way and utilities. For the development of Ashton Creek Health and Rehab.

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

4. **Doc. #09-125,** Request from D.A. Brown for approval of the Stormwater Management Plan for Ashton Creek Health and Rehab located in Perry Twp. Sec. 36.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval of the petition subject to the removal of the 48-inch culvert from the Martin #1 Drain, 35 foot working area, variance for Wet Pond, approval of offsite Pond 5 Mr. Brown made a motion to approval the petition subject to the Surveyor's recommendation, second by Mr. Peters. Motion carried.

5. **Doc. #09-126,** John Rapp Branch #2 Drain located in Lake Twp. Sec. 20. Certification of assessment for the Reconstruction of a Regulated Drain. Total assessment is \$33,325.64

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

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6. **Doc #09-127**, Certificate of substantial completion for the reconstruction of the John S. Crabb Drain. Contractor: Wisel Enterprises, LLC.

Mr. Frisinger recommended approval; \$1,229 will be withheld until final grading and seeding are completed in the spring. Mr. Peters made a motion to approve, second by Mr. Brown. Motion carried.

7. **Doc. #09-128, Shoaff Ditch and Tile located in Milan Twp. Sec. 27.** Petitioner is the State of Indiana. Petition for the encroachment for the construction and installation of US 24 culverts. Culverts are a 287 foot long pipe with a 42" diameter under Webster Rd and a 273 foot long pipe with a 54" Diameter under the proposed southeast interchange ramp for US 24.

Mr. Frisinger recommended approval subject to final engineering details being worked out by the Surveyor's Office. Mr. Brown made a motion to approve subject to the Surveyor's recommendations, second by Mr. Peters. Motion carried.

8. **Doc. #09-129, Lomont and Rushart Drains located in Milan Twp. Sec. 28 & 33.** Petitioner is the State of Indiana. Petition for the encroachment for the construction and installation of two proposed U.S. 24 bridges 77'3" span reinforced concrete slab bridges. The bridge crossings will be needed for the new roadway construction on U.S. 24 to the Ohio Line.

Mr. Frisinger recommended approval subject to final engineering details being worked out by the Surveyor's Office. Mr. Brown made a motion to approve subject to the Surveyor's recommendations, second by Mr. Peters. Motion carried.

9. **Doc. #09-130, Gevers Tile located in Milan Twp. Sec. 34.** Petitioner is the State of Indiana. Petition for encroachment for the construction and installation of a new tile. Tile will be upgraded to urban quality pipe. Crossing the tile will be needed for the new roadway construction on U.S. 24 to the Ohio Line.

Mr. Frisinger recommended approval subject to completion of full engineering details being worked out by the Surveyor's Office. Mr. Peters made a motion to approve subject to the Surveyor's recommendations, second by Mr. Brown. Motion carried.

10. **Doc. #09-131**, Request from D.A. Brown Engineering for approval of the Stormwater Management Plan for Park Place Senior Living located in Perry Twp. Sec. 36

Following comments and general discussion by the Board, Mr. Frisinger recommended approval of the petition subject to the removal of the 48-inch culvert on the Martin #1 Drain. Mr. Peters made a motion to approve the petition subject to the Surveyor's recommendation, seconded by Mr. Brown. Motion carried.

11. **Doc. #09-133, Willow Creek Br. #7 Drain located in Perry Twp. Sec. 20.** Petitioner is Fred Merritt. Petition for encroachment for the construction and installation of parking and drive area, sanitary sewer and water tap, storm sewer outfall line for detention SWPPP area. For the construction of new building expansion on this site. Sewer and water service lines are current within legal drain easement.

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

12. **Doc. #09-107**, Request from Dickmeyer and Associates for approval of the Stormwater Management Plan for Riverside Manufacturing new building located in Perry Twp. Sec. 20.

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

Other Business:

1. C.J. Krider Jr. - address 15311 Wesley Chapel Road discussion regarding the Sible Drain.

Mr. Krider was not present

*Mr. Joe Geller – Address 15419 Wesley Chapel Rd and
Timothy Gross – Address 15826 Wesley Chapel Rd.*

Mr. Geller turned in a petition for the establishment of Periodic Maintenance on the Sible Drain. He also requested the status on work being performed on the Drain.

Mr. Frisinger presented a binder with information regarding the status of the Sible Drain to the Board. Inspector's Notes attached. He reviewed the problems, and actions taken by the Surveyor's Office. Copy of the Inspector's Notes is attached. His recommendation is to reconstruct the tile starting at the inlet that was put in work upstream to the manhole, go from the manhole to the breather pipe that was put in and take out whatever needs to be done in there, re-grade and put in new pipe. That should increase the flow 100 percent through that area. He also suggested a new structure at the field line that gives a breather pipe and access.

Mr. Geller thought there might be a cheaper way. He wants the brush removed from the top then the roots would not plug the tile.

Mr. Frisinger said that it would cost more to clean the tile versus replacing the tile. He thought he could replace the tile for an estimate of \$30,000.

Mr. Brown for clarification purposes, the work you (surveyor) have performed did not need Drainage Board approval.

Ms Bloom asked what fund did this money come out of.

Mr. Frisinger told her that it came out of the General Drain Improvement Fund. He explained that the Sible Drain is part of the Shoaff-Dawson system. It is thirty thousand dollars in the hole. He proposed to separate the Sible Drain out as a watershed and let them pay the maintenance on this facility.

Mr. Gross would like to have the drain open at the least amount of cost.

Ms Bloom asked if the money for the work already done came out of the maintenance fund. She was told by Mr. Frisinger that it came out of the General Drain Improvement Fund. She asked if that maintenance or reconstruction.

Mr. Frisinger explained that the General Drain Improvement Fund is a fund set aside as a bank for use on both sides, (Maintenance and Construction). If there is no money in the maintenance fund he borrows out of it and pays it back. On a reconstruction project it is paid after the project is completed.

Mr. Brown left the meeting at 10:00 am.

Ms Bloom asked Messrs. Gross and Geller if they knew they would have to pay back for worked performed. She was told yes.

Mr. Gross asked how maintenance cost shares are decided between small and large property owners.

Mr. Frisinger told him that they try to factor in for the cost of impact to the drain by the virtue of having a house, barn, pond, geothermal is more than an agriculture.

Their petition is for maintenance only and the Surveyor is looking at removing the tile, replace it, and remove any necessary trees.

Mr. Frisinger recommended moving ahead with drain reconstruction and maintenance.

2. Joseph Sturm - address 9905 State Rd 101 discussion regarding the Flatrock Drain.

Mr. Sturm was not present.

Mr. Frisinger explained to the Board that he had gone out to Mr. Sturm's property took measurement along the ditch. His estimated cost for shoring up Mr. Sturm's drive is ten thousand dollars.

Mr. Frisinger thinks Mr. Sturm could reroute his driveway around the tree until the drain is relocated in the spring.

3. Request from Tom Ruble to finish the redirection of the Ridenour No. 2 Drain on their property.

Tom and Kim Ruble – address – 23834 Carrier Rd.

They proposed straightening a section of the ditch on the Ridenour. They presented their plans to the Board.

Mr. Frisinger explained that they are in a position on reconstruction with IDEM, DNR, and Corp., by ordinance this land disturbing activity has to be approved through the Surveyor's Office, it also should have Board's approval and should have a public hearing. Two property owners are involved. Written consent should be better developed than what was presented by the Rubles.

Following further general discussion, Mr. Frisinger asked the Rubles to meet with him after the meeting for a more in-depth analysis of the situation.

4. George Wolfert and Robert Kendall from Beckett's Run

Mr. Wolfert – He thought Roger Delagrangé put up seventy-five thousand dollars to have his bank pulled back ten feet.

Mr. Frisinger told Mr. Wolfert that Mr. Delagrangé made a contribution to the fund for future maintenance. His requirement was to pull the property line back thirty-five feet from the top of the bank. According to the as built received, he did the work.

Mr. Wolfert – Asked if the Surveyor's Office still planned to remove the trees along the ditch.

Mr. Frisinger told him that there is money in the account for maintenance. He is looking at the removal of sediment and removal of dead, dying and leaning trees in the channel.

Mr. Wolfert said that the residents would appreciate leaving the trees.

Mr. Kendall – He asked the Board for permission to plant trees within the seventy-five foot drainage easement without anyone spraying and killing them. He would like to have it in writing.

Mr. Frisinger explained to Mr. Kendall that the planting of trees would be at their own risk. He told Mr. Kendall if he was going to plant something, he should keep it at thirty-five, forty feet

away from the drain. The neighborhood board would have to submit a request to plant within the easement.

5. Lynn Witt from the Town of Grabill

Mr. Witt asked for the status on approval for Jim's Auto.

Mr. Frisinger explained that the engineer has not agreed to upsize their pipe to take care of the amount of water.

Mr. Witt thought that they had.

Mr. Frisinger said that is not what they have submitted. He also explained to Mr. Witt that BLZ and Tazian did not use the same datum. They did not use the same starting benchmark. This datum is 1.45 ft higher. It appears that the flow from Grabill Road across those properties is at a certain elevation. Grabill Country Village is going to block the flow of water. The comment from Grabill Country Village was to make the other property owners take care of the problem.

Mr. Witt is concerned about the delay. The project may be delayed until next year if approval can not be reached. He asked if the Surveyor's Office would give approval for Jim's Auto.

Mr. Weber explained to Mr. Witt that they need to submit plans showing how they are going to handle the water.

Mr. Frisinger said that he would call Zohrab after the meeting.

Meeting adjourned 11:50 am.

ALLEN COUNTY DRAINAGE BOARD

Linda K. Bloom, Chairperson

Wm. E. Brown, Vice-Chairperson

Nelson Peters, Secretary

Allan D. Frisinger, 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.