

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING**

April 22, 2010

9:00 a.m.

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

The Allen County Drainage Board convened on Thursday March, 25th, 2010, following introductory remarks, Mr. Brown asked for approval of the March 25th, 2010 minutes. Mr. Peters made a motion to approve, second by Ms Bloom. Motion carried.

Approval of Petitions:

(The following reflects a synopsis of action taken by the Allen County Drainage Board during the Hearing. Minutes do not reflex the order the petitions were heard in.)

1. **Doc. #10-046**, Certification of assessment for the Periodic Maintenance on the Beckman Drain. Assessment set at \$13.00 per acre.

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

2. **Doc. #10-028, John Oehler Drain located in Madison Twp. Section 6.** Petitioner – Walter M. Oehler. Petition for encroachment within the drainage easement for the installation of a perimeter drain pipe for a residential septic system.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to receipt of a recorded easement for the offsite drain tile that will be installed, inspection is required on the interconnection on to the Oehler Drain, permit will be issued on the day that the installation is to be made so we can ensure that we are out there for the inspection other wise we will hold the permit. Also review of the existing system is required. Mr. Peters made a motion to approve petition subject to aforementioned concerns, second by Ms Bloom. Motion carried.

3. **Doc. #10-030, McHenry Drain located in Jefferson Twp. Sec. 28.** Petitioner – Anthony and Lisa George. Petition for encroachment for the construction and installation of a residential septic system.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to receipt of certificate of survey, field review of the actual side bank installation, additional information for the stormwater management plan, and erosion control for the installation. Cathy Doseck from the Board of Health had a copy of the survey, she gave a copy to Mr. Frisinger. Mr. Frisinger will hold the permit until called for inspection of the installation. Ms Bloom made a motion to approve petition subject to the surveyor's approval, second by Mr. Peters. Motion carried.

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4. **Doc. #10-035, Towne Square, Section III Drain located in Perry Twp. Sec. 18.** Petition for Establishment of a new regulated drain.

Following comments and general discussion by the Board, Mr. Frisinger recommended approving the motion to proceed. Mr. Peters made a motion to approve, second by Ms. Bloom. Motion carried.

5. **Doc. #10-048, Towne Square, Section III Drain located in Perry twp. Sec. 18.** Petitioner – New Development, (Scott Clark). Petition for encroachment within the drainage easement for the development of Towne Square Section III.

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

6. **Doc. #10-047,** Request from Donovan Engineering for approval of the Stormwater Management Plan for Towne Square Section III.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to final review by the Surveyor's Office. Mr. Peters made a motion to approve subject to the Surveyor's approval, second by Ms. Bloom. Motion carried.

7. **Doc. #10-037, Grice #2 Drain located in Milan Twp. Sec. 17.** Petitioner – Eric Buhr. Petition for encroachment for the installation of a 4-inch perimeter drain tile for surface drainage. Residential septic system.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to field review at point of installation where the discharge will go to the Grice Drain. He would hold the permit until day of installation ensuring an inspection of the installation. Ms Bloom made a motion to approve, second by Mr. Peters. Motion carried.

8. **Doc. #10-038, Bullerman Drain located in St. Joseph Twp. Section 22.** Petitioner – The City of Fort Wayne. Petition for the regrading of approximately 170 lf of existing swale from the end of Timberland Drive to the Bullerman Ditch.

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

9. **Doc. #10-039, Hetrick Ditch located in Maumee Twp. Sec. 20.** Petitioner – City of Woodburn. Petition for the installation of a replacement Sanitary Sewer beneath the Hetrick Ditch on the north side of Woodburn Road.

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

10. **Doc. #10-040, Ridenover No. 2 Drain located in Monroe Twp. Sec. 33.**
Petitioner – Tom Ruble & Sons Truck Sales, LLC. Petition for the installation of a perimeter drain outlet for new septic system.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to receipt of fees, and review of existing building encroaching within the drainage easement. Ms Bloom made a motion to approve the petition subject to review of existing building and possible re-submittal of application to include existing building, second by Mr. Peters. Motion carried.

Old Business:

Kimberlee Parker, Louis Feggans and John Leckie of INDOT – Indianapolis and Fort Wayne.

Discussion regarding drainage issues for drains affected by the new 24 road project.

Mr. Frisinger: Background information.

Mr. Frisinger had told Ms Parker that he did not include the project on the agenda because it is not approval at this time. He did not have calculations, or watersheds, or downstream analysis of the systems and how they will be affected by the new road construction. The Bruick Drain will probably have backwater affect. The downstream on another drain is passing four lanes of half mile road down through a subdivision. It appears to be some things that have been left out.

Kimberlee Parker: INDOT – 100 N. Senate Ave, Indianapolis, IN.

Ms Parker had not realized that there were more than five drains affected by the project.

Following discussion Mr. Frisinger and INDOT representatives will continue working together to complete the project in a reasonable time frame. Will come back to the Board in two weeks or at a special meeting.

Bandelier #3

Mr. Frisinger reviewed the project: A property owner is requesting that we use the majority share of the unit drain fund and do work on this drain. He is afraid that there maybe some expenditures that will be do to slumping of the road side once we do the work. The highway department would have to come forward with

dollars to stabilize the bank. He needs to know if the Highway Department has dollars available for bank stabilization if needed.

Mr. Brown asked Mr. Frisinger if he could bring the amount needed for the Bandelier by the next meeting.

Mr. Frisinger agreed.

Eagle Lake:

Dale Meyer regarding the Roy #2 Drain. Mr. Meyer is requesting that the Drainage Board authorize him, in writing, the filling in of the Roy #2 Drain beneath his house. He also is requesting a vacation hearing for that section of the drain.

After discussion the board agreed to go ahead with the vacation hearing only.

Flatrock Creek:

Relocation project

Update: Finalized design submittal to Corp of Engineers, DNR and IDEM. IDEM has asked that they do a reconnaissance level archaeological survey across this site. Mr. Frisinger has contested because the site where the Flatrock is north of Monroeville was relocated between 1926 and 1933 or 34. We are putting it back to its original location or in that vicinity, also there are four cross-country pipelines that were installed in that area, it has been farmed for the last one hundred years, the area is a floodway. He is waiting for a response from them. He is still hoping to get the permit and move to public hearing and to letting the bids yet this year. DNR is requiring that we notify all of the property owners before they approve the permit. As soon as we get the permit we will proceed to hearing. Hopes to have hearing by June.

New Business:

(The following reflects a synopsis of discussion items. Actual tape recording of the proceedings is available upon request.)

Discussions regarding using the highway's right-of-way for private drain tiles.

Mr. Frisinger: Petition received a petition from Mike Schlemmer on the Krumlauf Drain in DeKalb County for LaOtto Industrial Park requesting to connect into the Krumlauf Drain by installing a private tile along side the highway within the highway right-of-way. The highway has issued a permit to them for that purpose. Mr. Frisinger said that he thought the highway was having second thought on the permit. The other way to do it is to establish it as a regulated drain discharging to

*a regulated drain with the property owner paying for it. It then becomes a public facility and is designed for usage by the adjacent properties long term.
Mr. Frisinger will inform the petition of the board decision.*

As needed:

Ms Bloom asked to speak regarding a letter from 1918 to the McKinkley's. A general discussion regarding the area and the problems associated with the area.

Argo Tile: Update

Ms Bloom asked for information regarding moving into another watershed.

Mr. Frisinger told her that there would have to have a public hearing. He also told her that there were property owners downstream and west who would not want to have this happen. You would have to raise Monroeville road by about a foot for a specific segment east of and west of the intersection . . .

Divert the watershed back to the west over to the Bohnke Drain. Cost would be \$700.00 per acre.

Board requested moving ahead with the project – information regarding cost and plan by the next meeting.

Mr. Frisinger asked, "What kind of funding do we have for this project?"

Ms Bloom said that is why she wants the cost, because the Highway Department and they don't think that the cost to the taxpayers has to be that much because it is concerning the road.

Mr. Frisinger asked her if the Highway has \$100,000. (Absolutely), \$200,000, (Absolutely). If the watershed is not going to be assessed, then the hearing becomes pretty simple. They won't want the water coming across their land, but if you tell them there will not be a cost to them, it makes it easier.

Donald Emenhiser address – 8324 Franke Rd, Fort Wayne, IN 46816

He is representing his son regarding the Dennis #2 and the Trier Dannenfelser's watershed. The drains are not draining causing damages to crops and trees. Since nothing was done, he took it upon himself to fix the tile himself and a neighbor. He requested the Drainage Board to pay for their expenses for replacing 500 plus feet of 18-inch plastic tile.

Mr. Frisinger asked him the amount of the invoice that he had turned into the Surveyor's Office.

Mr. Emenhiser told him in round figures \$16,000.

Mr. Frisinger said that he had told him no. This particular system collects \$918.00 a year. It is currently \$1,300 in the hole.

Mr. Brown: Asked Mr. Frisinger if this was the type of thing someone could take upon themselves.

Mr. Frisinger told him that it was something they do at their own risk. By code they are not allowed to do it.

Mr. Emenhiser was told that he would have to submit a petition requesting work to be done on the drain and an assessment would be determined at the hearing. He also was informed that funds were not available for payment.

Mr. Brown told Mr. Emenhiser that he should take whatever request you have at this date today and send a letter to the Surveyor's Office and start from there and you will get a response. And they will send you a letter back.

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.