

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING
PUBLIC HEARING
VACATION OF THE
O.P. WEAVER
GEORGE DANNENFELSER**

May 13, 2010

9:00 a.m.

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

The Allen County Drainage Board convened on Thursday April 22, 2010, following introductory remarks, Mr. Brown asked for approval of the March 11th, 2010 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. Minutes do not reflex the order the petitions were heard in.)

1. **Doc. #10-050, Willow Creek Br. #8 Drain located in Eel River Twp. Sec. 1.** Petitioner – Raymond & Rosemary Stout. Petition for encroachment within the drainage easement for the installation of a four-inch perimeter drain tile connecting into an existing 12-inch tile. New septic system from existing house for drain outlet.

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

2. **Doc. #10-051, Crouse Drain located in Washington Twp. Sec. 10.** Petitioner – City of Fort Wayne. Petition to relocate the Crouse Drain. The project will intercept the Crouse Tile south of Mayfield Drive and will redirect its flow by way of a new larger storm sewer for approximately 617 feet to its original connection point at Ashley Ave. The existing tile will be cut and plugged at those areas where the new storm sewer crosses the existing tile.

Following comments and general discussion by the Board, Mr. Frisinger recommended deferral of the petition, relocating the drain will require a public hearing. Mr. Peters made a motion to defer, second by Mr. Brown. Motion carried.

Old Business:

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

1. Update on the new 24 project (INDOT)

Mr. Frisinger reviewed the status of the project: Comments has been sent relative to their proposals. There are issues that need to be addressed. No response as of yet from INDOT.

2. Flatrock Relocation:

Mr. Frisinger explained to the Board that he had contacted INDOT of the Board's decision and also that the Corp of Engineers had received commentary back from the Indiana Department of Environmental Management saying that they were going to back off the request for a reconnaissance level archaeological survey. We are now waiting on the permit from the Corp, also applied for the floodway permits.

The State called stating that they will fund the project. Estimated cost three quarters of a million dollars. We will pay for the original cost and the State will reimburse either at the fifty percent point or the one hundred percent point. Mr. Weber asked if the Board want them to approach the County Council for the upfront funding.

Mr. Frisinger agreed that it might be a good idea.

Mr. Brown asked Mr. Frisinger who would be responsible for paying the ten percent interest to the Council.

Mr. Frisinger said that he explained to the Council that interest would not be charged if the assessment is completely paid on the first installment.

Mr. Frisinger will also get an appraisal on the Sorg's farm.

A decision will need to be made regarding the land between the new ditch location and the old.

2. Bandelier #3

Mr. Frisinger said he was still working on the numbers.

3. Argo Tile

Mr. Frisinger explained that they are still working on the realignment plans and does not have a final estimate. If we divert the flow of the water at the railroad back to the Bohnke Drain, it is a watershed hearing issue. We are creating a statutory right-of-way across other people properties. The people on the upstream area are going to be assessed for this diverted drain but the also will be assessed for the Argo. The Argo Drain from the north side of the railroad all the way back over to the Flatrock will still need to be reconstructed. There will still be an assessment. The size of the pipe and the watershed will be reduced

so the cost to the property owners might still be the same. He hopes to take it to hearing and bid out.

New Business:

Lighthouse Free Methodist Church:

They did not do any of their stormwater management plan, now they want to move in and hold service this Sunday. They built both the parsonage and the church. The parking lot is not paved, the landscaping is not in, and they didn't do any of the basin improvement, but they want an occupancy permit.

Mr. Brown: If we let this go through without a stormwater management plan then the word on the street is, "Well you really don't need one."

Mr. Frisinger: If we let them move in and they don't complete the work, then we must take them to Circuit Court.

Planning gave them a ninety day extension.

Mr. Peters asked Mr. Frisinger if he could do the same.

Mr. Weber: Responded, "You could, but let say the ninety days expires and they don't do anything, then what are you going to do?"

Following additional discussion it was suggested that the Surveyor could piggyback with the Planning Department.

Larry Weber: Told the board that Matt Jarrett was out on a site with IDEM and was asked why the county hasn't fined the developer.

Mr. Frisinger explained the situation to the board. Developers are rushing to build without monitoring their work sites. IDEM is now asking why we aren't fining these guys for not following the ordinance. If we don't fine them, IDEM will fine us.

Mr. Brown suggested if in the future someone wants additional time to complete their work, they should come to Drainage Board and ask for an extension or a variance of their requirements.

There being no other items for discussion Mr. Peters made a motion to adjourn, second by Mr. Brown. Meeting adjourned.

PUBLIC HEARINGS

Mr. Brown opens the Public Hearings

Vacation of the O.P. Weaver Drain and the O.P. Weaver Branch #2 Drain

- A. Surveyor's Report Doc. # 10-054

Mr. Frisinger read the Surveyor's Report into the records. Copy attach

- B. Letters/oral comments in Favor

Mr. Frisinger read the letter from Fort Wayne Metals in support of the Vacation. No other letters or comments for.

- C. Letters/oral comments against

No letters or comments against.

- D. Close Hearing

Mr. Peters made a motion to close the public hearing, second by Mr. Brown. Motion carried.

- E. Board Finding and order

The Board found in favor of the vacation. Mr. Peters made a motion to vacate the O.P. Weaver and the O.P. Weaver Branch #2 Drains, second by Mr. Brown. Motion carried.

Vacation of the George Dannenfelser Drain.

- A. Surveyor's Report Doc. 10-057

Mr. Frisinger read the Surveyor's Report into the records. Copy attached.

- B. Letters/oral comments in Favor

No letters or comments in favor

- C. Letters/oral comments against

No letters or comments against the vacation.

- D. Close Hearing

Mr. Peters made a motion to close hearing, second by Mr. Brown. Motion carried.

E. Board Finding and order

The Board found in favor of the vacation. Mr. Peters made a motion to vacate the George Dannenfesler Drain (vacated portion the common line of 1203 Highland Terrace Dr and Jury Park property line east to Isabelle Dr.), second by Mr. Brown. Motion carried.

ALLEN COUNTY DRAINAGE BOARD

Wm. E. Brown, Chairperson

Linda K. Bloom, Vice-Chairperson

Nelson Peters, Secretary

Allan D. Frisinger, Surveyor

Date

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