

**ALLEN COUNTY DRAINAGE BOARD MINUTES  
REGULAR HEARING**

June 24, 2010

9:00 a.m.

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PRESENT: DB: WM. E. BROWN, LINDA K. BLOOM, ALLAN D. FRISINGER; DB ATTY: CATHY SERRANO; 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 Thursday June 24<sup>th</sup>, 2010, following introductory remarks, Mr. Brown asked for approval of the May 27<sup>th</sup>, 2010 minutes. Ms Bloom moved for approval of the minutes as they were prepared, second by Mr. Peters. Motion carried. Nelson Peters was not in attendance.*

**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. # 10-065, Ehrman Drain located in Marion Twp. Sec. 5.** Petition requesting the establishment of Periodic Maintenance. Motion to proceed to hearing.

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

2. **Doc. #10-072, Amstutz Road Drain located in Cedar Creek Twp. Sec. 3.** Certification of assessment for the Construction of a Regulated Drain. Assessment set at \$40.00 per unit. Total assessment is \$1,467.08.

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

3. **Doc. #10-068,** Request from CE & M, Inc. for approval of the Stormwater Management Plan for Klopfenstein Furniture.

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

4. **Doc. #10-066, Griswald Drain located in Washington Twp. Sec. 6.** Petitioner - Greg Ranny. Petition for encroachment within the drainage easement for the construction and installation of a 1,250 gallon septic-dose tank and perimeter drain tile; also allow existing structures along west. Track line within the 75 foot easement.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval upon review of fees' requirements and inspection of the installation of tank and*

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*perimeter drain tile. Ms Bloom made a motion to approve subject to the Surveyor's requirements, second by Mr. Brown. Motion carried.*

5. **Doc. #10-067, Ryan #3 Drain located in Milan Twp. Sec. 34.** Petitioner - Jeffrey Brockman. Petition for the installation of a perimeter drain tile for septic system.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval upon review of fees' requirements and inspection of the installation of the perimeter drain tile. Ms Bloom made a motion to approve, second by Mr. Brown. Motion carried.*

6. **Doc. #10-069, The Cliffs Drain located in Aboite Twp. Sec. 17.** Petitioner - Anthony Zirille. Petition requesting the vacation of easement and removal of storm sewer tile from lots 22 and 23 in "The Cliffs Subdivision." \*See discussion item below.

*Mr. Frisinger explained to the Board that Mr. Zirille is asking them to move ahead with a vacation of the drain. He had explained to the Petitioner and his legal representative that under Indiana Code 36-9-27, 34, 35, 36 and 37 that the vacation of this drain is something they could consider if there was a request by ten percent of the property owners to reclassify the drain- - - Public Hearing for the vacation of drain and right-of-way easement - - -*

*Tom Neizer – address, 215 E. Berry St.  
Anthony Zirille – address,*

*Mr. Neizer told the Board that they were not going to ask the Board to make a decision today. That when this started they did not know that this was a regulated drain, he also explained that the existing tile does not function as designed at this time due to changes in land elevations and grading of the swales. They will be coming back soon with another look.*

*No action taken by the Board.*

7. **Doc. #10-071, Thieme & Thieme Br. #2 Drains located in Wayne Twp. Sec. 17.** Petitioner – City of Fort Wayne. Petition for encroachment for construction and installation of (3) 30" x 30" inlets, 202 +/- LF 12" HDPE and 156+/-15" HDPE. Existing Thieme Tile under Covington Road is collapsed. Portions of the Thieme Drain Br. #2 are collapsed causing sinkholes in the Covington Road right-of-way.

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

8. **Doc. E10-070, Grover #2 Drain located in Milan Twp. Sec. 26.** Petitioner – James Hirschey. Mr. Hirschey has asked to speak to the Board regarding

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flooding situation resulting from an undersize culvert located on the old Mays Gravel Pit.

*Mr. Hirschey was not present.*

*Mr. Frisinger explained the problem explaining that with the widening of Hwy. 24 along with the undersize culvert located on the old Mays Gravel Pit is causing water to flood his property. - - -*

*If Mr. Hirschey petitions for the removal of an Obstruction, the Board will have to determine who is responsible for cost of the removal and replacement of the culvert. - - -*

*Side conversation – INDOT may need to be held responsible for increase drainage on the side ditches due to the widening of 24.*

*Mr. Frisinger said that he could send a letter telling the property owner's to remove the undersize culvert. Who would be responsible for the cost, if the Board orders the removal of the culvert? - - - Removing the culvert could put us in the position of filing a lean, taking legal action against specific property owners, and also looking at assessment to INDOT for work in the future. This may be the first of many complaints. - - -*

*Mr. Frisinger will send a notification of removal to the property owner and go from there.*

### **Old Business:**

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

1. The Cliffs – Natural Drain Obstruction by too small culvert. Board to determine the course of corrective action:

- 1) Obstruction Hearing

*Original site development plan it was proposed to put in a ten foot clear span bridge for access to a flag lot which would allow for the flow of water through the area. There is a house now being built, they did not put in the ten foot clear span, nor did the developer. Now there is an obstruction in the natural drain. There need to be an obstruction hearing to remove and reinstall the ten foot clear span.*

- 2) *Direct ACSO to remove culvert and establish method of reimbursement.*

*Mr. Frisinger recommended filing for an obstruction and going ahead with the hearing.*

*Mr. Brown recommended moving forward with an Obstruction Hearing.*

*Ms Bloom said that she would not vote for it until she speaks with some other people before she makes her decision.*

*Mr. Brown – Counsel tells us that we don't have a choice. He told Mr. Frisinger to go ahead and look into it and Ms Bloom could also into it.*

2. LaOtto Industrial Park connection to Krumlauf Drain located in Perry Twp. Sec. 6: Developer requests regulated drain serving DeKalb and Allen County Watersheds. Does the Board want to approve motion to proceed for establishing a Two County Joint Board Hearing? Developer desires to construct pipe prior to hearing.

*Mr. Frisinger asked the Board if they wanted to approve a motion to proceed with establishing a two county joint board hearing.*

*Keith Dodrick – address 4939 River Ridge Dr. Indianapolis  
Kerry Dickmeyer from Dickmeyer and Associates*

*Mr. Dodrick explained that they had look at different ways and decided that this was the best way to handle the project.*

*Following discussion Mr. Frisinger recommended moving ahead with establishing a Joint Drainage Board and he would also recommend to the DeKalb's Surveyor that DeKalb wave their position and allow us to handle the hearing.*

*Mr. Dickmeyer said that DeKalb cannot approve the system that is designed for the development until we get the outfall approved.*

*Ms Bloom made a motion to move forward with the LaOtto Industrial Park connection and that Allen and DeKalb counties determined if we need a joint board hearing, second by Mr. Brown. Motion carried.*

*Mr. Brown asked if need to address the Developer's desire to construct the pipe prior to the hearing.*

*Mr. Frisinger will look into it.*

3. Dunfee Drain Reconstruction located in Washington Twp. Sec. 3. Drain reconstructed by developer in 2009 with twenty-five thousand Performance Bond

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set to expire in July 2010. Reconstruction not completed to satisfaction – structures will need to be added and grading is incomplete.

- 1) Board to determine if bond extension should be sought
- 2) New Dunfee Regulated Hearing with reconstruction plans and assessments?

*Mr. Frisinger has already emailed the developer informing him that if he doesn't have this work done by July 10<sup>th</sup>, he is going to cash the Bond.*

*Mr. Brown agreed with the course of action.*

4. Drain Maintenance along Allen County's Roads.

- 1) Board to authorize drain maintenance including dipping to original grade.
- 2) ACHD to be responsible for future bank stabilization if bank sheer affects the stabilization of the road pavement

*Mr. Frisinger – We have talked about this several times about Drain Maintenance and slushing condition that may potentially occur and what the liability is going to be against the Highway. He has directed his staff to take bids on this work and move forward.*

*Ms Bloom – asked if the Highway know that they will need extra money in their account because of this.*

*Mr. Frisinger – Did not know.*

*Ms Bloom – How do we know that the County Highway Department can pay for it, if you are just going to do it and tell them to do it.*

*Mr. Frisinger – This is what we have been talking about almost every Drainage Board. If we are going to do parallel drains to roads and due maintenance, there may be maintenance activities that they are going to have to pay for.*

*Ms Bloom – Have anyone told the Highway Department this?*

*Mr. Frisinger – They are well aware that these are regulated drain.*

*Ms Bloom – Does anyone know that today that the Highway Department is going to be responsible for these? - - - Today you are making the decision.*

*Mr. Frisinger – I am making that decision, because he had talked and talked about this and the work needs to be done.*

*Ms Bloom – Are you going to call the Highway Department and tell them that you are going to start doing this?*

*Mr. Frisinger – Said he would let them know.*

*He spoke about an e-mail he had received from Beth Garber.*

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*Mr. Brown explained the process that Beth goes through when a telephone call comes through.*

*Mr. Frisinger – These calls should be sent to the Surveyor's Office.*

*Ms Bloom – Said that all of these callers are telling her that the Surveyor's Office is sending them to the Commissioners.*

5. Shambaugh Drain Reconstruction located in Cedar Creek Twp. Sec. 12. Drainage Board to determine course of action.

- 1) Obstruction Hearing on Metcalf Branch Natural Drain
- 2) If Obstruction Hearing not desired authorize Metcalf Branch Natural Drain Watershed to be assessed for Shambaugh Drain Reconstruction.
- 3) Determine if Shambaugh Tile should be reconstructed as an open ditch and if damages for increased easement width will be paid

*Mr. Frisinger reviewed the problems and options.*

*Ms Bloom recommended having a reconstruction hearing over an obstruction hearing. Mr. Brown agreed with having a reconstruction hearing.*

6. Covington Manor Farms Regulated Drain located In Aboite Twp. Sec. 16.

- 1) Association requests ACSO to expand regulated drain maintenance to include on-stream basin.
- 2) Seek Basin reconstruction with costs to be born by County or Up-stream Landowners.
- 3) Drainage Board to determine response to Association

*Mr. Frisinger explained that Covington Manor Farms wants the Board to have the county pay for the expense of cleaning and reconstructing their pond.*

*Mr. Frisinger will response, telling the Association that the Drainage Board said, "No, that we do not accept ponds as a regulated drain."*

**New Business:**

**Information only:**

Scheduled for the July 22<sup>nd</sup>, 2010 Drainage Board Hearing

- a. Vacation of the Roy #2

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b. **Public Hearing for the J.B. Spatz Extension.**

*Ms Bloom was upset over the Highway's cost associated with the construction of the J.B. Spatz Extension. She did not think the drain should be constructed, that the Highway Department could have taken care of the drainage problem on Eggeman Road without the added expense of constructing a new drain for the complete area. She said that Mr. Frisinger did not show her how much people were paying.*

*Mr. Frisinger told her that yes he did. He reminded her that they had all of this at the last meeting. - - - When Mr. Frisinger mention that the Highway was helping with the Argo Drain Tile, Ms Bloom said that they were not doing that.*

*Mr. Frisinger told her that she had told him that they had two to three hundred thousand that they would give to the project.*

*Ms Bloom asked, " When did the Argo come into the picture?" Mr. Frisinger told her that it could come into play yet this year.*

*Mr. Frisinger told Ms Bloom, that if she didn't want that dollar assessment to the Highway, we can realign the assessment and charge everybody else more.*

*Ms Bloom didn't know how much they were being charged now.*

*Mr. Brown said that he wants to make sure that they have clear paths on all of these issues:*

*Meeting adjourned.*

**ALLEN COUNTY DRAINAGE BOARD**

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Wm. E. Brown, Chairperson

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Linda K. Bloom, Vice-Chairperson

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Nelson Peters, Secretary

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Allan D. Frisinger, Surveyor

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Date

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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.