

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING
PUBLIC HEARING
VACATION OF THE ROY #2
CONSTRUCTION OF THE
J.B. SPATZ EXTENSION**

July 22, 2010

9:00 a.m.

PRESENT: DB: LINDA K. BLOOM, NELSON PETERS, ALLAN D. FRISINGER, CATHY SERRANO; ACSO: LARRY WEBER; HWYD: BILL HARTMAN; DB SECRETARY: SHARMAN BULTEMEIER; SEE SIGN-IN SHEET FOR OTHERS PRESENT

The Allen County Drainage Board convened on Thursday July 22nd, 2010, following introductory remarks, Ms Bloom asked for approval of the July 8th, 2010 minutes. Mr. Peters moved for approval of the minutes as they were prepared, second by Ms Bloom. Motion carried. Wm E. Brown was absent from today's meeting.

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. # 10-083, Certification of Assessment for Periodic Maintenance for Prairie Meadows, Section 2 located in Lafayette Twp. Sec. 2.** Assessment set at \$25.00 per unit. Total yearly assessment is \$1,300.00.

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

2. **Doc. #10-078, Klinker Drain located in Jackson Twp. Sec. 11** – Petitioner is the Allen County Highway. Petition to replace a culvert over the Klinker Drain for a farm field entrance. The drive is going to be rebuilt as part of the Allen Co. Bridge No. 187 replacement project.

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

3. **Doc. #10-079, Litzenberg Ditch located in Jackson Twp. Sec. 11** – Petitioner is the Allen County Highway. Petition for encroachment for the replacement of Allen County Bridge No. 187 over the Litzenberg Ditch. The existing bridge has deteriorated and needs to be replaced.

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

4. **Doc. #10-080, Mowrer Drain located in St. Joseph Twp. Sec. 15** – Petitioner is Aaron & Renee Spencer. Petition for encroachment for the installation of a four-inch perimeter drain tile.

Following comments and general discussion by the Board, Mr. Frisinger recommended deferral subject to the City of Fort Wayne's comments and/or a permit application having been filed and approved with the Right-of-Way Department of the City of Fort Wayne and/or the supplying of an easement document for the installation. Mr. Peters made a motion to defer petition subject to receipt of required documents, second by Ms Bloom. Motion carried.

5. **Doc. #10-085**, Request from D.A. Brown for Stormwater Management Plan Approval for the "Coves at Brooks Crossing."

Following comments and general discussion by the Board, Mr. Frisinger recommended deferral with him working with the developer and engineering firm. Mr. Peters made a motion to defer the petition with the contingency or the provision for additional proposals, second by Ms Bloom. Motion carried.

6. **Doc. #10-087**, Request from Sauer Land Surveying for Stormwater Management Plan Approval for "Stratford Forest Section III."

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

7. **Doc. #10-088**, Request from Civil Engineering Services for Stormwater Management Plan Approval for Brindle Products, Inc.

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

8. **Doc. #10-028, John Oehler Drain located in Madison Twp. Sec. 6.** Petitioner – Walter M. Oehler. This petition originally approved during the July 8th, 2010 Drainage Board Meeting. Petitioner has amended petition to include a driveway over top the County Regulated Drain.

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

9. **Doc. #10-081, Maysville Landing Drain located in St. Joseph Twp. Sec. 25.** Petitioner – Maysville Pointe Apartments LP. Petition to connect a 6-inch field tile into drainage structure. To allow the north adjoined property owner, Robert Linskey to connect.

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

Discussion Items:

- A. **Doc. #10-086, Clark and Harber Tiles** - Letter from Mr. & Mrs. Donald Gruss requesting to appear before the Board to discuss maintenance issues.

Donald and Frances Gruss – address – 6332 S. County Line Road

Mr. Frisinger explained that they are part of a larger unit, the Dettmer-Harber-Fairfield

Mr. & Mrs. Gruss – explained that the tile is breaking down and asked how they could get repairs done.

Mr. Frisinger explained to them that he would have his office take a look at their tile and try to come up with a way to fix the problem.

- B. **Doc. #10-034, Marquardt Tile** – Letter from a property owner requesting a hearing on the Marquardt Tile.

Mr. Frisinger letter from property owner requesting a hearing on the Marquardt tile

Meeting adjourned

**PUBLIC HEARING
VACATION OF THE
ROY #2 DRAIN**

(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.)

Mr. Peters made a motion to open the public hearing, second by Ms Bloom. Motion carried.

- A. Surveyor's Report: Doc. #10-082:

Mr. Frisinger read the report to the Board. Copy attached.

- B. Letters/oral comments in Favor:

No letters in favor.

Linda Corrett – Address – 227 Scoring Eagle Ct. Fort Wayne, IN. 46845

Ms Corrett, a member of the Board of Directors for Eagle Lake Homeowners Association, said that the Board requested her to appear today and ask them to vacate the drain.

C. Letters/oral comments Against:

No letters or comments against.

D. Close Hearing:

Ms Bloom closed the hearing.

E. Board Finding and Order:

Mr. Peters made a motion to vacate the Roy #2 Drain (Upper portion of the Roy #2 drain ending approximately 1500 feet north of Dupont Road, motion second by Ms Bloom. Motion carried.

**PUBLIC HEARING
J.B. SPATZ EXTENSTION**

(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.)

A. Surveyor's Report: Doc. #09-145:

Mr. Frisinger read the report for the records. He informed the Board that in accordance with IC: 36-9-27-62 today's hearing was to accept or reject the schedule of assessment. That once the Board establishes the level of assessment, make any necessary changes and then re-notify the property owners for another public hearing for the actual consideration of the drain.

Mr. Peters: Asked Mr. Frisinger at what point does the Board accept or reject the petition for the Establishment of a New Regulated Drain.

Mr. Frisinger told him that they had already accepted the petition, now you have a proposed engineering design.

. . .

Following discussion the Board decided to proceed with both hearings today if no one objects and the Board does not change the assessments.

B. Letters/oral comments in favor of the assessment

None

C. Letters/oral comments against:

Patrick Hess representing John and Lubna Popp – address – 12208 Aboite Center Road

Mr. Hess told the Board that the Pops objected to the level of their assessment.

Mr. Tom Gallmeier representing Keith and Linda Robinson – address – 3808 Eggeman Road.

Mr. Gallmeier told the Board that the Robinsons also object to the level of their assessment. During the last twelve months Richard and Tammy Williams corrected the original obstruction.

Richard and Tammy Williams – address – 3902 Eggeman Road.

The Williams objected to the level of their assessment.

Laurel Stevens – address – 12112 Aboite Center Road.

Ms Stevens objected to being billed for 2 parcels.

Ed Young – address – 4320 Folkestone Dr.

Mr. Young objected to the level of his assessment.

Mr. Joann Woodward – address – 11615 Aboite Center Rd.

Mr. Woodward wanted the five inch tile on his property upgraded to a larger tile. A larger tile would help eliminate flooding. He thought the flooding could be improved at a lower cost.

Scott Lougheed – address – 3695 Eggeman Rd.

Mr. Lougheed asked a question regarding the plan, but was informed that this hearing was about the assessment and since he did not have an assessment he would have to wait until hearing regarding establishing the drain.

No other comments

D. Close Hearing:

Hearing was closed.

E. Board Finding and Order:

Following comments and general conversation among members of the Board, Mr. Peters made a motion to approve assessments as submitted, second by Ms Bloom. Motion carried.

Ms Serrano for the records: Was the entire watershed given public notice about this hearing prior to this date?

Mr. Frisinger told her yes by mailing and newspaper.

Ms Bloom opens the public meeting for the Establishment of the J.B. Spatz Extension Drain.

A. *Comments in favor of the construction of the drain.*

None

B. *Comments or letters against the construction.*

Tom Gallmeier representing Keith and Linda Robinson – address- 3808 Eggeman Road

Mr. Gallmeier said that there were cheaper alternate plans available for this area. He asked that the Board not to accept Mr. Frisinger's plan, but come up with another plan.

Patrick Hess representing John and Lubna Popp – address – 12208 Aboite Center Rd.

Mr. Hess asked the Board not to vote for the plan but look at alternate plans.

Mr. Scott Lougheed – address – 3695 Eggeman Road

Mr. Lougheed is appearing as a downstream property owner. He asked if the original complain has been corrected and if the Petitioners were happy with the result.

Mr. Frisinger told Mr. Lougheed that there were no acknowledgements of any work being done by inspection of work or approved plan. The order for the original obstruction has never been vacated.

Mr. Lougheed objected to receiving more water onto his land. He thought the Surveyor's plan was over kill and could be done cheaper. He did not think it needed to be at Urban Drain Status. Drainage problems could be taken care of by installing culverts under Aboite Center Road and Eggeman Road.

Mr. Hess asked the Board to defer action today and let them get additional information regarding deed restriction of five acres per lot.

Mr. Joann Woodward – address – 11615 Aboite Center Rd

Mr. Woodward also told the Board that there is a lot restriction of five acres.

Richard and Tammy Williams – address – 3902 Eggeman Rd

Mr. Williams repeated that he did not want the tile running through his property.

Robin Lougheed – address – 3695 Eggeman Rd

Ms Lougheed objected to additional water being dumped on her property. She also stated that she did not think the JB Spatz tile was located on her property.

Mr. Williams invited the Surveyor to inspect the work done on his property.

C. Close Hearing:

The meeting was closed to additional comments.

D. Board Finding and Order:

Following general discussion and comments by the Board, Mr. Peters made a motion to reject the petition, second by Ms Bloom. Motion carried. The petition for the Establishment of the J.B. Spatz Extension was denied.

Mr. Woodward asked where do we go from here. He was told that you are done there will be no drain improvement.

ALLEN COUNTY DRAINAGE BOARD

Wm. E. Brown, Chairperson

Linda K. Bloom, Vice-Chairperson

Nelson Peters, Secretary

Allan D. Frisinger, Surveyor

Date

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.