

**ALLEN COUNTY DRAINAGE BOARD MINUTES  
REGULAR HEARING**

9:00 a.m.

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

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*The Allen County Drainage Board convened on Thursday August 12<sup>th</sup>, 2010, following introductory remarks, Mr. Brown asked for approval of the July 22<sup>nd</sup>, 2010 minutes. Mr. Peters moved for approval of the minutes as they were prepared, second by Mr. Brown. Motion carried. Ms Bloom did not attend the 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. #10-094, Certification of Periodic Maintenance on Sycamore Lakes, Section 2 Drain located in Aboite Twp. Sec. 3.** Assessment set at \$25.00 per unit, yearly collection - \$1,250.

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

2. **Doc. #10-091, Stratford Forest, Sec. III Drain located in Lake Twp. sec. 36.** Petition for Establishment of a New Regulated Drain. Petitioner – Equity Land Corp. Motion to proceed.

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

3. **Doc. #10-090, Stratford Forest, Sec III Drain located in Lake Twp. Sec. 36.** Petitioner – Equity Land Corp. (Orrin Sessions). Petition for encroachment within the drainage easement for the construction of a residential subdivision, consisting of streets and underground utilities for 26 lots (lots number 158-183). For the construction of 26 single family residences.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval of petition subject to review and receipt of required fees. Mr. Peters made a motion to approve petition, second by Mr. Brown. Motion carried.*

4. **Doc. #10-092, Pierson #2 Drain located in St. Joseph Twp. Sec. 33.** Petitioner – Timothy Michael. Petition for encroachment for the construction and installation of detention basin, outfall structure and spillway. For the construction of a new 3,254 sq. ft. warehouse addition.

*Kerry Dickmeyer from Dickmeyer & Associates address – 6018 E. State Blvd.*

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*Mr. Dickmeyer told the Board that there is an easement coming.*

*Following comments and general discussion, Mr. Frisinger recommended approval subject to receipt of easement for the adjacent property. Mr. Peters made a motion to approve petition subject to receipt of easement, second by Mr. Brown. Motion carried.*

5. **Doc. #10-097**, Request from Dickmeyer & Associates for approval of the Stormwater Management Plan for new Michael Floor Covering Warehouse.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval with him working with the petitioner on erosion control issues. Mr. Peters made a motion to approve petition, second by Mr. Brown. Motion carried.*

6. **Doc. #10-095**, Request from A & Z Engineering, LLC for approval of the Stormwater Management Plan for the Webster & Woodburn Road improvement project.

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

7. **Doc. #10-096, Benward Drain located in Washington Twp. Sec. 7.** Petitioner – Thomas Hensinger. Petition for the installation of a perimeter drain tile into the ditch. Private Septic System.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to receipt of additional documentation and fees for existing encroachments. Mr. Peters made a motion to approve petition pending the Surveyor's approval upon receipt of required documentation, second by Mr. Brown. Motion carried.*

8. **Doc. #10-099, Martin No. 1 Br. No. 2 Drain located in Perry Twp. Sec. 36.** Petitioner – Allen County Highway Department. Petition for the establishment of a new regulated drain. Motion to proceed to hearing and establish damages for easement rights.

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

9. **Doc. #10-101, Cypress Pointe Drain located in Aboite Twp. Sec. 6.** Petitioner – Oakmont Development Co. Petition for the establishment of a new regulated drain. Motion to proceed.

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

10. **Doc. #10-102, Cypress Pointe Drain located in Aboite Twp. Sec. 6.** Petitioner – Oakmont Development Co. Petition for encroachment within the drainage easement for the construction and installation of homes, roads, and utilities. Needed for the development of Cypress Pointe.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval with the caveat that he will withhold his signature until review of fee structure. Mr. Peters made a motion to approve petition pending review of the fee structure and the Surveyor's subsequent approval, second by Mr. Brown. Motion carried.*

11. **Doc. #10-103, Beal-Taylor Drain located in Aboite Twp. Sec. 6.** Petitioner – Oakmont Development Co. Petition for encroachment within the drainage easement for the construction and installation of homes, roads, and utilities. Needed for the development of Cypress Pointe.

*Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to approval pending review of fee structure. Mr. Peters made a motion to approve petition pending review of fee structure, and Surveyor's subsequent approval, second by Mr. Brown. Motion carried.*

12. **Doc. #10-104.** Request from John Sauer for approval of the Stormwater Management Plan for Cypress Pointe.

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

Other Business:

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

- A. Approval by the Board for final payment on the Witmer #2 Drain. Amount of final payment - \$8,780.18. Full contract \$58,534.51.

*Mr. Frisinger explained that the Contractor had completed and seeded and stabilize, it was washed out. He recommended withholding final payment until the Contractor has reseeded. The Board agreed with him. Mr. Frisinger will contact the Contractor regarding the necessary reseeded.*

- B. Approval by the Board for final payment on the Sible Drain. Amount of final payment - \$4,926.95. Full contract \$24,488.00.

*Mr. Frisinger recommended the Board authorize the final payment. Mr. Peters made a motion to pay \$4,926.95 for final payment on the Sible Drain, second by Mr. Brown. Motion carried.*

- C. Request from Ellis McFadden for an update on the progress on public hearing on the Snyder Ditch.

*Ellis McFadden address – 17414 Comer Rd Fort Wayne, Indiana*

*Mr. McFadden explained that the Board in March of this year promised to hold a public hearing for the purpose of establishing periodic maintenance on the Snyder Ditch. He was told by the Surveyor's Office that nothing has been done towards having that hearing. He also explained that neighbors were losing crops due to flooding. He asked the Board to please proceed to hearing or allow them to complete the work themselves.*

*Mr. Frisinger reviewed the minutes from the March 25<sup>th</sup>, 2010 minutes, plus a review of the surveyor's report. He will schedule a hearing for this fall. If they have the hearing this fall, work should be done before the next planting season.*

*Mr. Brown asked for an update at the next hearing.*

*Ralph Thiele address – 16624 Thiele Rd.*

*Mr. Thiele asked if the property owners would be allowed to collect the funds necessary to fix the upper end, if the hearing did not take place in time for the work to be completed by the 2011 planting season.*

*Mr. Frisinger said it was something that they could possibly consider if the hearing fall through.*

- D. Invoices from Dale Myers for the Roy #2 Drain.  
*(The following reflects a synopsis of discussion between Mr. Myer and the Board and the Board's decision. Actual tape recording of the discussion is available upon request.)*

*Mr. Frisinger explained that Mr. Myers has submitted invoices for work he, Mr. Myers, authorized to be done on the vacated Roy #2 Drain.*

*Dale Myers address – 220 Soaring Eagle Ct.*

*Mr. Myers explained the work done and why he thought the Board should reimburse him for the expense.*

*Mr. Frisinger told the Board that he had the following invoices from Mr. Myers:  
\$286.24, \$1565.00 and \$1028.34*

*Following review the Board issued the following decision: Mr. Myers was told that the Drainage Board never authorized him building within the drainage easement, the drain was vacated and the watershed should not be responsible for his situation. The Board turned down his request for reimbursement.*

*Dale Bloom representing Dr. Staci Couch – address – 200 E. Main St. Suite 1000.*

*Mr. Bloom explained to the Board that Dr. Couch is in the process of purchasing Dr. Koenemann's practice and the real estate where the practice is located. Bank of American will not provide the necessary funding due to a portion of the clinic being located within the drainage easement of the Gerke Br. Drain. The Bank is declining the loan due to the possibility of property loss due to the encroachment.*

*After general discussion, it was suggested that the property owner submit a petition requesting encroachment for everything except the building. The Bank might decide that the practice is not in jeopardy if it isn't included on a petition.*

*Ms Serrano presented Mr. Brown a copy of a letter that she had sent to the attorney representing the property owner on the Scar Tile.*

*A short discussion followed regarding how to handle the situation on the Scar Tile. No decision made.*

*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.