

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING**

August 26, 2010

9:00 a.m.

PRESENT: DB: WM. E. BROWN, LINDA K. BLOOM, NELSON PETERS, AL FRISINGER; DB ATTY. CATHY SERRANO; ACSO: LARRY WEBER, CHERYL ZURBRUGG, SEE SIGN-IN SHEET FOR OTHERS PRESENT

The Allen County Drainage Board convened on Thursday August 26th, 2010, following introductory remarks, Mr. Brown asked for approval of the August 12th, 2010 minutes. Mr. Peters moved for approval of the minutes as they were prepared, 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. #10-093**, Certification of Assessment for Periodic Maintenance for Cedar Springs, Section 1 Drain. Assessment set at \$25.00 per unit.

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

2. **Doc. #10-108**, Certification of Assessment for Periodic Maintenance for Rothman Pointe Section 3 Drain. Assessment set at \$25.00 per unit.

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

3. **Doc. #10-110**, Certification of Assessment for Periodic Maintenance for Ravenswood, Section 2 Drain. Assessment set at \$25.00 per unit.

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

4. **Doc. #10-106, Graham-McCulloch Drain located in Aboite Twp. Section 23.** Petitioner – Little River Wetlands Project. Petition for the construction of a replacement foot bridge across the ditch. This bridge will allow access to portions of the property that may be restricted due to proposed fence that intends to Hinder Asian Carp from moving into the Great Lakes Watershed.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to receipt of a certified engineering plan. Ms Bloom made a motion for approval subject to receipt of a certified engineering plan, second by Mr. Peters. Motion carried.

5. **Doc. #10-107, Cochoit Drain located in Adams Twp. Section 13.** Petitioner – City of New Haven. Petition for encroachment for the installation of an 18-inch storm drain. To provide storm water runoff conveyance from Seiler Road to the receiving stream.

Ronald Simpson – representing the City of New Haven

Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to certification of the details through the ACSO. Ms Bloom made a motion to accept Doc. #10-107, second by Mr. Peters. Motion carried

6. **Doc. #10-100,** Request from Sauer Land Survey for approval of the Stormwater Management Plan for project located at the corner of Horman & 27 Roads.

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

7. **Doc. #10-085,** Request from D.A. Brown for approval of the Stormwater Management Plan for the Coves at Brooks Crossing located in Perry Twp. Sec. 30.

*Matt Lancia from Lancia Homes
Casey Erwin from D. A. Brown*

(The following reflects a synopsis of the discussion between Petitioners, Surveyor and the Board.)

Mr. Erwin reviewed the project with the Board explaining that the project backs right up to a low land area.

Al Frisinger – The Board through their Ordinance established a minimum safety standards – During a storm event your discharge pipe has a specify capacity that is going to release – the passage of water does not go over a specific level, in this case (7 and half feet) above the safety ledge for nineteen hours.

Mr. Erwin – The sides slopes 3:1 & 4:1 also a ten foot flat spot around the ponds. Agrees with Al for the future – good topic to discuss

Mr. Brown – Someone could fall in and drown in a 100 year event – From a common sense stand point – it seems to be minimal that this would happen.

Mr. Frisinger – There is always that chance

Mr. Peters – Since he did not hear the Surveyor say, "Absolutely do not do that," he made a motion to approve Document #10-085, second by Ms Bloom. Motion carried.

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8. **Doc. #10-109**, Request from Adams County Drainage Board requesting the Allen County Drainage Board to waive their rights on the Gallmeyer maintenance increase.

Following comments and general discussion by the Board, Mr. Frisinger recommended deferral for further research by the Surveyor's Office. Board agreed without making a motion or taking a vote.

9. **Doc. #10-084, Petition to vacate existing regulated drain and related improvements for Lot 22 and 23 of The Cliffs located in Aboite Twp. Sec.17.** Petitioner – Joy and Anthony Zirille.

Mr. Brown asked if there was a simpler way of vacating a drain.

Mr. Frisinger – The way we could eliminate it is not to have a plotted easement and have them show the statutory regulated drainage easement on the face of the plat.

Mr. Brown – Part of the process review project is to figure out, "What don't you need?" This might be one.

Mr. Frisinger – During site development grading plan was not adhered to – now we are here on Regulated Drain side where the vacation is defined in Drainage Code – not a simpler way.

Following comments and discussion, Mr. Frisinger recommended proceeding with a motion to vacate. Mr. Peters made a motion to proceed, second by Ms Bloom. Motion carried.

10. **Doc. #10-111**, Request from Diversified Industries LLC located in Eel River Twp. Sec. 19 for a waiver from submitting a Stormwater Management Plan for a 6300 square foot addition to their existing building.

*Moved to Item 11 and then returned to item 10.
Ms Bloom left the meeting at 10:11 am*

*Mr. Frisinger read the request for a waiver to the Board.
Following comments and general discussion by the Board, Mr. Frisinger recommended drafting a letter stating that this is a one time issue any future expansion will require a stormwater management facility. Mr. Peters made a motion to approve, second by Mr. Brown. Motion carried. Ms Bloom absent for vote*

11. **Doc. #10-112, Gerke Br. Drain located in St. Joseph Twp. Sec. 8.** Petitioner – Stellhorn Veterinary Hospital (Mary Koenemann). Petition to allow existing parking lot and driveway within the drainage easement.

Dale Bloom – representing Staci Couch

Mr. Bloom reviewed his problem that was discussed during the August 12th, 2010 meeting.

Following comments and general discussion by the Board Ms Bloom made a motion for approval, second by Mr. Peters. Motion carried.

12. **Doc. #10-113, Anson Duntan Drain located in Perry Twp. Sec. 17.** Petitioner – Edward Keller. Petition for encroachment for the installation of a 12-inch or 15-inch reinforced concrete pipe to carry stormwater – Cameron Crossing.

Items 12 and 13 taken together. Surveyor upgrading pipes to 18-inches. Following comments and general discussion by the Board, Mr. Frisinger recommended approval of both documents subject to working final details with the engineers. Mr. Peters made a motion to approve Document #10-113 and #10-117 with the amendment to include installation of 18-inch reinforce concrete pipe subject to the final detail and approval by the Surveyor, second by Mr. Brown. Motion carried.

13. **Doc. #10-117,** Request from Doug McComb for approval of the Stormwater Management Plan for Cameron Crossing located in Perry Twp. Sec. 17.

See Above.

Other Business:

Petitions added after posting of the agenda.

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

Mr. Brown added the Scar Tile as a discussion item.

Mr. Brown said that he have had several conversations with Ken Fuelling. Mr. Fuelling said that he has received a quote that is much less then the Surveyor's Office. Mr. Brown said that he just wants to put an end to this.

Mr. Frisinger explained that he has not received a bid that he has an estimate of what it could cost. He suggested moving ahead with reconstruction and then they will have their dollar amount. They were trying to save the property owners money by collecting part of the funds before beginning reconstruction, saving them from paying the ten percent interest.

Following additional discussion the decision was to proceed to hearing for reconstruction.

- A. **Doc. #10-114, Cochoit Drain located in Jefferson Twp. Sec. 19.** Petitioner – Richard & Betty Hathaway. Petition for encroachment within the drainage easement for the construction of grassed waterways & Rock lined chutes.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval of Doc. #10-114 and Doc. #10-115.

Mr. Peters recommended saving and showing Mr. Fuelling what other people are doing.

Mr. Peters made a motion for approval of Doc. #10-114 and #10-115, second by Mr. Brown. Motion carried.

- B. **Doc. #10-115, Dennis #1 Drain located in Jefferson Twp. Sec. 19.** Petitioner – Richard & Betty Hathaway. Petition for encroachment within the drainage easement for the construction of grassed waterways & Rock lined chutes.

See above.

- C. **Doc. #10-116,** Request from Dickmeyer & Associates for approval of the Stormwater Management Plan for Minnick Services located in Wayne Twp. Sec. 5.

Following comments and general discussion by the Board, Mr. Frisinger recommended approval subject to his office receiving the recorded easement. Mr. Peters made a motion for approval of petition subject to the receipt of the recorded easement, second by Mr. Brown. Motion carried.

- D. **Doc. #10-118,** Request from Abonmarche Consultants, LLC for approval of the Stormwater Management Plan for a Metes and Bound property located on Amstutz Road property owned by Connie S. Budden. Document # *changed from #10-117 to #10-118 at the meeting.*

Following comments and general discussion by the Board, Mr. Frisinger recommended approval of petition. Mr. Peters made a motion for approval of petition as submitted, second by Mr. Brown. Motion carried. Mr. Peters amended his motion to make the approval for Doc. #10-118, second by Mr. Brown. Motion carried.

- E. Flatrock Drain INDOT Contract's approval.

Following comments and general discussion by the Board, Mr. Frisinger recommended payment of \$60,000 to Mr. Sorg, payment from the Flatrock Drain Fund. Bidding will take place in September – work beginning Fall of 2010 finishing in 2011.

Mr. Peters made a motion for approval Flatrock Drain INDOT Contract, second by Mr. Brown. Motion carried. Contract signed.

Mr. Frisinger added the following for discussion: Water Quality Procedures

Mr. Frisinger - He may need assistance from the Commissioners with County Council. This fall the County will be going through an audit. We have the Allen County Partnership in water quality. The Partnership includes New Haven, Leo-Cedarville, Allen Co. and the City of Fort Wayne. The City of Fort Wayne may be pulling out. If

they pull out, our expense for the public education segment will go up for. We may have to go to Council to get additional funding. He will continue working with the City in an effort to keep them as part of the partnership.

Meeting adjourned 11:10

ALLEN COUNTY DRAINAGE BOARD

Wm. E. Brown, Chairperson

Linda K. Bloom, Vice-Chairperson

Nelson Peters, Secretary

Allan D. Frisinger, Surveyor

Date

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.