

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING
PUBLIC HEARING FOR THE
CARL WEISE, BRUICK, DAHLING,
AND WERLING #2 DRAINS**

October 28, 2010

9:00 a.m.

PRESENT: DB: WM. E. BROWN, LINDA K. BLOOM, 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 October 28, 2010, following introductory remarks, Mr. Brown asked for approval of the October 14th, 2010 minutes. Mr. Peters moved for approval of the minutes as they were prepared, second by Mr. Brown. Motion carried. Ms Bloom was absent for the vote.

Approval of Petitions:

(The following reflects a synopsis of action taken by the Allen County Drainage Board during the Hearing. Minutes do not reflect the order the petitions were heard.)

1. **Doc. #10-140, Amstutz #2 Drain located in Milan Twp. Sec. 2.** Petitioner – Kaylene Souers. Petition for encroachment for the construction of a 50' wide x 72' long post frame building which will be within the legal drain easement as shown on the survey. The building will be for storage of cars and a large car trailer.

Mr. Frisinger explained that the survey submitted with the petition was twenty-two years old. The deed for the property was missing and the Petitioner was requesting a setback of twenty (20) feet from the top of bank. The Board normally asks for a minimum of thirty-five (35) feet. Following comments and general discussion by the Board, Mr. Frisinger recommended deferral of the petition. Mr. Peters made a motion to defer the petition, second by Mr. Brown. Motion carried. Ms Bloom joined the meeting after the vote.

2. **Doc. #10-143, Snyder #3 Drain located in Pleasant Twp. Sec. 26.** Petitioner – Donald J. Andorfer. Petition for encroachment for the installation of a culvert for farm crossing.

Mr. Frisinger explained that the upstream area is greater than one square mile requiring DNR consent. Mr. Frisinger recommended deferral until receipt of the DNR's approval. Mr. Brown asked if these missing items are statutory requirements or local requirements. Mr. Frisinger explained that when you have a watershed on the upstream area greater than one square mile you are required to receive an approval from the Department of Natural Resources'. Following comments and general discussion by the Board, Mr. Frisinger recommended the Board to either approve the petition subject to receipt of DNR's approval with final approval through the Surveyor's Office or defer the petition until receipt of DNR's approval. Ms Bloom made a motion to approve the petition subject to the requirement of the Surveyor's, second by Mr. Peters. Motion carried.

Mr. Brown asked to revisit item number 1. He asked if they could also treat item 1 the same as this one. Mr. Frisinger told him that he could make that requirement as long as he realize that he is asking for a twenty foot set back and the normal requirement is a minimum of thirty-five for maintenance work on the drain. Following additional general comments the Board decided not to change the motion.

3. **Doc. #10-144, Grover #2 Drain located in Milan Twp. Sec. 26.** Petitioner – James Hirschy. Petition for Reconstruction and Periodic Maintenance. Motion to proceed.

Linda made a motion to approve, second by Mr. Nelson. Mr. Frisinger explained the situation to the Board explaining that someone in the past installed an undersize culvert with twenty to thirty feet of fill over it. This obstruction is causing a backup of water unto Mr. Hirschy's land. The removal of the culvert could cost upward of \$50,000. The property owner would be billed for the work. He could not guarantee that the property owner today is the same one who originally made the obstruction. Mr. Frisinger told the Board that he could go ahead with the removal of the culvert. He could send a letter to the property owner informing them of the obstruction along with an order to tear it out. Then we would have a hearing to decide who should pay. Mr. Brown express concerns regarding punishing today's owner of the Stone Quarry for something done in the past. Mr. Frisinger recommended moving forward with the motion notifying the property owner of the obstruction. If we assess the property owner for the work, and they do not pay, the county may end up owning the land. Mr. Brown recommended deferring the petition to give the Surveyor a chance to notify the property owner. Ms Bloom withdrew her motion to proceed, Mr. Peters withdrew his second. Ms Bloom then made a motion to defer until the next meeting, second by Mr. Peters. Motion carried. Mr. Frisinger will send a letter to the property owners explaining the situation to them.

4. **Doc. #10-145,** Request from Foresight Consulting for approval of the Stormwater Management Plan for River Bend Automotive Center located in St. Joseph Twp. Sec. 5.

Mr. Frisinger recommended approval subject to receipt of easement for the offsite. Mr. Peters made a motion to approve subject to the Allen County Surveyor's Office commends relative to the easement and other outstanding issues, second by Ms Bloom. Motion carried.

5. **Doc. #10-146, Beal Taylor Drain located in Aboite Twp. Sec. 5.** Petitioner – Anthony Reincke. Petition for construction of an outfall from Hamilton Meadows into the Beal Taylor.

Mr. Frisinger recommended approval as submitted. Mr. Peters made a motion to approve petition as submitted, second by Ms Bloom. Motion carried.

6. **Doc. #10-147, Hamilton Meadows – Crawford Drain located in Aboite Twp. Sec. 5.** Petition for Establishment of a New Regulated Drain. Motion to proceed.

Mr. Frisinger recommended approval of the motion to proceed with a Public Hearing to be scheduled for the December 9th, 2010 hearing. Mr. Peters made a motion to proceed, second by Ms Bloom. Motion carried.

Regular Meeting closed.

Open Public Hearings:

(The following reflects a synopsis of discussion items. Actual tape recording of the proceedings is available upon request. The minutes do not reflect the order of the Public Hearings.)

Mr. Brown opened the public hearing for the Carl Weise

Carl Weise Drain Number 09-32-649

- A. Surveyor's Report Doc. #10-148.

Mr. Frisinger read the report into the records.

- B. Letters/oral comments in favor

No letters in favor. Mr. Brown asked if there was anyone who wanted to speak in favor. Mr. Frisinger explained that there are people in favor, who have questions regarding the project as presented.

- C. Letters/oral comments against

Mr. Frisinger read two letters into the records. Letters were from Sharon Waterman – address 24 East and Daniel and Karen Stir – address 13401 US Hwy 24 East.

The following people spoke for or against the project as presented:

John Lobsiger – address 13241 US 24 East

Sharon Waterman – address US 24 E

Ben Schmucher – address 12808 Parent Road

Stan Werling – address 571 Campbell Rd, Marion, Ohio 43302

*Lowell Werling – address 211 N. Berthaud Rd
Lynn Stroble – address 13827 Bremer Rd*

Mr. John Lobsiger – spoke against the project explaining that he and other property owners can not handle additional water on their property. The pond located on the New Haven Conservation club is in need of work. It is not performing properly.

Mr. Weber explained to Mr. Lobsiger that he was in a flood zone, nothing being done by this project will affect the status of his property.

Mr. Lobsiger asked if a reservoir could be created to help him and other properties located in the flood zone.

Mr. Weber explained that yes it would help on an isolated rain event if the river wasn't up. If we have a major event when the river is up, there is nothing that can be done beside tearing the house down or raising it up.

Kimberlee Parker, P.E. and Merril Dougherty from INDOT, Indianapolis

Mr. Dougherty told the Board that the plan had built in detention that will help with lesser storms.

Sharon Waterman asked why the tile couldn't be installed down O'Dell Road.

Mr. Frisinger explained that someone had petitioned to vacate the road. The road is platted and could be used. He did not know if it would be any cheaper or better.

Ms Waterman asked what the plan involved, how would it be done.

Mr. Frisinger and Mr. Weber explained what have already been done and what would happen with this new project.

Ms Waterman wasn't against the project just the location of it.

Ben Schmucker asked for support for the people on the north side of this watershed. - - - Since dredging Bruick Road and installing a small ditch and a swale to the woods have help the Carl Weise Drain. He wasn't sure what would happen upon completion of the construction on 24. He wanted to make sure that the watershed was improved through the highway construction.

Stan Werling his concern was which ever solution was chosen that the elevations would be such that their drainage would be improved. The Carl

Weise Ditch is too shallow at this current point for his property to put in a proper drainage system. Which ever solution is chosen would be deep enough that he would be able to drain his property.

Mr. Frisinger explained to him that by making it deeper would result in more backwater from the river. He could have the same or greater impacts in some major events.

Mr. Weber explained that it was very difficult to do it now, the time to do that is when we had the hearing back in 2002 and it failed. A sidebar conversation took place away from the recorder.

Lynn Stroble – His concerns were what impact 24 would have on the upstream drainage. In a hundred year event, the water can not get to the river quick enough.

Mr. Brown asked if this was everybody in the watershed issue irrupted by Mr. Stroble saying that the old drainage system is crappy.

Mr. Frisinger told Mr. Stroble that the improvements would not cause additional backup.

Lowell Werling told the Board that his grandfather sued the Conservation Club when they put the pond in. The drains are not low enough under the highway. He has wanted to drain into the Hockemeyer Drain for years the owner says no. He wanted to know the size culvert going under US 24 (He was told 3 foot) He wanted the drains low enough to improve drainage.

No other comments were taken.

D. Close Hearing

Mr. Peters made a motion to close the hearing, seconded by Ms Bloom. Motion carried.

E. Board Finding and Order

Mr. Frisinger recommended approval of INDOT's proposal.

Mr. Brown agreed that it will help the area.

Mr. Frisinger said that they can look at going down O'Dell; the impact would be to the owners of road property adjacent to O'Dell Road. There would be a regulated drain statutory right-of-way through that existing

platted right-of-way. We would be tearing out driveways and area going to the river.

Mr. Brown stated that the alternate route did not appear to create any greater benefit.

Mr. Weber said that if they make a direct discharge into the river, he would have to talk with the Army Corp first.

Mr. Peters made a motion to approve INDOT's proposal (look at O'Dell Road as a possible alternate) seconded by Ms Bloom. Motion carried.

Mr. Peters made a motion to open the Public Hearing for the Bruick Drain, second by Ms Bloom. Motion carried.

Bruick Drain Number 09-32-900

- A. Surveyor's Report Doc. # 10-150

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

- B. Letters/oral comments in favor

No letters or comments in favor.

- C. Letters/oral comments against

No letters or comments against.

- D. Close Hearing

Mr. Peters made a motion to close the Public Hearing, seconded by Ms Bloom. Motion carried.

- E. Board Finding and Order

Mr. Frisinger recommended approval of INDOT's plans to install a 10' x 6' box culvert under the New US 24 and then discharging into the existing 36" pipe into the New Haven Conservation Club's pond. Mr. Peters made a motion to approve INDOT's plans, seconded by Ms Bloom. Motion carried.

Mr. Peters made a motion to open the Public Hearing for the Darling Drain, seconded by Ms Bloom. Motion carried.

*Mr. Peters left the hearing at 10:55 a. m.
Ms Serrano left the hearing at 11:00 a.m.*

Dahling Drain Number 14-06-400

- A. Surveyor's Report Doc. #10-149.

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

- B. Letters/oral comments in favor

No letters or comments in favor.

- C. Letters/oral comments against

No letters against

The following people spoke

*Carl Ehinger – address 136 N. West St, New Haven
Merril Dougherty from INDOT
Kimberlee Parker from INDOT*

Mr. Ehinger was against using the 36" culvert under the existing 24. He wants a 48" culvert.

Mr. Dougherty explained that at the interchange for 469 just east of the ramp they have a 48" culvert that is under 24 to the side ditch that follows along 469 to the river. Their plan is to put a berm in the side ditch. Because that side ditch being opened it wasn't currently utilizing that pipe and you know there is a great deal of the watershed that is under the other side of 469 that comes through there. They wanted to divert as much of that water as they can up to the river through that 48" pipe and we figured out that will mediate our project. We are taking that much flow off of it. INDOT feels that the reconstruction of the drain through the subdivision needs to be an assessment of the watershed.

Mr. Frisinger explained to the Board just what Mr. Dougherty was suggesting and the exact location of the work to be done.

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- D. Close Hearing

There being no other comments against, Ms Bloom made a motion to close the hearing, seconded by Mr. Brown. Motion carried.

E. Board Finding and Order

Mr. Frisinger recommended upsizing the pipe.

Mr. Brown asked for additional clarification

Mr. Frisinger explained that if the proposal was adhered to, it would cost \$187,000. If we were to look at the appropriation of funds for the Carl Weise drain we would have a better impact. Another \$20,000 to \$30,000 on the Carl Weise Drain would have a better impact.

Mr. Weber explained that the most impacted ground that flooded the most has already been bought by INDOT for right-of-way.

Ms Bloom asked if that would address the problem in Georgia Park.

Mr. Weber explained that Georgia Park would not have a problem unless they increase the culvert size.

Mr. Brown asked INDOT's representatives if instead of the extra improvements on the Dahling Drain they would apply extra funds on the Carl Weise.

Mr. Dougherty said that it is reasonable.

Ms Parker also agreed that it is reasonable.

Ms Bloom made a motion not to go forward with the plan for the Darling Drain, but take some of that money up to \$30,000 or whatever it is to be put towards the Carl Weise alternate plan, seconded by Mr. Brown. Motion carried.

Mr. Peters made a motion to open the Public Hearing for the Werling #2 Drain, seconded by Ms Bloom. Motion carried.

Werling #2 Drain Number 09-32-930

A. Surveyor's Report Doc. # 10-151.

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

Mr. Weber added that they are going to increase the one culvert size at the Conservation Club.

B. Letters/oral comments in favor

No letters or oral comments in favor

C. Letters/oral comments against

No letters or oral comments against.

D. Close Hearing

Mr. Peters made a motion to close the hearing, seconded by Ms Bloom. Motion carried.

E. Board Finding and Order

Mr. Frisinger recommended approval of INDOT's plans to install a 10' x 6' box culvert under New US 24 and then discharging into a new 45" x 29" elliptical pipe under existing US 24 and outlets these flows on downstream lands to indefinable drainage patterns.

Ms Bloom made a motion to approve INDOT's plans as submitted by the Surveyor's Office, seconded by Mr. Peters. Motion carried.

Upon completion of the Public Hearings, the regular hearing was reconvened.

Ellis McFadden – address 17414 Comer Rd, Fort Wayne

Mr. McFadden asked to comment on Item #2 Doc. #10-143. The proposal was that there was an existing pipe here (he pointed it out on the map). Mr. Frisinger told him that he thought it was there in an unapproved status. Mr. McFadden asked if they could just extend the size of the bridge. Mr. Frisinger explained that this is an unapproved bridge. DNR would have to give their approval before the Drainage Board can give approval.

Mr. Brown left the meeting at 11:30.

A general discussion followed between Mr. Frisinger and Mr. McFadden.

Mr. Brown rejoined the meeting.

Mr. Frisinger explained that on the Lima-Shoaff Drain reconstruction in Hometown the assessment rolls were sent out with incorrect assessments. He has gone back and redone the assessment and the corrected assessment rolls will need to be recertified.

Mr. Frisinger reviewed the Flatrock Creek relocation. He told the Board that the contractor is out there working and may be done within 8 to sixteen days. He was hoping to close with the Sorgs on Tuesday.

Meeting closed.

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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