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1 STATE OF INDIANA)
)SS:

2 COUNTY OF ALLEN)

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7 BOARD OF COMMISSIONERS
8 OF THE COUNTY OF ALLEN

9 RE: LEGISLATIVE SESSION OF
10 April 27, 2005

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DATE: April 27, 2005

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16

TIME: 10:06 a.m.

17
18

LOCATION: Room 200
 Commissioners Courtroom
 City-County Building
 1 East Main Street
 Fort Wayne, Indiana 46802

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22

REPORTER: Kimberlee M. Adams

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1 PRESENT:
2 Linda K. Bloom Allen County Commissioner
3 Nelson Peters Allen County Commissioner
4 Susan Elser Allen County Board of
 Commissioners' Office

5
Mary Hitchens Allen County Public

- 6 Information Office
7 John McGauley Allen County Public
Information Office
8
9 Jerry Hoffmann Aboite Independent
10 Michelle Wood Department of Planning
11 Services
12 James Herman Allen County Sheriff
13 Kelly Wilson Allen County Sheriff's
Department
14
15 Dave Fuller Allen County Building
16 Commissioner
17 Lisa Blosser Allen County Auditor
18 Bill Smallwood Chief Deputy, Allen County
Sheriff's Department
19
20 Larry Weber Allen County Surveyor's
21 Office
22 Allan D. Frisinger Allen County Surveyor
23 Mike Fitch Director, Allen County
Highway Department
24
25 James Larson Allen County Resident
0003
26 Mark Minnick Allen County Resident
27
28 John Sauer Allen County Resident
29
30 Kip Macke Allen County Resident

1
2 ALSO PRESENT:

- 3 Jeff Sorg Allen County Highway
4 Department
5 Sherry Giffin Allen County Resident
6 Bette Harris Allen County Resident
7 James DeArmond ASLO
8 Denny Logan Allen County Resident
9 Kimberlee Adams Rolf Reporting, Inc.

9 Ben Lanka Journal Gazette
10 Kevin Leininger News Sentinel

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0007

1 BLOOM: Good morning, and welcome to the Allen County
2 Commissioners Legislative Meeting. First, we're
3 going to stand please and honor our country and then
4 a silent moment.

5 (At this time, the Pledge of Allegiance was
6 recited in unison, and a moment of silence
7 was recognized by all.)

8 BLOOM: Thank you. Approval of the Minutes of April
9 20th, we are going to delay for one week. We don't
10 have all of the information. So I don't think we
11 have to vote on that, we're just going to delay it.

12 PETERS: All right.

13 BLOOM: The first thing on the Agenda this morning
14 that we are going to take care of is the Public
15 Hearing. Vacation Petition #371. Michelle Wood is
16 the Principle Land Use Planner from DPS and she will
17 act as the staff this morning.

18 According to Indiana Law, today's public
19 hearing may only include those matters that have been
20 advertised. Michelle, has proper notice been
21 published?

22 WOOD: Yes, in both Fort Wayne newspapers.

23 BLOOM: This hearing is for the purpose of taking
24 testimony. The Board will discuss the merits of the
25 proposal for--following the public hearing, and under

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1 normal circumstances, vote to determine the outcome.
2 We do hold the authority to continue our discussion
3 until a later meeting if we believe that is to be in

4 the best interest of the public. Staff
5 recommendations?

6 WOOD: Well, I do have a packet in front of you.
7 Based on--based on the information in the packet, we
8 did receive approvals from all agencies that staff
9 requested including the Highway Department, the
10 Surveyor's Office, AquaIndiana, AEP, NIPSCO, Sprint,
11 and Comcast. And based on their approval, staff did
12 recommend an approval of this Vacation #371-03.

13 BLOOM: 05?

14 WOOD: 05. Excuse me.

15 BLOOM: Thank you. All right, we're going to open
16 the public hearing now. Is there anyone here that
17 would like to speak for the Vacation? Anyone--would
18 you please come forward and identify yourself please?

19 MINNICK: Can I have a seat?

20 BLOOM: Yes, please. Good morning. Hi.

21 MINNICK: Good morning.

22 MACKE: Hi.

23 BLOOM: Identify yourself and your address, please?

24 MINNICK: Okay. I am Mark Minnick and I am the
25 Petitioner for the Vacation. I live at 10920

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1 Birkdale Court in Fort Wayne in the subdivision of
2 Sycamore Hills.

3 BLOOM: All right.

4 MACKE: My name is Kip Macke. I live at 2712
5 Hazelwood Avenue. I'm a professional engineer, and
6 I'm here on behalf of Mr. Minnick.

7 BLOOM: All right, thank you. And what would you
8 like to tell us this morning about the Vacation and
9 why you want this.

10 MINNICK: The Vacation is two-fold and the--the
11 house--the house we purchased a year ago was actually
12 built on--partially on a drainage easement. And we
13 didn't know that until we had filed for a permit
14 for--to add an additional back porch, a screened in
15 porch. At that time, it became clear that in 1991,
16 that this--this County Council had heard a similar
17 request and had granted a Vacation of the drainage
18 easement at that time. The house was built, but it
19 was never filed--or recorded. And--and so we have
20 the paperwork. Michelle was able to dig out the

21 paperwork--some of the paperwork but not the actual
22 resolution. And so, I started the process last
23 summer all over again, contacting all of the
24 agencies, etcetera, and--and we're here today. We
25 have done everything, I think, possible from a--our
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1 standpoint as far as bringing in engineers and
2 surveyors to assess our situation and to give us a
3 real and--and all--all the risk involved that we've
4 taken into account as far as the Vacation where the
5 existing home is as well as the screened porch.

6 BLOOM: Do you have anything to add to that, Kip?
7 Did he say it all?

8 MACKE: Yes, he's--he's covered the history.
9 What--what I guess I would like to add is John Sauer
10 and myself have been assisting Mr. Mimic--Minnick on
11 this, and what we wanted to do was to assure
12 yourselves and--and the public that by reducing the
13 easement like we had shown for the house, that we
14 wouldn't adversely effect the--the drainage
15 situation, you know, both for the neighbors and for
16 the subdivision itself.

17 BLOOM: Right.

18 MACKE: So we ran down to the County and purchased
19 one of the nice topo maps that the County has gotten
20 for us. And what--what this shows is--here's the
21 parcel that we're looking at. Do you have a copy of
22 the air topo with you?

23 BLOOM: Yeah.

24 MACKE: We found there's about a seven acre shed
25 going through--in between the two houses that drains

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1 down into the lake. Typically, if that was a
2 subdivision that the County would have designed now,
3 it would--it would be a 15 or an 18 inch storm pipe
4 that would go between the houses. Their minimum
5 requirement for that storm pipe would be a 14 foot
6 wide easement. If--if we expand that to 20 foot wide
7 to allow for an overflow swell, that would leave
8 plenty of room for the reduction in the easement that
9 Mr. Minnick is requesting. The porch that he's
10 adding, he's--he's putting--it's a--it's a
11 second-floor porch--

12 MINNICK: Second floor on pilings, yeah.
13 MACKE: --on pilings. So he--he won't be filling in
14 along the pond which would take away from any
15 detention. And--and I just want to say for the
16 record, that if he was putting in like a full
17 foundation under it and he did fill that in, it--it's
18 a very insignificant amount with the size of the lake
19 that's there.

20 BLOOM: Okay.

21 MACKE: So even though he's not doing that,
22 it--it--it, you know, it's--I guess that he's not
23 doing it shows that he's making an effort to--to, you
24 know, listen to the neighbors and--and hear their
25 concerns and make sure that we've got the drainage

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1 addressed. So we talked to the Surveyor's Office.
2 We talked through the issues. We have an approval
3 letter from them which is on file. And if you have
4 any questions, I'll be happy to answer those.

5 BLOOM: I think I'm okay with this. I understand it.
6 Do you, Commissioner Peters?

7 PETERS: No. Let me ask real quick. What I
8 understand--I think I understand--is that the
9 Vacation is being asked for a portion of the storm
10 sewer and the the surface drainage easement for
11 purposes of adding that second floor deck, and that's
12 it. Is that?

13 MINNICK: No.

14 PETERS: Okay, well I don't understand.

15 MINNICK: No, the existing home, the 1991 home is
16 built--about one-third of the house is on the
17 existing--

18 PETERS: On the--okay.

19 MINNICK: --easement. So to vacate that portion is
20 just good sense. Had I known about it before I
21 bought the house, I would have made the old owner do
22 this.

23 PETERS: You're just killing two birds with one stone
24 here, is what you're--

25 MINNICK: Exactly.

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1 PETERS: --I gotcha.

2 MINNICK: Yeah.

3 PETERS: Okay. Now I understand.

4 BLOOM: Okay.

5 MINNICK: Thank you.

6 BLOOM: Anything else?

7 MINNICK: No.

8 BLOOM: Thank you.

9 MINNICK: Okay.

10 BLOOM: Is there anyone else in the audience speaking
11 for the Vacation? Speaking for the Vacation? If
12 not, is there anyone in the audience speaking against
13 the Vacation? Is there anyone speaking--would you
14 come forward please and state your name?

15 LOGAN: Good morning.

16 BLOOM: Good morning.

17 PETERS: Good morning.

18 LOGAN: My name is Dennis Logan and I'm an attorney
19 with Rothberg, Logan, and Warsco. And I'm here on
20 behalf of Mary Ann Riebenack who is the owner of the
21 property immediately to--let's see, it would be to
22 the west of the Minnick's property.

23 BLOOM: Okay.

24 PETERS: Excuse me, do you happen to have her
25 address?

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1 BLOOM: Is it 10928?

2 PETERS: Because we've got an aerial, it simply helps
3 us understand which one she is a little bit better.

4 BLOOM: Is it 28?

5 WOOD: Yes.

6 PETERS: Okay.

7 BLOOM: Okay. Thank you. 10928. Yeah, okay. All
8 right.

9 PETERS: I guess that would be west.

10 BLOOM: Yeah.

11 LOGAN: And also Mrs. Riebenack is the title holder
12 of the property. Her husband is Walter Riebenack.
13 I'm here on his behalf as well. He lives in the
14 house. She's the titleholder for estate planning
15 purposes. So that's--

16 BLOOM: Uh-huh (affirmative).

17 LOGAN: --a bit of a technicality, but--

18 BLOOM: Uh-huh (affirmative).

19 LOGAN: --I wanted to make that known. The

20 Riebenacks would like to be here themselves. They
21 are travelling. While they have had notice that Mr.
22 Minnick was working on this, they had just got notice
23 of this hearing on April 20th, which was the day they
24 were leaving town, and--so I haven't even met with
25 them personally. I've had a few--a couple of

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1 con--phone conversations with them. Mrs. Riebenack
2 does have a written objection to this Vacation
3 request on file--

4 BLOOM: Don't we have that?

5 PETERS: I think so.

6 LOGAN: --as does the neighbor to the west of--excuse
7 me, the east of the property, Mrs. Sherry Giffin who
8 is present here this morning. And I would simply
9 like to reiterate the Riebenack's objection--

10 BLOOM: Okay.

11 LOGAN: --here this morning. I would say that that
12 objection extends only to the new improvement and not
13 to the Vacation of the easement as it relates to the
14 existing house. We're not asking that the Minnick's
15 remove, you know, the existing home--

16 BLOOM: Good.

17 LOGAN: --from--from the structure.

18 BLOOM: Good. Just don't add any more, you're
19 saying?

20 LOGAN: Yes. Drainage is a big issue out there.
21 And--and Mr. Jim Larson who is an official with the
22 Birkdale Association--Birkdale has their own
23 association as does Sycamore Hills. And it's my
24 understanding that both of those have jurisdiction of
25 these types of matters in terms of--of new building

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1 projects in Sycamore Hills. Mr. Larson was kind
2 enough to kind of show me the lay of the land the
3 other day. He lives in Lot 25 which would be
4 four--four lots to the east of the Minnicks. And he
5 presented me this morning with a drainage easement
6 agreement that was signed by a number of owners back
7 in 1991, which I think demonstrates the fact--and
8 I--if it would please the Commissioners, I would
9 present this to you and make this part of the record
10 at this time.

11 PETERS: Please.
12 BLOOM: Please.
13 LOGAN: For the purpose of showing that drainage has
14 been an issue out in this area for quite a while.
15 And going back to '91, the parties along Birkdale
16 Court--here's Birkdale Court. This is the north side
17 of Birkdale Court. This is the Minnicks' lot.
18 Actually the Riebenack's lot is not shown here.
19 It's--it's this side of the Minnicks. This is the
20 sixth hole of Sycamore Hills golf course right here.
21 And from the golf course down, it slopes away from
22 the homes down here. But at this point here, there
23 is a big slope down towards the homes, many of which
24 have finished basements and are very nice homes. So
25 the neighbors banded together back in the early '90s
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1 and put their own storm drainage system in here
2 which--which goes into the pond which abuts--which
3 abuts the Minnicks' house. And if you were to go out
4 there and look at the pond from this point, you would
5 see that the pond itself is very close to the
6 Minnicks' home--

7 PETERS: Uh-huh (affirmative).

8 LOGAN: --at this time. In addition--

9 BLOOM: Okay.

10 LOGAN: --this is the Giffins' house here. The
11 Giffins' house is located on the east--I'm getting my
12 directions mixed up--

13 BLOOM: East.

14 LOGAN: --easterly side of this lot. There is a
15 lot--and this is what Mr. Macke was referring to.
16 There is a big greenway through here. From the
17 south, these houses on the south of Birkdale Court
18 are all up higher. And the roadway that comes in
19 right here slopes--and I'm not sure where I am--but
20 in any event, there's a roadway that sort of deadends
21 at the Minnicks'. That slopes down. So what we're
22 dealing with here is at the Minnicks' house, we have
23 a low point.

24 BLOOM: It has to be there. Uh-huh (affirmative).

25 LOGAN: We have a low point where all of this water
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1 is curmning (phonetic) down the--down the way headed

2 towards this drainage pond which abuts the Minnicks'
3 house. My point here is that--

4 BLOOM: So there's that and it goes that way.

5 PETERS: Uh-huh (affirmative).

6 LOGAN: --drainage has been an issue and has been
7 addressed--

8 BLOOM: Thank you.

9 LOGAN: --by the neighbors and is a very sensitive
10 subject with the neighbors. Now Mr. Macke and Mr.
11 Sauer are very well respected engineers and they've
12 looked at this from an engineering standpoint, and we
13 haven't. We're willing to do that, to get an
14 independent engineer involved in--in the assessment
15 of this. But the fact of the matter is that the
16 neighbors' sensitivities are quite heightened about
17 this and their concern about what this new
18 improvement might do to drainage, in particular I
19 think, on Riebenacks' lot and on the--on the Giffins'
20 lot which are the two--

21 BLOOM: Uh-huh (affirmative). Adjoining.

22 LOGAN: --adjoining properties. It is my
23 understanding that nei--the--both Sycamore Hills
24 Association and the Birkdale Association have
25 Architectural Control committees. It is also my

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1 understanding that neither of those committees have
2 acted favorably on this request. Now I don't
3 honestly--I can't honestly tell you whether it's been
4 presented to them. I've heard kind of varying
5 reports about that. But it's my understanding that
6 the Architectural Control committees have not
7 approved this request.

8 The Petition indicates that the building
9 improvement is to be above ground. A concern would
10 be if the--if the land were vacated to permit this
11 above ground structure, what would prevent a below
12 ground--you know, a--a--as Mr. Macke said, a
13 foun--a full foundation structure from going up.

14 BLOOM: Two floors?

15 LOGAN: Two floors.

16 BLOOM: Uh-huh (affirmative).

17 LOGAN: The concern there would be that the natural
18 flow of the water would be diverted by this

19 structure, and--and thereby cause further drainage
20 issues especially on Riebenacks' property because
21 this improvement would--would effect their property
22 more. This is a general concern. This is a
23 neighborly concern, this is a common sense concern.
24 I think the engineers are saying, "Don't worry about
25 it. It won't be a problem." But we haven't had time
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1 to--the Riebenacks haven't had time, and I doubt the
2 Giffins have had time to--to have their own engineers
3 look at this. So we would respectfully request that
4 you deny this request for Vacation of the drainage
5 easement, or at least delay a decision on it until
6 it's im--impact on the neighbors can be determined
7 and independently verified by the neighbors.

8 PETERS: Mr. Logan, do you have any idea that might
9 take?

10 LOGAN: I know the Riebenacks are on their way back,
11 and I know this is a very important matter to them.
12 I think they would get on it. I would say 30 to 45
13 to 60 days, something in that nature.

14 PETERS: Help me understand, if you might, what the
15 construction of a second floor deck has to do with
16 drainage issues.

17 LOGAN: I don't think it probably has a lot to do
18 with them. Although having walked the property and
19 just giving it the layman's eye, you can see where
20 drainage is a big issue, and that any building at all
21 might--might be a concern for the neighbors. I would
22 think that, you know, simply above ground with
23 pilings without any other structures to divert water
24 probably wouldn't be a problem. But again, if this
25 prop--if this property is vacated, I don't know what
0021

1 would prevent the applicant from doing something with
2 that property below the deck in the future because at
3 that point in time, there would be no interest that
4 anyone else would have in that. It would be vacated.
5 It would be rid of the--

6 BLOOM: Right.

7 LOGAN: --restriction of--of the easement. So that
8 is a concern, that there might--well, maybe it's
9 above ground now. It might turn into a--

10 PETERS: Right.
11 LOGAN: --finished porch or something of that sort
12 down the road.
13 PETERS: Let me make sure I understand what I think
14 to be going on here. It's not really a question of
15 the present or even the immediate future in terms of
16 construction, in terms of building. It is a question
17 or a concern more of potential, later on into the
18 future. Is that--

19 LOGAN: I--

20 PETERS: --is that a right characterization?

21 LOGAN: --I believe that's correct. And--and
22 Commissioner Peters, I would also say that I think
23 there's some misunderstanding on the part of the
24 neighbors, including the Riebenacks, as to what kind
25 of structure is going up here. It was only when we

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1 had a chance to visit with Mr. Macke and Mr. Sauer
2 and Mr. Minnick for a few minutes before the hearing
3 started this morning, where it was made clear that
4 this is an above ground structure. And--and I think
5 they have no present intention, if I understood Mr.
6 Minnick correctly, to--to build anything below
7 ground. But coming in here this morning, that
8 wasn't--that--there was some question in my mind
9 about that.

10 PETERS: I understand.

11 BLOOM: Uh-huh (affirmative).

12 LOGAN: And--and also in the Rie--in the Riebenacks'
13 mind, they think it's a--a full--

14 BLOOM: Structure.

15 LOGAN: --structure.

16 BLOOM: Uh-huh (affirmative).

17 PETERS: Okay. Thank you.

18 BLOOM: Are you okay?

19 PETERS: Yeah, I had some questions of the other
20 guys.

21 BLOOM: Okay. Thank you.

22 LOGAN: Thank you.

23 PETERS: Thanks. Appreciate it.

24 BLOOM: Thank you very much. Is there anyone else
25 this morning to speak against the Vacation?

0023

1 LARSON: I'm Ji--

2 BLOOM: Good morning.

3 LARSON: Good morning.

4 PETERS: Good morning.

5 LARSON: I'm Jim Larson--James Larson, and--excuse
6 me. I own a house down the street, four or five
7 house down, Lot 26, and I'm--or my wife might own it,
8 but I think we're joint. And--but we know who really
9 runs the roost. But--

10 BLOOM: I'll bet we do.

11 LARSON: --I'm also on the Architectural Control
12 Committee and we have here Mrs. Giffin who is--owns
13 the lot to the east and has most of the drainage
14 easement going across her property, and Mrs. Harris
15 who is also on the Architectural Control Committee.
16 You asked a question--Nelson asked a question, "Well,
17 what is the plan?" Well, the plan that we found out
18 about or as we were told last summer was a room
19 adjacent--well, on the back on the northwest corner
20 of this, and we weren't told about the
21 architec--about the drainage easement and so forth.
22 We didn't discuss that. But my job as the President
23 of the Association and on the Architectural Control
24 is to find out what our people believe.

25 First of all, none of the four Architectural

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1 Control members are in favor of either an upstairs or
2 an upstairs/downstairs addition to the house because
3 Riebenacks house is built back away--must be built
4 back away from the cul-de-sac in front so it has a
5 beautiful view because it extends pretty far north.
6 So it has a good view to the east, and this would
7 block that. And so the Architectural Control
8 Committee has decided that this would not be
9 approved. So it probably will not be built.

10 Sycamore has two Architectural Control
11 committees. One for the whole area of maybe 300
12 houses, and the other for the 20 houses in our
13 section, II. So as far as I know and I've called
14 everybody--Ken Maxfield, myself, Sherry Giffin, and
15 Bette Harris, even if I didn't vote, three out of the
16 four would say no dice to any building--any further
17 building towards the pond. This would go all the way

18 from the house, all the way to the edge of the pond.
19 And certainly, there are situations where that would
20 block part of the flow.

21 The second item that I must disagree with from
22 the engineer--and I'm not in his field, but I'm an
23 en--well, at least I have the engineer training,
24 there's far more acreage than eight acres for this
25 drain. The drain behind our houses empty--crosses
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1 this little--this easement. And that is coming from
2 the east. From the north, there is water draining
3 into this lake which can raise the level and so
4 forth. But at any rate, there's water from the
5 north, there is water from Riebenacks' property and
6 Kenny Maxfield's property that comes down into there.
7 And of course, there is--there are the houses on the
8 south--I'm sorry--the north side of Birkdale Court,
9 all the way from Bette Harris' house down to Ken
10 Maxfield's house. There are two cul-de-sacs.

11 Now that's not all. I talked to Ed Rice, Tom
12 O'Reilly, the two ladies--lady realtors who live next
13 to them. Out of the eight people--and that's my job.
14 I'm supposed to do that--none of them approved of
15 this. And these people have different reasons, but
16 they all are very cognizant of what the law is, and
17 so forth, because of course, Kenny Maxfield was an
18 attorney and I was an attorney, and so forth. There
19 is drainage actually from the south side of Birkdale
20 Court all the way up a hill to the south, almost to
21 the main roadway that you turn a half a block to get
22 down to our roadway. So there's far more than eight
23 acres. And I think now that we've shown that there's
24 water coming from my drainspouts down five
25 lots--well, Bill Heffner has an extra lot there, so
0026

1 there's six lots. I'm here mainly--I--I'm not
2 against a new neighbor and I want to be a little
3 careful not to offend anybody. But as the head of
4 the Architectural Control Committee, I don't think
5 anybody's going to be able to change the four
6 members--or three of the four members--ideas of
7 adding additionally a large area to block the view
8 for the Riebenacks. That's just not going to happen.

9 And the big Architectural Control Committee for
10 Birkdale, I'm told, will not approve that either.
11 And there's no telling how much--there's so much
12 water coming from the north, the south, the east, and
13 the west that Sherry Giffin has had to stop part of
14 the watering--underground watering along the street.

15 PETERS: Uh-huh (affirmative).

16 BLOOM: Uh-huh (affirmative). I read that. Checked
17 her drainspouts. Checked everything.

18 LARSON: We're--we're in a typi--typical bad
19 situation because if the water backs up, it will be
20 right in front of Giffin's house. And that's where
21 the street comes in for a half a block. Everybody
22 has to get to the cul-de-sac either left or right.
23 Well, we're going to have to be going through a pond,
24 and that creates a mess. And not just that, but when
25 you have a situation like that, as has already

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1 happened with this one house, the value of the house
2 goes way down. We didn't have any testimony as to
3 what was paid for that house because of the water
4 situation. But it--it's amazing how little--well, I
5 think it's already hurt the house values there, and
6 this would hurt the house values for the 20 lots on
7 Birkdale Court which is why I'm here today. I've
8 been told by all the people, everybody that I've
9 talked to and--and that includes Ed Rice, that
10 includes Ken Maxfield, that includes Tom O'Reilly.
11 These are business people who know what they're
12 doing--that there's no reason to abandon anymore.
13 And he is correct--the owner is correct in that the
14 builder already has taken part of the easement
15 illegally by putting a house on it. Nobody's going
16 to say cut that house off. Although under that big
17 Architectural Control Committee, I guess a lawsuit
18 could be--I'm sure a lawsuit could be filed and it
19 could be a problem. But we don't want to go to the
20 expense or put our people through the expense of
21 defending that if they've already approved that.

22 So I think it would be a real good idea that
23 the people are able to get their own engineer
24 and--and again, now as a person who owns a house, I
25 wouldn't want any--any part of that easement taken

0028

1 because the part--our easement has to go across that.
2 And if there's ever any problem with a pipe, if you
3 start taking away easements, then you're not going to
4 have an easement to get heavy equipment in there to
5 make repairs. And that whole situation is, 10 years
6 from now, fully capable of causing a problem to the
7 whole area, not just to the houses on each side. And
8 also that cut backs on the value, if it's just
9 possible. And it certainly is possible in my
10 opinion.

11 BLOOM: Thank you very much.

12 LARSON: And I think the two ladies should be asked
13 if they approve because--if they approve of what I
14 said because they are on the Committee, and of
15 course, we have to have a vote of three out of four--

16 BLOOM: Right.

17 LARSON: --as far as new construction. Even if you
18 want to put trub--shrubs in on any house, you have to
19 get permission of the Archi--Architectural Control.
20 And before we built our house--my wife bought the
21 lot. I was up fishing up in Canada. I didn't know
22 anything about that, of course. But before she had a
23 house built, she had to get approval and it was
24 turned down three times. So the Control Committee
25 has to protect the rights of everybody up and down

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1 the street.

2 PETERS: Mr. Logan, excuse me, can I--can I ask you
3 real quick?

4 BLOOM: No, this--

5 LARSON: Yes.

6 BLOOM: --this one is Larson.

7 PETERS: Mr. Larson, I'm sorry. I had that written
8 down and my eyes went to the other.

9 LARSON: Well, Mr. Levin is an attorney--was an
10 attorney too.

11 PETERS: Mr. Larson, I'm sorry, can you help me
12 understand, again, from your perspective, the--the
13 issue is what? I mean, I'm--I'm hearing--I'm hearing
14 "drainage, drainage," but it seems to me that that
15 decision now, unless I'm wrong, is a decision that
16 was made in 1991. And the only way to reverse that

17 right now is knock the house down and go back and
18 say, "Gee, we're not going to vacate the drainage."
19 I don't think anybody thinks in their wildest dreams
20 that that's going to happen.

21 LARSON: We don't want it to happen.

22 PETERS: Okay. So it seems to me then, drainage
23 ceases to be a current issue. Am I right or am I
24 wrong?

25 LARSON: It's true. Right now, the--

0030

1 PETERS: Okay.

2 LARSON: --drainage is right on the edge of giving us
3 a problem.

4 PETERS: Okay.

5 LARSON: But it gives us no problem if you just leave
6 the drainage the way it is.

7 PETERS: Okay. And I guess--I'm not sure, but I
8 don't think I'm hearing anything that's going to
9 effect that drainage situation, or am I missing
10 something?

11 LARSON: Nothing will effect it unless you people
12 decide that you're going to make the drainage area
13 smaller.

14 PETERS: Okay.

15 LARSON: Any smaller and you can have problems
16 because that's a complex situation where you've got
17 water coming from four directions.

18 PETERS: Right, okay.

19 BLOOM: Uh-huh (affirmative).

20 LARSON: Bill Heffner and I and a couple of the
21 others solved a small part of that problem by, at our
22 own expense, putting in a sewer line starting at my
23 house and going--

24 PETERS: Going down, right.

25 LARSON: --behind everyone, and that way the water

0031

1 doesn't go across the cart path--

2 BLOOM: Right.

3 LARSON: --the golf course--

4 BLOOM: To the gold course.

5 LARSON: --and they didn't want us allowing water
6 from our gutters to go--

7 PETERS: Gotcha. Okay.

8 BLOOM: Well, no.

9 LARSON: --across there. See? So right now,
10 everything is okay and it surprised us a little that,
11 when we found out after--after last summer that the
12 Sullivan had put that house--it's a spec house. It
13 was his--

14 BLOOM: Okay.

15 LARSON: --spec house. That he would put it on the
16 drainage--

17 PETERS: Right.

18 BLOOM: Easement.

19 LARSON: --easement. It's a little crazy. But there
20 are people who have had problems that make even less
21 sense out there.

22 PETERS: I'm sure.

23 LARSON: But everybody has had water and--and
24 flooding, I think. This house that you're going to
25 put additional area on--

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1 BLOOM: It's what? It's had water?

2 LARSON: I believe on--in one corner. Now I'm not
3 sure. I asked the owner. I believe he said that
4 they had a problem on--this would be on--over the
5 drainage of all things--on the northeast corner. And
6 yes, Sherry Giffin has had water problems. She's had
7 professionals out there and so forth. And the house
8 next to Sherry had water problems and they did a lot
9 of work. I am the only one of the five there that
10 hasn't had water problems in our lower level, but I'm
11 at the top of the hill.

12 PETERS: Uh-huh (affirmative).

13 BLOOM: Uh-huh (affirmative).

14 PETERS: I appreciate that. I'm really trying to get
15 a grasp of what the issue is here.

16 LARSON: Right.

17 PETERS: And help me out just a little bit more. Not
18 withstanding any potential drainage issues,
19 aesthetics is--is what I'm hearing. Perhaps the
20 view--

21 BLOOM: Yes.

22 PETERS: --of--of--

23 BLOOM: Riebenacks.

24 LARSON: Riebenacks.

25 BLOOM: Riebenacks.

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1 PETERS: --Riebenacks--

2 BLOOM: Yeah.

3 PETERS: --would be blocked by the construction of--
4 of a deck.

5 LARSON: Right.

6 PETERS: Is that the issue?

7 LARSON: That's part of the issue, because they're
8 assuming--they're assuming that that's going to be
9 approved. And it definitely won't be approved by the
10 big Architectural Con--Control Committee--

11 PETERS: I understand.

12 LARSON: --or the Architectural Control which is
13 recorded, you know. He did--apparently, nobody
14 looked at the--the record or the title policy, but
15 our--it's our Architectural Como--Control Committee
16 was set up and it's recorded. And the Architectural
17 Control Committee for the whole area was set up and
18 they put in the drainage situation. The drains--a
19 lot of water goes into the--the streets in front of
20 the Giffins' house and in front of the rest of our
21 houses, and collects there. And the drainage now
22 works pretty well.

23 PETERS: Uh-huh (affirmative).

24 LARSON: Not perfectly. And you never know what
25 causes water to get into basements.

0034

1 PETERS: But see, this is where I'm having trouble.

2 BLOOM: Yeah, I am too.

3 PETERS: I'm not hearing anything at this point--

4 BLOOM: Yeah, I am too.

5 PETERS: --that's been purported to effect the
6 drainage. Well, I mean, I hear the drainage issue,
7 but--

8 LARSON: Right.

9 PETERS: --I'm not hearing Mr. Minnick say that he is
10 going to do anything that would potentially effect
11 the drainage. Now I know if--if--

12 BLOOM: Uh-huh (affirmative).

13 PETERS: --if we do potentially what's being asked,
14 then yeah, he could come back on down the--on down
15 the road and say, "Okay, I'm going to do this, this,

16 and this"--

17 LARSON: Yes.

18 PETERS: --which could have an impact on the drain.

19 LARSON: That's--that's right.

20 PETERS: And not--not to push thing off, but aren't
21 there some contingencies that could be created,
22 either through the Architectural Control Committee in
23 Sycamore or some other means, to preclude that from
24 happening.

25 LARSON: Well, yes, except that in the past, we had a
0035

1 person who built a house three and half stories and
2 you're not allowed to go more than two.

3 PETERS: Right.

4 LARSON: And--well, right across the pond from us.

5 BLOOM: Yeah, I know the house.

6 LARSON: And it's been a perpetual pain. And it's
7 difficult to get people to finance the litigation
8 that would stop that.

9 PETERS: I understand what you're saying.

10 LARSON: And that's what you would be up against
11 here.

12 PETERS: Right, I follow. I gotcha.

13 LARSON: And does anybody there want to challenge
14 this in court? I--I guess at least one or two do,
15 but again, nobody wants to start a problem.

16 BLOOM: Right.

17 LARSON: But when you buy a house and--and you have
18 to live by the rules--

19 PETERS: Right.

20 LARSON: --and what the house is. And you--if the
21 one thing you can't do is you can't build that house
22 any further into the drainage area and not risk a
23 situation that's okay now, but it--it's--it's--it's
24 not 100% okay.

25 PETERS: I follow what you're saying.

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1 BLOOM: But that really isn't what the professionals
2 have said so far.

3 LARSON: The professionals so far are saying eight
4 acres of water, and that's crazy.

5 BLOOM: Pardon?

6 LARSON: That's wacky.

7 BLOOM: Pardon?

8 LARSON: That's--that doesn't make sense. There's a
9 whale of a lot more area than eight acres draining
10 into that drain or into the street that then goes
11 into the drain. Again--

12 BLOOM: Another thing is, if we were to approve or
13 not approve the Vacation, it sounds like he is going
14 to build a porch. And if this Architectural
15 Committee says--

16 LARSON: No.

17 BLOOM: --"It's not in your best interests. We don't
18 want you to do that," what prevents him of doing this
19 if there's no drainage problem?

20 LARSON: The Architectural Committee can bring a
21 lawsuit, if they've got the money and so forth--

22 BLOOM: Okay.

23 LARSON: --and stop him.

24 BLOOM: Okay.

25 LARSON: And also--

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1 BLOOM: That's what you said earlier.

2 LARSON: --the main Architectural Committee would
3 have the same rights, out of the 300. There's a lot
4 more people. But why--why would you--it's just--it's
5 just wrong to have an addition to that house over the
6 drainage area or blocking the drainage area. If you
7 take that same addition and then you've got a first
8 step, put a platform there and a roof over it--

9 BLOOM: Right.

10 LARSON: --then it's very easy just to drop it
11 straight down, then you do block the flow from--

12 PETERS: Right, I understand that.

13 LARSON: --the west.

14 BLOOM: Well, maybe. We'd still need--

15 LARSON: And then it's got to find--

16 BLOOM: --professionals to tell us that.

17 LARSON: Yeah.

18 BLOOM: Yeah.

19 PETERS: Mr. Larson, one more question and that's
20 from the aesthetics standpoint. It looks like, what
21 I've heard, was that the possibility of this deck was
22 going to be built on the northwest corner--

23 LARSON: Right.

24 PETERS: --of Mr. Minnick's home?

25 LARSON: Right.

0038

1 PETERS: Now as I'm looking at the 30,000 foot shot,

2 it appears that the Riebenacks actually live--that

3 their home is situated north of--

4 BLOOM: Uh-huh (affirmative).

5 PETERS: --his.

6 LARSON: No, west, but it extends--

7 PETERS: West and north.

8 BLOOM: West and north.

9 LARSON: --much farther north than--

10 PETERS: Right.

11 LARSON: --the Minnicks--

12 BLOOM: Right.

13 LARSON: --present residence--

14 PETERS: Right.

15 LARSON: --right.

16 BLOOM: Right.

17 PETERS: And so I guess my question is, from an

18 aesthetics standpoint, if he came out on that

19 northwest side, it looks to me that they are still

20 far enough north that they'd actually have to be

21 looking backwards to see his deck.

22 LARSON: No, no.

23 BLOOM: Because they're farther north.

24 LARSON: Who--no, no.

25 BLOOM: Riebenack's property on the--

0039

1 LARSON: Riebenack is farther north.

2 BLOOM: That's what I mean.

3 LARSON: So he could--right--right now he looks

4 straight east. And because--and if--if Minnicks add

5 20 feet, it will be--they'll be looking into the side

6 of their house for 20 feet instead of down at the

7 willow tree.

8 BLOOM: How do you figure? You know what, I live on

9 a pond and I've been there almost three years. And

10 you know how you always go, "I moved here and I had

11 deer and birds and all of this." And we hear it

12 everyday. But unless we own all of that property

13 around us, sometimes we can't do anything about it.

14 Across the pond from me, and I've been there almost

15 three years, there are two new homes going up. And I
16 thought to myself, "Oh my god, you hypocrite" because
17 I thought, "Oh cripes, oh dear. I've had all of that
18 view over there. I've had all of that gorgeous
19 vegetation over there, and now it's gone, I've got
20 two new houses going up."

21 LARSON: Sure, but you new that--

22 BLOOM: I didn't own it.

23 LARSON: No, but you owned it and you had the right,
24 if you owned the whole lake--

25 BLOOM: Exactly.

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1 LARSON: --you'd have the right to keep those off,
2 but you didn't.

3 BLOOM: I--I know that, but you don't--

4 LARSON: You have--you took your--you took your house
5 the way it was.

6 BLOOM: I--I did.

7 LARSON: Well, this house--

8 BLOOM: I know. That's what I'm saying.

9 LARSON: --this house has restrictions and they're in
10 writing. And every business man has those exams so
11 they know what they are. And there's an easement
12 that is practically impossible to change.

13 BLOOM: But it's 14 years old, Jim.

14 LARSON: Yeah, and so--

15 BLOOM: That easement has been built on for 14 years.

16 LARSON: That is not what we're talking about. We're
17 talking about the vac--that part of the easement that
18 isn't under that house right now.

19 BLOOM: Yeah.

20 LARSON: It's--it's reducing the easement and the
21 area that can soak up water--rain water that comes
22 down and so forth.

23 BLOOM: I know.

24 LARSON: So again, as long as you buy something, you
25 have to follow the rules. And the rules here were

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1 you don't build on an ease--build any more on an
2 easement. And that's what--

3 BLOOM: Unless we vacate it.

4 LARSON: --everybody who tells me--yeah.

5 BLOOM: I know.

6 LARSON: Everybody there says, "Hey, it's going to
7 hurt us one--all these different ways, and it's
8 possible to do this, that, and the other thing."

9 Those rules were there, and we're just suggesting
10 that it--it's going to be enforced. But why would
11 you want money spent in a lawsuit--

12 BLOOM: I know.

13 LARSON: --and engineers--

14 BLOOM: I know.

15 LARSON: --and so forth.

16 PETERS: So I think I hear you saying then, why
17 perpetuate a situation that really shouldn't have
18 been to begin with.

19 BLOOM: Fourteen [14] years ago.

20 PETERS: Is--is that right?

21 LARSON: No, you had to have--you absolutely had to
22 have an easement with all of this water.

23 PETERS: Right.

24 LARSON: And the easement is there. You can't reduce
25 the size without affecting that. You cannot reduce

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1 it, if for no other reason, to bring machinery in
2 there and so forth.

3 PETERS: Right.

4 BLOOM: Yeah.

5 PETERS: Okay, well thank you.

6 BLOOM: Thank you. Is there anyone else in the
7 audience today to speak against--good morning.

8 GIFFIN: Good morning. I'm Sherry Giffin. I live
9 directly east of the Minnicks.

10 BLOOM: Okay.

11 GIFFIN: I've resided there since 1996. Since that
12 time, my home has experienced numerous water problems
13 in the yard. I, to this day, do not know what the
14 Minnicks propose to do. They have not discussed it
15 with me. I have not seen--

16 BLOOM: Any plans, anything.

17 GIFFIN: My original understanding was--this was last
18 year--they were going to add on a foundation with a
19 screened in porch above it. And further east of that
20 addition, they already had a screened in porch off of
21 their master suite which they have enclosed with
22 windows, which is fine. But if you vacate this

23 easement, what is to prevent them from coming out
24 from the basement and putting a foundation under that
25 screened in porch which would have a dramatic impact
0043

1 on the drainage.

2 The golf course--when we have heavy rains, the
3 golf course is completely flooded. The pond floods
4 over. And if I use a camcorder, I could video it
5 running right down over my property down through this
6 easement.

7 BLOOM: I've seen it. I've been out there a lot
8 times.

9 GIFFIN: Okay. And--

10 BLOOM: And it does.

11 GIFFIN: --it does. And--because usually the
12 rainfalls are so sudden and it doesn't absorb it. I
13 mean, it's gone within maybe a couple of hours, but
14 that doesn't really matter when it's already run
15 down. And in fact, a lot of times it takes my mulch
16 and everything else with it.

17 BLOOM: Of course.

18 GIFFIN: So I guess another issue I have is--since I
19 don't know what they're building--we've already had a
20 little confrontation where, after the property was
21 purchased, survey stakes in place, I came home and
22 found Mr. Minnick's landscaping people cutting my
23 tree--trimming my tree to improve his view of the
24 golf course. Now since then, because they knew they
25 would be--and I--I think also with my--my--for being
0044

1 the most upset about that was not only was it a nice
2 tree, my husband and I both like to use our deck and
3 that tree was privacy between our two homes. And
4 what he took off of that tree, we no longer have that
5 privacy. Now because he probably knew there would be
6 a lawsuit, they agreed to plant another tree in our
7 yard. However the tree is not in the same position,
8 will not prevent the same--or--or will not give us
9 the same privacy we had before. So I guess based on
10 what--he said he didn't know it wasn't his tree, but
11 I have pictures. When you look from the front stake
12 to the back stake, you can clearly see whose property
13 the tree was on. So I have a problem with believing

14 what he says, for one thing. And I'm not saying he's
15 not a good person, but I mean, any person could have
16 looked and seen that that was my tree, okay.

17 PETERS: So it was a tree that wasn't near the deck,
18 but it was near the yard--

19 GIFFIN: It was in my yard.

20 PETERS: --division?

21 GIFFIN: Oh, yes. Yes. I have pictures if you care.

22 I don't know if you care to see those. But anyway,

23 the tree is not the real issue right now. But if he
24 would extend this property, also that would effect
25 our privacy as well because now we have people

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1 further out permanently, daily, where on our deck we
2 would not have the privacy that we have today. Now
3 that's not the issue before you today.

4 BLOOM: What is this?

5 PETERS: That's from here to here.

6 GIFFIN: Does that sound right?

7 LARSON: Yes, that's right.

8 BLOOM: From the northwest corner over to their house
9 on the east? You have a really big lot.

10 GIFFIN: Pardon me?

11 BLOOM: I mean, you're lot is huge.

12 GIFFIN: Yes, and I pay taxes on the drainage which
13 we're talking about.

14 BLOOM: Absolutely.

15 GIFFIN: I pay the taxes.

16 BLOOM: Of course, you do.

17 GIFFIN: And I just got my bill. So the drainage has
18 been a problem. It still is a problem. I--I've done
19 whatever I could with capping my sprinkler system,
20 having Pfister come out and put in a drain which is
21 probably 100 or so feet. And I have a thing in my
22 backyard. I don't have a huge thing because
23 aesthetically it would look terrible. And Pfister
24 assured me this would help. It has helped, but has
25 not solved the problem. And I guess, the next

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1 problem I have is even if the easement is properly
2 graded, I don't know--or was ever properly graded. I
3 did have a surveyor from your office, the Planning
4 office, out two years ago and--when all of this was

5 going on, and he said my lot was not properly graded
6 either. But what am I to do, you know, hire for
7 several thousands of dollars, have someone come and
8 hopefully that solves the problem.

9 BLOOM: Well, the elevation of it they're saying
10 wasn't right then, yeah.

11 GIFFIN: But much can you take off to the pond? The
12 pond is at my level now--my yard level, basically.
13 So I don't know. I mean, he didn't say that would
14 solve the problem. He just said that that wasn't
15 properly graded. So--that again--that was Joe
16 Sullivan again--

17 BLOOM: Okay.

18 GIFFIN: --which I have had many issues with--whom I
19 have had many issues with.

20 LARSON: Are you a member of the Architectural
21 Committee?

22 GIFFIN: Yes, I am a member of the Architectural
23 Control Committee. I am also Treasurer of the
24 Birkdale Association. We do have good covenants and
25 by-laws in place. We don't discriminate against

0047

1 anybody's wishes. We, you know, totally take
2 everything into consideration when we do, you know--

3 BLOOM: Of course.

4 GIFFIN: --have something presented. So--do you have
5 questions for me?

6 BLOOM: I don't think so.

7 PETERS: I think Mr. Larson--

8 BLOOM: Are you okay?

9 PETERS: --just helped us to answer them.

10 BLOOM: Yeah.

11 GIFFIN: Okay.

12 PETERS: Thank you.

13 BLOOM: Thank you.

14 GIFFIN: Well, I was going to say, the other thing I
15 also have is when it is extremely heavy rainfall--and
16 we've had several of those in the past few years--I
17 do have--and I put in my letter--I do have water
18 actually up to my patio door. So that has to go
19 somewhere. And if--if the flow of that is affected,
20 then I'll definitely have water in my house which
21 also reduces the value of my home.

22 BLOOM: Oh, yeah.

23 GIFFIN: So far, I know the two neighbors on either
24 side have had water problems.

25 BLOOM: In their homes?

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1 GIFFIN: In their homes. Don't know why. I do know
2 Mr. Wilkinson who is now owned by the Warshauers,
3 they had water come in their basement. I heard from
4 the previous owners of Minnick's home, the Conrads,
5 that they had water problems. But I don't know if
6 they--if you knew about that when you bought the
7 house. So--

8 PETERS: Now you're--you're directly east of Mr.
9 Minnick, right?

10 BLOOM: Yeah, but--

11 GIFFIN: Yes, sir.

12 BLOOM: --this--yeah.

13 PETERS: That's what I thought.

14 BLOOM: Yeah.

15 PETERS: Okay.

16 BLOOM: Thank you very very much.

17 GIFFIN: You're welcome.

18 BLOOM: Is there anyone else to speak against the
19 Vacation? Anyone else? Good morning.

20 HARRIS: Good morning.

21 PETERS: Good morning.

22 HARRIS: I'm Bette Harris. And I live at 10804

23 Birkdale Court and that is two houses east of where
24 Jim Larson lives.

25 BLOOM: Uh-huh (affirmative).

0049

1 HARRIS: I--I really can't add anything to the
2 discussion that hasn't been covered. I just wanted
3 to tell you that I'm on the--I'm a member of the
4 Architectural Control Committee for Birkdale
5 Association.

6 BLOOM: Thank you. Is there anyone else to speak
7 against the Vacation this morning? Anyone else to
8 speak against the Vacation? Hearing none, I'd like a
9 motion to close the public hearing.

10 PETERS: So moved.

11 BLOOM: Second. All in favor, signify it by saying,
12 "Aye."

13 PETERS: Aye.

14 BLOOM: Aye. I can at this time take some--well, I
15 should have had other professional experience
16 probably before we closed it. I--I think what I need
17 to say is we have the Surveyor, we have the Highway
18 Department, we've had professional engineers. They
19 all signed off on this saying--now what was done 14
20 years ago with--you know, without documentation, I'm
21 not saying that was right, but that was 14 years ago.
22 Obviously, if it's not recorded, no one did know this
23 until they wanted to expand their own addition. But
24 if the professional people that we rely on are saying
25 that it's not going to cause a problem to do this--to
0050

1 expand this--I think one thing I'm hearing from
2 especially Mrs. Giffin, is that there has been no
3 communication whatsoever. I would think if I were on
4 an Architectural Committee for a subdivision, I
5 certainly would want to see the plans. I would not
6 just want to be told, "I'm building a porch back
7 here." If you're the Architectural Committee, you, I
8 would think, would want to see the drawings, some
9 kind of plans on this. But as far as Commissioner
10 Peters and myself, and if Commissioner Irving were
11 here, she would say the same thing, when we have
12 professional opinions--and like I said, it wasn't
13 right 14 years ago maybe to do what was done,
14 especially not recorded--but if it's not going to
15 cause any harm--I'm out there quite a lot. I have--I
16 see back here Mike Fitch and Jeff Sorg from the
17 Highway Department. Al Frisinger is here. He's our
18 County Surveyor. Have you all talked to any of these
19 people? I've been out there personally several times
20 with the flooding from the golf course and that
21 little pedestrian bridge out there, and yeah, you
22 have terrible flooding problems out there with your
23 drainage. But I'm not sure it's all because of this
24 particular drain. Al, do you want to say anything?
25 Am I saying--or somebody? This is just for--
0051

1 FRISINGER: Sure. I understand.

2 BLOOM: --Nelson and I.

3 FRISINGER: Yeah.

4 BLOOM: Or maybe them too.

5 FRISINGER: Al Frisinger, Allen County Surveyor. I

6 think you've nailed--nailed it down pretty well. The

7 issue of flow across these lots is fairly well

8 defined by the submittals that were made originally

9 when the subdivision was proposed. There is about

10 seven acres that comes across that drains through

11 these, surface drainage easement. The original

12 engineer submitted a water shed map and design to

13 illustrate that that flow did characteristically go

14 to that basin. The--the issue of--of blocking the

15 flow in that area is so minimal. I can't imagine

16 that it would have any effect. And I think Mr.

17 Larson stated very well. The issue if more of a site

18 easement than it is--

19 BLOOM: Uh-huh (affirmative).

20 FRISINGER: --anything relative to drainage.

21 BLOOM: Right.

22 FRISINGER: The--the issues that I see are, from a

23 drainage standpoint, just are probably site grading

24 issues. I'm sorry, I can't remember what her name

25 is, but she brought up the issue of water on her lot

0052

1 and--

2 BLOOM: Mrs. Giffin.

3 FRISINGER: --Mrs. Giffin. There's clearly a large

4 amount of fall across her lot. I mean there's six

5 feet of fall from one side to the other, so it's

6 probably--

7 BLOOM: On her property?

8 FRISINGER: On her property alone. So there's more

9 fall on that one lot than there probably is on any

10 one individual lot in Allen County. It's just we're

11 in a low, flat environment. So it's probably a site

12 grading issue that wasn't addressed during the

13 development side of the lot. So effectively, you

14 know, if there's water that stands there, it's

15 probably as, whoever told her, a grading issue on

16 site.

17 BLOOM: Well, I see it on here and--

18 FRISINGER: Right.

19 BLOOM: --it looks like it's six feet.

20 FRISINGER: Right. So you're--

21 BLOOM: Yeah.

22 FRISINGER: --you really have a lot of fall. The
23 issue of drainage, it's just not there. I mean, it's
24 not--the addition of this structure won't add any
25 amount of additional runoff or blockage of flow that
0053

1 would raise the elevation of that--that pool. If you
2 look at the--I think the iMap drawing you have--

3 BLOOM: Yeah, we've got the topography.

4 FRISINGER: --you'll see what a large body of water
5 it is.

6 BLOOM: Yeah.

7 FRISINGER: You would really have to have a major
8 obstruction to do anything. The issue of water in
9 other structures, whether they--whether they've
10 experienced that at their lower levels, their
11 basement levels or not, could be relative to--and I
12 say could be--relative to a lack of gradient control
13 on their flood protection grades. If they did not
14 set the correct elevation on the basement level,
15 at--I think it's 836. I don't have that particular
16 document with me. But I think the plat illustrates
17 that the flood protection grades are set at 836,
18 which means that if they're below that--

19 BLOOM: Uh-huh (affirmative).

20 FRISINGER: --they could be subject to inundation by
21 water from the pond area because the pond overflow is
22 set at 834, so it would--you know, we always give a
23 two foot free board. But if they drop down as we've
24 had in the past, I think you're familiar with a few
25 sites where people have gotten water in their

0054

1 basements because--

2 BLOOM: Absolutely.

3 FRISINGER: --either the walkout area or the daylight
4 basement level--

5 BLOOM: Is below.

6 FRISINGER: --was below the flood protection grade.
7 When that happens--and we don't have gradient control
8 set aside in the approval of our--our approval
9 location permits, so--it's one of the things we're
10 looking at--but when that happens, you're subject to
11 inundation from, what we call, floodwaters. I mean,

12 if that basin storage level rises to that--equal that
13 level, it's going to back water into--into those
14 structures. So that being said, I don't see this as
15 much of a drainage issue today that would obstruct
16 flow.

17 BLOOM: Right.

18 FRISINGER: It's going--should have enough to
19 transmit the flow to the water body and still
20 leave--if there was going to be maintenance on
21 anything, it would be the discharge pipe at the upper
22 end of this structure and pond maintenance by the
23 Association, I think Mr. Larson was indicating, to
24 get heavy equipment in to do work. You know it
25 appears as though there would be room to do, you
0055

1 know, bank work because that's really what you'd be
2 looking at on the--on the basin. The pipe
3 discharges--there is an easement that crosses the
4 adjacent lot to the east and allows that area to have
5 access for maintenance. So that being said, I'll
6 answer any other questions or anything. I--that's
7 what our look was with regard to signing off on the
8 Vacation.

9 PETERS: Uh-huh (affirmative). I've really got--my
10 only other question in this entire process is really
11 for Mr. Minnick. If I could get him to respond--

12 BLOOM: Thank you.

13 FRISINGER: You're welcome.

14 BLOOM: Thank you very much.

15 PETERS: And that is, Mr. Minnick, suppose--suppose
16 this were--

17 BLOOM: Please.

18 PETERS: --this were tabled or put off for the 30 to
19 45 days, or 60 days, that Mr. Logan suggested, what
20 does that do to you?

21 MINNICK: We had hoped to begin this screen porch
22 last summer, and--and we've delayed it now to this
23 point. We'd like to start it and have it this year
24 yet, but I want my neighbors to feel comfortable.

25 PETERS: Right.

0056

1 MINNICK: I'm--I'm the--I'm the one with the most
2 risk from the water issue.

3 PETERS: Right.

4 MINNICK: And--where my house is.

5 BLOOM: But you've shown them no drawings, no--

6 MINNICK: Sure. Oh, yes. Ab--

7 BLOOM: Oh, you have?

8 MINNICK: --that was some misinformation. Mr.

9 Riebenack, I wish he was here, because he's had--he

10 has a drawing with the pilings, the entire thing.

11 The Architectural Control Committee--

12 BLOOM: Yeah, and--

13 MINNICK: --I submitted complete plans including the

14 porch last July. The Architectural Control Committee

15 of Birkdale Association has already signed off and

16 approved those plans effective July 29th last summer.

17 They just maybe don't remember. Also--

18 BLOOM: Your group?

19 MINNICK: --the Sycamore--

20 LARSON: Excuse me.

21 BLOOM: You're--

22 MINNICK: All--actually, all three of them are here

23 that signed it.

24 LARSON: I will have to say that there was nothing

25 divulged that there was easement problems there.

0057

1 BLOOM: Well, of course there wouldn't be--

2 MINNICK: No, no, no.

3 BLOOM: --because no one knew it.

4 MINNICK: Didn't know. Yeah.

5 LARSON: And I didn't know it.

6 MINNICK: Right. But it--

7 LARSON: But certainly, it's a huge change when you

8 try to reduce that size. So we certainly rescinded

9 that and he knows that.

10 PETERS: Well, let me--let me just suggest this. And

11 here's--here's what I'd like to do. I mean, I

12 thought this was a done deal and then yesterday

13 afternoon for the first time I see letters of

14 remonstrance--

15 BLOOM: I know.

16 PETERS: --on my desk.

17 BLOOM: I know.

18 PETERS: And it's like, "Okay, this isn't a done

19 deal." So a lot of what I'm hearing today, I'm

20 hearing for the first time.

21 BLOOM: Me too.

22 PETERS: I understand you're frustration in wanting
23 to move ahead, but also it appears that these folks
24 are--are willing to get an independent engineer to
25 look at this thing too. Now I think we need to--to
0058

1 create a distinction between what I believe the
2 issues are, and I think we do have--we do have some
3 drainage issues. But I'm not hearing that--that Mr.
4 Minnick wants to play on those drainage issues, so
5 we've also got some aesthetic issues over here. And
6 I think--I think somehow, we need to resolve that
7 because as I--as I hear Mr. Frisinger, the County
8 Surveyor, you know, his contention is that the
9 drainage issues aren't--aren't really part and parcel
10 to the decision that--that needs to be made.

11 BLOOM: Right.

12 PETERS: But on the other hand, I don't want to
13 exacerbate a situation necessarily that says, "Okay,
14 we're going to perpetuate a wrong that occurred in
15 1991, you know. So I--I'm not really prepared. I
16 mean, despite the fact that--that some news
17 publications in the community think we ought to act
18 without due diligence, I need more information before
19 I can make a decision. Consequently at this point, I
20 guess I would move that we table this at least until
21 the next--the next opportunity we have to act on it.

22 BLOOM: I'll second that motion with my comment being
23 that we have heard testimony from two engineers--not
24 going back 14 years--but that this porch, addition
25 onto the home of some kind, is not going to hurt the
0059

1 drainage. They've signed it not knowing and you
2 didn't know about the drainage issue as it was
3 then--and the easements. But it seems to me that
4 with the professional opinion that we've had--and we
5 also could have the Highway Department report that
6 this isn't going to hurt the drainage because they
7 had already signed off too--that if Mr. Minnick would
8 come up with some cosmetically pleasing--I mean, I'm
9 sure, him being the new neighbor, he doesn't want to
10 live out there with the rest of you not speaking to

11 him. If you knew that the drainage was not the
12 issue--and cosmetics, view, whatever--and Mr. Minnick
13 could accommodate, would there then be an issue to
14 this?

15 LARSON: Probably so. That would be--

16 BLOOM: Still so?

17 LARSON: --that would be up to Denny Logan. He
18 represents--

19 BLOOM: The Riebenacks.

20 LARSON: --the Riebenacks.

21 BLOOM: I understand.

22 LARSON: But--

23 BLOOM: But we've already had two professionals that
24 I deal with all the time. And like I said, we could
25 have some other ones that are saying this isn't--

0060

1 LARSON: It would certainly help to have a third
2 person in there, a professional, no question about
3 that. That would be a good idea.

4 PETERS: Right.

5 BLOOM: Well, I mean, I can do that right now.

6 LARSON: Fine.

7 BLOOM: All right. Mr. Minnick, would you please go
8 back to your seat?

9 LARSON: I would like to have--I must put on record
10 that the Architectural Control Committee, when we
11 found out about that rescinded our suggestion that it
12 was okay with it.

13 BLOOM: That it was an okay--

14 LARSON: It was not okay.

15 BLOOM: Right.

16 LARSON: In view of him reducing the size of the
17 easement.

18 BLOOM: But you had approved it, the plans, before
19 knowing about the drainage issue.

20 LARSON: No--

21 GIFFIN: No.

22 LARSON: --not knowing about the drainage issue.

23 BLOOM: No, no. You had approved it without knowing
24 about the drainage.

25 LARSON: That's right.

0061

1 PETERS: And then they learned about it.

2 LARSON: That's right. That's right.

3 BLOOM: Okay.

4 GIFFIN: The porch wasn't on there.

5 HARRIS: The porch wasn't on there.

6 MINNICK: The porch--the porch was on there.

7 BLOOM: The porch--pardon?

8 LARSON: I don't remember the--it's--

9 BLOOM: But the bottom line it--

10 LARSON: --it was a half a porch or a full porch--

11 BLOOM: Okay, but if we can have all of this

12 testimony that says that the drainage isn't a

13 problem, you had approved of this structure prior to

14 knowing about the easement, what would be the problem

15 then?

16 GIFFIN: Assuring that no permanent--

17 BLOOM: How?

18 GIFFIN: --basement would be added onto that--either

19 (inaudible)

20 BLOOM: No permanent first floor structure?

21 GIFFIN: Well, the lower level, yes.

22 BLOOM: Right, okay. Yeah, because this--okay.

23 Thank you. Is there anyone back here--Jeff,

24 Mike--that could address any of this with the

25 topography? Would you--I know I've been--

0062

1 SORG: I couldn't do it right here without looking at

2 it--but I'd have to look at it. This is the first

3 that I've heard of it.

4 FITCH: The on--

5 BLOOM: If--if--

6 FITCH: --the only--like I said, when we look at

7 vacating an easement--

8 BLOOM: Would you identify yourself, please? It

9 needs to be on record. These people don't all know

10 who you are.

11 FITCH: Mike Fitch, Executive Director, Allen County

12 Highway Department. When we look at vacation of

13 easements of any kind, we look at how it's going to

14 impact the street or street right of way. This

15 easement is off street right of way so it--it has no

16 impact on the street. We have no drainage from the

17 street that would use this easement directly. So

18 when we look at it, it's basically in--you know, we

19 look a the Surveyor's Office as having the--

20 BLOOM: Okay.

21 FITCH: --you know, a--more of a say-so than we do.

22 So that's how we look at it--if it's going to have

23 a--how it's going to impact the street and the street

24 right of way.

25 LARSON: Excuse me, I'd say 80 or 90% of the water

0063

1 that goes down that easement comes directly from--to

2 street metal culverts. So it certainly does receive

3 a lot of water. Everything south of our street comes

4 down there, so it's got to have a lot to do with--

5 FITCH: Okay.

6 LARSON: --the street.

7 BLOOM: Okay.

8 PETERS: Again--

9 BLOOM: We have a motion to defer this. I think--I

10 definitely could use additional information. I'm not

11 trying to cost you more money or anything, but we can

12 have some more examination done on this. We can have

13 more review on this, but bottom line is, it still

14 sounds like you've got to communicate. If we cannot

15 give you any reason that there's going to be--thanks,

16 Mike--that there's going to be any drainage caused by

17 this, any problems--

18 LARSON: That sounds li--sounds very good.

19 BLOOM: Exactly. And I do have engineers on staff

20 that can do this--and we have done this in the

21 past--so that you--but then--I mean, you can't be

22 mean neighbors. I mean, you've got to do something.

23 LARSON: The type of people that are out there are

24 very intelligent. And--

25 BLOOM: I know that, Jim.

0064

1 LARSON: --and there--

2 BLOOM: I can go right down--

3 LARSON: --there is--

4 BLOOM: --the street-

5 LARSON: --there isn't a mean body in the whole

6 bunch.

7 BLOOM: I don't know Mrs. Giffin, but I know Doc, and

8 I mean, I can go right down the street and know those

9 people too and they're great. But that's not the

10 issue right here.

11 PETERS: Madam President, I would call for the
12 question.

13 BLOOM: And I'm going to say, all in favor, signify
14 it by saying, "Aye."

15 PETERS: Aye.

16 BLOOM: Aye. And that is to defer it until
17 further--yes? Kip?

18 MACKE: Can I--can I make a couple of comments?

19 BLOOM: Yep, I've already allowed the others, yeah.
20 Quick, please.

21 MACKE: In Mr. Minnick's defense, we talked this
22 through with the Surveyor's Office and you should
23 have a letter from the Surveyor's Office in your
24 packet that they approved it and it wasn't negatively
25 effecting the drainage. So if--if you--if you are

0065

1 deferring it, I would--I would prefer that you put a
2 short time limit on it because we put our stuff--

3 BLOOM: He'd like to get--

4 MACKE: --we put our stuff together in a--in less
5 than a week. So I don't--I don't see any reason that
6 this would need to be deferred for 60 days.

7 PETERS: Well, my motion was to defer it until the
8 next time we meet, and we actually meet weekly.

9 MACKE: If that--if that could be included,
10 that--that would be beneficial to my client.

11 BLOOM: Would you like to--

12 MACKE: He's been--he's been working on this--

13 PETERS: I already made the motion.

14 MACKE: --since last--he--he's been working on this
15 last summer--since last summer when he submitted to
16 the Architectural Control Committee and got approval.

17 BLOOM: That is--

18 MACKE: You know, I mean, that--that's how long ago--

19 BLOOM: I hear you. That is what his motion--

20 MACKE: Okay.

21 BLOOM: --is. Thank you.

22 MACKE: All right.

23 BLOOM: The only letter I see--or I don't see
24 anything from the Surveyor, I just see the one from
25 the--

0066

1 WOOD: I have it.

2 BLOOM: DPS Department.

3 MACKE: This is--this is my copy. But it's--the
4 letter under it is from Mr. Sauer, and then Larry
5 Weber.

6 BLOOM: Yeah, we didn't--I don't think I have this
7 one.

8 WOOD: Here. I didn't give you the letter, just
9 the--

10 BLOOM: Do you? Okay here, Kip.

11 WOOD: --final.

12 BLOOM: Thank you. Okay. Thank you.

13 LOGAN: Just a point of clarification.

14 BLOOM: Yes.

15 LOGAN: Will this then be addressed again in a
16 meeting a week from now?

17 PETERS: It will be addressed. The real question is,
18 will it be acted upon. It--it will show up on the
19 agenda again, correct.

20 LOGAN: Very good.

21 BLOOM: And of course, you will need to know about
22 this. So--

23 ELSER: It will be on the agenda.

24 PETERS: Yeah.

25 BLOOM: It will be on the agenda, but not if we're
0067

1 not going to--if we're going to act on it or not.

2 And they need representation here if--

3 GIFFIN: May I say something?

4 BLOOM: Sure.

5 GIFFIN: I work every Wednesday.

6 BLOOM: This isn't good, is it? Guess what--

7 GIFFIN: I took today off.

8 BLOOM: --10:00 every Wednesday morning is show time.

9 That's when we meet. It's published like a year.

10 GIFFIN: Oh, I know, I'm just saying it's extremely--

11 BLOOM: Yeah. Sorry. Okay, we're going to get back
12 to you--all of you.

13 MINNICK: Thank you very much.

14 BLOOM: You're welcome.

15 PETERS: Thank you.

16 LOGAN: Thank you.

17 PETERS: Item number two.

18 BLOOM: Yeah. Finding of compatible land use to
19 approve listing of county-owned property at 520
20 Mildred Avenue.
21 PETERS: I would make a motion that we find
22 compatible land use for the property at 520--
23 BLOOM: You know, I thought we had already done this.
24 I thought that we had appraisals and we were ready to
25 list this.

0068

1 PETERS: Yeah, this is the second step that allows us
2 to list it.
3 BLOOM: Okay. Second. All in favor signify it by
4 saying, "Aye."
5 PETERS: Aye.
6 BLOOM: Aye. Request for grant application from the
7 Allen County Sheriff's Department. Thank you. Good
8 morning.
9 WILSON: Good morning.
10 HERMAN: Good morning.
11 PETERS: Good morning.
12 HERMAN: I'm Sheriff Jim Herman and--
13 BLOOM: Yes, you are. I saw you last night.
14 HERMAN: And Kelly--yes, you did. And Kelly Wilson
15 here, our grant person. We're here to ask for
16 permission to apply for a grant for some overtime
17 money to run bicycle patrols. We have done this in
18 the past. We have the equipment. We tried to do it
19 on an on-duty basis, and we found that it didn't work
20 very well because these guys dress differently when
21 they--when they ride the bikes.
22 BLOOM: Sure.
23 HERMAN: And they show up in a squad car prepared to
24 go out and do this type of activity, and often times,
25 they don't get to do it, and so we've got a guy

0069

1 riding around in a marked squad car in bicycle gear
2 working accidents and things like that. So this is
3 something that will work a lot better if we do it on
4 an overtime basis where actually they're going
5 to--where they're going to do it. And I understand,
6 Kelly, that there's no matching funds.
7 WILSON: Correct.
8 HERMAN: It's just a grant that they will give us

9 to--torun these bicycle patrols in the summertime
10 for the fairs, for the different community areas that
11 we serve.

12 BLOOM: \$4800.00?

13 HERMAN: Yes.

14 BLOOM: Good.

15 PETERS: I'd so move.

16 BLOOM: Second. All in favor, signify it by saying,
17 "Aye."

18 PETERS: Aye.

19 BLOOM: Aye. Thank you very much.

20 WILSON: Thank you.

21 HERMAN: Thank you.

22 BLOOM: Management agreement with Light & Bruening
23 for management of two county lots during certain
24 limited periods.

25 PETERS: I'll make a move--a motion for the approval
0070

1 of the management agreement with Light & Bruening to
2 manage the two county lots.

3 BLOOM: Second. All in favor, signify it by saying,
4 "Aye."

5 PETERS: Aye.

6 BLOOM: Aye. Bid Award to Amerizon Wireless for
7 replacement of bro--broken coax cable from repeater
8 to antenna at 525 feet for Hillegas tower for the
9 Building Department for the in-car communication.

10 You could say that a lot shorter, right?

11 PETERS: My motion will be shorter too.

12 BLOOM: Goodie.

13 FULLER: Hi, I'm Dave Fuller, Allen County Building
14 Commissioner. We had a wind storm back in January
15 that damaged our coax cable to our antenna on top of
16 the tower.

17 BLOOM: Yeah.

18 FULLER: And this is to replace that. We took four
19 bids, and \$5700.00 to Amerizon was the--

20 PETERS: Low bid.

21 FULLER: --lowest bid on that. We got the money
22 appropriated from general fund through the Council
23 last week. And we're asking for that contract to be
24 approved.

25 BLOOM: Thank you.

0071

1 PETERS: I'd make a motion on bid to American
2 Wire--Amer--Amerizon Wireless--
3 BLOOM: Amerizon.
4 PETERS: That.
5 BLOOM: Whatever it is. I'll second that. All in
6 favor, signify it by saying, "Aye."
7 PETERS: Aye.
8 BLOOM: Aye.
9 FULLER: Thank you very much.
10 BLOOM: Thank you very much. Change Order, Allen
11 County Juvenile Center. This is Commissioner
12 Irving's project. She is in Washington, D.C.
13 representing us. It's for--it's Change Order #003
14 with USF&G. It's a reduction of \$20,000.00. She
15 reviewed this. I'm going to--
16 PETERS: I'll--
17 BLOOM: --have you make a motion--
18 PETERS: --yep, I'm all for that.
19 BLOOM: --if you would, please?
20 PETERS: And I will move the \$20,000.00 reduction.
21 BLOOM: And I'll second that. All in favor, signify
22 it by saying, "Aye."
23 PETERS: We've got this one we've got to do too. It
24 was back in part of seven.
25 BLOOM: Oh, I skipped one?

0072

1 PETERS: Yeah.
2 BLOOM: Appointment to a Common Wage Committee for
3 the following projects in Fort Wayne Community
4 School: Food Service Center Project; North Side
5 Renovation; and Snider Baseball Stadium.
6 ELSER: The name before you today for consideration
7 is Vonn Hoffman.
8 PETERS: I make a motion on the appointment of Vonn
9 Hoffman.
10 BLOOM: Second. All in favor, signify it by saying,
11 "Aye."
12 PETERS: Aye.
13 BLOOM: Aye. Okay. Ratification of a Federal
14 Equitable Sharing Agreement between the Federal
15 Government and Allen County on behalf of the
16 Sheriff's Department. What is this one?

17 ELSER: I believe the Sheriff left, but this allows
18 the Department to receive funds from the asset
19 forfeiture and money laundering section and the
20 Executive Office for Asset Forfeiture.

21 BLOOM: All right.

22 ELSER: This is a yearly approval.

23 BLOOM: Okay.

24 PETERS: What I'd like to see, for the record, is
25 some sort of accounting for what we get from these

0073

1 agreements. But in the meantime, I will--

2 BLOOM: What do you mean, what we get from these
3 agreements.

4 PETERS: Well, you know, we--we approve these. How
5 much do we actually get back?

6 BLOOM: On grants?

7 PETERS: How much money do we actually get back? No,
8 on this--on the Federal Equitable Sharing Agreement.

9 I'm sure we get something back based on--

10 BLOOM: Don't we have dollar amounts attached to
11 these usually or don't? You're not sure?

12 ELSER: Kelly would know. I--I believe this is just
13 giving permission.

14 PETERS: No, I know it's giving permission, but it's
15 giving permission, as we do, on an annual basis to do
16 something, and I want to know what that something--

17 BLOOM: Do you have that, Susan?

18 PETERS: --has yielded for us in past years.

19 BLOOM: You have something?

20 PETERS: No, I've seen that.

21 BLOOM: Okay.

22 PETERS: I'll make a motion on the ratification of
23 the agreement.

24 BLOOM: Second. All in favor, signify it by saying,
25 "Aye."

0074

1 PETERS: Aye.

2 BLOOM: Aye. Approve a Warranty Deed granting right
3 of way necessary for the Leo/Mahew Intersection
4 project, Parcel 14.

5 PETERS: I make a motion on the Warranty Deed
6 granting the additional right of way.

7 BLOOM: Second. All in favor, signify it by saying,

8 "Aye."

9 PETERS: Aye.

10 BLOOM: Aye. Good morning, Mike.

11 FITCH: Good morning. Mike Fitch, Allen County

12 Highway.

13 BLOOM: Approve traffic posting change for Shearwater

14 Pass at Carroll Road, STOP sign.

15 PETERS: So moved.

16 BLOOM: Second. All in favor, signify it by saying,

17 "Aye."

18 PETERS: Aye.

19 BLOOM: Aye. Approve an Interlocal Agreement between

20 Allen County and Zanesville for misce--miscellaneous

21 services and materials provided by the Allen County

22 Highway Department for 2005. This is an ongoing

23 contract. Is it the same cost or--

24 PETERS: That's still not right.

25 FITCH: We made some modifications to the--

0075

1 BLOOM: Contract.

2 FITCH: --for the rate--current rates for dust

3 control.

4 BLOOM: Oh, okay.

5 FITCH: Yeah.

6 BLOOM: So this is a contract that we signed with--

7 PETERS: Right.

8 BLOOM: --Zanesville?

9 PETERS: And--and again, Mr. Fitch, it's--it's my

10 understanding--and I'm looking at the contract

11 here--it still shows 70 cents--

12 FITCH: Yeah.

13 PETERS: --per foot for dust coll--

14 FITCH: Yeah, I noticed that.

15 PETERS: --dust control.

16 FITCH: We'll get that revised.

17 PETERS: Okay.

18 FITCH: Okay.

19 PETERS: I just had Susan mark it to 55 cents--

20 FITCH: Right.

21 BLOOM: That's good.

22 PETERS: --and we'll sign it that way.

23 FITCH: Right.

24 BLOOM: That's good.

25 FITCH: Yep.

0076

1 PETERS: Okay. I would--would move the approval of
2 the Interlocal Agreement between Allen County and the
3 town of Zanesville.

4 BLOOM: Second. All in favor, signify it by saying,
5 "Aye."

6 PETERS: Aye.

7 BLOOM: Aye. Approve right of way appraisal services
8 between Misner and Associates and Allen County for
9 Coldwater Road, Phase II from Pion to Twin Eagles,
10 including the Coldwater and Gump intersection; total
11 fee \$51,450.00.

12 FITCH: This covers the appraisal services. There's
13 38 parcels involved in this work and this is the,
14 again, Phase II of our Coldwater Road project and
15 joint project with the Northwest Allen County
16 Schools.

17 BLOOM: Okay. Thank you.

18 PETERS: I make a motion on the approval of right of
19 way service.

20 BLOOM: Second. All in favor, signify it by saying,
21 "Aye."

22 PETERS: Aye.

23 BLOOM: Aye.

24 FITCH: That's all I have.

25 PETERS: All right. Thank you very much.

0077

1 BLOOM: Thank you very much.

2 PETERS: I would move to approve the waiving of the
3 second reading on any matter approved today which may
4 be deemed necessary for the Legislative Session of
5 today.

6 BLOOM: Second. All in favor, signify it by saying,
7 "Aye."

8 PETERS: Aye.

9 BLOOM: Aye. Are there any comments from the public
10 this morning, as the crowd dwindled? Hearing none,
11 meeting adjourned. Thank you.

12 (Adjourned at 10:29 a.m.)

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0078

1 1 STATE OF INDIANA)
) SS:

2 2 COUNTY OF ALLEN)

3 3

4 4 REPORTER'S CERTIFICATE

5 5 I, Kimberlee M. Adams, a Notary Public in and
6 6 for the State of Indiana, County of Allen, do hereby
7 7 certify that the above and foregoing is a true and
8 8 accurate transcript of the Board of Commissioners of
9 9 the County of Allen, Legislative Session, held before
10 10 me on April 27, 2005 in the Allen County
11 11 Commissioner's Courtroom, Room 200, City-County
12 12 Building, 1 East Main Street, Fort Wayne, Allen
13 13 County, Indiana; that I am not related to, employed
14 14 by or interested in any of the parties to this cause
15 15 of action.

16 16 IN WITNESS WHEREOF, I have hereto affixed my
17 17 hand and seal this 3rd day of May, 2005.

18 18

19 19

Kimberlee M. Adams, Notary Public
Residing in Allen County, Indiana

20 20

21 21 My Commission Expires:
22 22 December 2, 2011

23

24

25