

**ALLEN COUNTY DRAINAGE BOARD MINUTES  
REGULAR HEARING**

March 27, 2008

9:00 a.m.

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PRESENT: DB: LINDA BLOOM, WM. E. BROWN, ROGER MOLL, ALLAN FRISINGER; DB ATTY: CATHY SORRANO; ACSO: LARRY WEBER;  
DB SEC: SHARMAN BULTEMEIER; SEE SIGN-IN SHEET FOR OTHERS PRESENT

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**Call to Order:** Chairwoman, Linda K. Bloom

**Approval of Minutes:** March 13, 2008 Minutes

*Linda asked for a motion to approve minutes. Bill Brown made a motion to approve, seconded by Roger Moll. Motion carried.*

**Approval of Petitions:**

1. **Doc. #08-040** Request from Dickmeyer & Associates for approval of its Stormwater Management Plan for property located at 7800 Popp Rd.

*ADF recommended approval. Roger Moll made a motion to approve petition 08-040 as submitted, seconded by Bill Brown. Motion carried.*

**Other Business:**

**Doc. 08-041** Flatrock Creek Discussion

*ADF reviewed the project with the Board explaining that the ditch bank is eroding close to State Road 101. The ACSO will come up with a plan that will reroute the drain away from the road, reinforce the area that is immediately adjacent to the State Road.*

*The Board needs to decide how the assessments should be divided up. The State Highway is concerned about the issue of the proximity to the road. The Board will need to have a Public Hearing, address particulars of assessment for this particular work at this particular work in time.*

*Roger Moll asked, "Whose crisis is it?" He was told that the State Highway is concerned regarding safety; the actual guardrail is hanging in places. He also asked, if Flatrock Creek was dug after 101 was built. His opinion was that the watershed would not benefit from the relocation of the drain. The benefits would be for the State Highway.*

*ADF said that he would with the Board's permission write a letter to the State telling them that we have the preliminary plans for the relocation of the drain, that the Board has determined that the cost associated with this relocation will be one hundred percent allocated to the State Highway or fifty percent or what ever. The Farmer also has the right to come in during the Public Hearing and voice his concerns and compensation for lost of land.*

*The Board gave the following instruction to the Surveyor:*

*The State Highway should pay for the majority of the cost for the relocation of the drain.*

*ADF to write a letter to the State.*

*Call the affected farmer and the State Highway.*

*The ACSO should proceed with the scheduling of a Public Hearing and a schedule of assessment.*

*The next discussion item:*

*Snyder #3 Drain.*

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*ADF told the Board that the property owners are anxious to have the drain reconstructed. The Drain is 29,000 ft long and does not have a Drain Maintenance assessment. He will be setting up a hearing for assessments.*

*General Discussion:*

*ADF expressed to the Board concerns regarding development encroaching within the drainage easement. He told the Board the set backs should be such so we (ACSO) have a maintenance capability forever. He told the Board that they need to say, what the minimum for encroachment is going to be. He is also considering having developers petition for encroachment in the drain at a specific location prior to final approval.*

*He asked the Board if they remember the house that he had brought up at the last meeting. It has a regulated drain underneath the home. They are looking for someone to do something. After research, it appears that in 1989 the approval by the Board was to allow for the insulation of new regulated drains in Eagle Lake subdivision. Nothing was mention about vacation of the old drain that was there. Now we have homes, streets, and utilities built overtop of this old regulated drain that could be in failure or could (not understandable). Now you have a tile there and you got potential failure at any time. Ten to fifteen houses could be affected. What should the response be from the Board? He didn't think that there would be a liability that rest with the Board or the County, or the Watershed. He thought it would be with the property owner having bought that home. The property owner needs to file a petition for vacation of the drain and then he (property owner) can do whatever he wants too.*

*Linda asked to be excused at 10:26 for another meeting.*

*Roger Moll asked if it was the Board's responsibility to police the development community and if so are we negligent in not having pursuing that at that point of time.*

*ADF told him that yes it was the responsibility of the Board to police development but he didn't think that the negligent runs with the Board but with the developer, engineer or surveyor.*

*ADF will draft a letter from the Board to property owner advising him that the drain was not vacated. He has the potential to pursue the vacation of the drain that his home is encroaching on the statutory right-of-way.*

*Roger Moll asked for Cathy Sorrano to review the letter.*

*Meeting adjourned.*

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**ALLEN COUNTY DRAINAGE BOARD**

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Linda K. Bloom, Chairperson

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Wm. E. Brown, Vice-Chairperson

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Roger Moll, Secretary

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Allan D. Frisinger, County Surveyor

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Date

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