

**ALLEN COUNTY DRAINAGE BOARD MINUTES
REGULAR HEARING
PUBLIC HEARING
LIMA SHOAFF DRAIN**

May 22nd 2008

9:00 a.m.

Call to Order: Chairwoman, Linda K. Bloom

Approval of Minutes: April 24th, 2008 Minutes
Linda Bloom asked for a motion to approve the April 24th Minutes. Roger Moll made a motion to approve as submitted, second by Bill Brown. Motion carried.

PUBLIC HEARING

Continuation of April 24, 2008 Public Hearing

Review of April 24, hearing:

ADF reviewed the amended Surveyor's Report Doc. #08-082

Cost of project and estimated assessment:

ADF told the Board that the new projected estimated cost is \$212,863.

Additional comments in favor or against project.

There were not comments or questions in favor or against the project
ADF told the Board that there is a 20 day judicial review period; during that period we will be finalizing engineering plans. We already set a wage schedule and will proceed for finalization of those plans for bid this summer.

Close Hearing and Board's decision

Linda closed the hearing and asked for a motion.

Roger Moll made a motion for approval of the establishment of a new regulated drain and the construction of the drain, seconded by Bill Brown. Motion voted on and carried.

ADF told interested parties that information was available concerning this project at the Surveyor's Office.

Approval of Petitions:

1. **Doc. #08-072, Rodenbeck #2 Br. #3 Drain located in Perry Twp.** Petitioner is William Snauffer. Petition to establish Periodic Maintenance for the Rodenbeck #2 Br. #3 Drain. Motion to proceed.

ADF recommended approval of motion to proceed. Bill Brown made a motion to approve, second by Roger Moll. Motion carried.

2. **Doc. #08-073, Houk Br. #3 Drain located in Madison Twp. Sec. 29.** Petitioner Edward Bultemeyer. Petition to Establish Periodic Maintenance for the Houk Br. #3 Drain. Motion to proceed.

ADF recommended approval of motion to proceed. Bill Brown made a motion to approve, second by Roger Moll. Motion carried.

3. **Doc. #08-074, Twin Eagles (The Estuary), Section 1.** Certification of assessment for Periodic Maintenance. Assessment set at \$25.00 per Unit for a total of \$450.00 per year.

ADF recommended approval of assessment. Roger Moll made a motion to accept assessment, second by Bill Brown. Motion carried.

4. **Doc. #08-064, Flaugh Drain located in Wayne Twp. Sec. 7.** Petitioner is Tim E. Rietdorf. Petition for encroachment within the drainage easement for the construction and installation of a lattice accessory structure radio transmitter tower. Tenant needs a radio tower for transmitting.

See below.

5. **Doc. #08-065, Flaugh Drain located in Wayne Twp. Sec. 7.** Petitioner is Tim E. Rietdorf. Petition for encroachment within the drainage easement for the construction and installation of a 44 x 20-ft garage. Tenant requested a garage for the operation of their business.

*Bruce Boxberger from Carson and Boxberger address 1400 One Summit Square
Mike Peters from Peters Broadcasting of Fort Wayne*

ADF recommended approval of option 1 for Doc. #08-064 and #08-065. Bill Brown made a motion to accept option 1 for Doc. #08-064 and #08-065, second by Roger Moll. Motion carried.

6. **Doc. #08-067, Junk and Miller #3 Drains located in Wayne Twp. Sec. 17.** Petitioner is the City of Fort Wayne. Petition for the installation of two steel truss pedestrian bridges crossing the Junk Ditch and two-18-inch (2) stormwater outfall locations to Junk Ditch. Extending two (2) current outfalls (24" and 36") into a tributary of the Junk Ditch. Installation of a 48-inch CMP culvert in Miller #3 Drain. Please note that the low beam heights of the pedestrian bridges are above the existing top of bank elevations. The construction of the Towpath Trail, Phase II-B by the City of Fort Wayne Greenways with the consent and permission of the Fort Wayne Country Club.

Jay Stankiewicz from DLZ Indiana address 111 W. Columbia St. Suite 100

Mr. Stankiewicz explained the project to the Board. He told them that they have applied for DNR construction in a floodway permit. He didn't expect any problems with the permit since they have had several meetings with DNR.

ADF read for the records a letter from Dawn Ritchie, Greenways Manager. ADF explained that prior to any construction, we would need to have the DNR permit, an easement and agreement that would stipulate future maintenance and reconstruction in this area. He recommended that the Board give approval subject to receipt of the documents from DNR and from the City on the Fort Wayne Country Club property. He would withhold his signature; keep the document in file at the Surveyor's Office until receipt.

Mr. Stankiewicz if they would approve with a right-of-way document signed by the General Manager of the Fort Wayne Country Club.

ADF said that he thought the Board could approve that with a right-of-entry permit that stipulate her status with the Country Club that would give her that authority. Roger Moll made a motion to approve subject to receipt of right-of entry document from the Fort Wayne Country Club being prepared and submitted, DNR approval and the City of Fort Wayne documentation required, seconded by Bill Brown. Motion voted on and carried.

7. **Doc. #08-068, Brown #2 Drain located in Washington Twp. Sec. 16.** Petitioner is the Allen County Highway Department. Petition for a culvert replacement for Huguenard Road crossing and culvert replacement for the pipes crossing on Cook Road. Road improvements for Huguenard and Cook Road.

ADF recommended approval as submitted. Bill Brown made a motion to approve, second by Roger Moll. Motion carried.

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8. **Doc. #08-069, Schoppman Drain located in St. Joseph Twp. Sec. 20.** Petitioner is Julie Rothgeb. Petition for encroachment within the drainage easement for the construction and installation of a 150-ft Rohn Monopole Tower and two proposed buildings.

ADF recommended approval as submitted (34 ½ feet back from top of bank). Roger Moll made a motion to approve, second by Bill Brown. Motion carried.

9. **Doc. #08-070, Auer Blessing Drain located in St. Joseph Twp. Sec. 22.** Petitioner is Christine Miller. Petition for encroachment within the drainage easement for the construction of a screened-in-porch. Encroachment is no greater than existing patio.

Mike Cameron from Branlam Homes, Inc. Address 19031 Amstutz Rd, Auburn Mr. Cameron explained that they are going enclosed the patio keeping the same footprint.

ADF recommended approval as submitted. Bill Brown made a motion to approve, second by Roger Moll. Motion carried.

10. **Doc. #08-071, Eagle Lake Section II Drain located in Perry Twp. Sec. 33.** Petitioner is St. John Chrysostom Orthodox Church. Petition for encroachment within the drainage easement for the construction and installation of a 12-inch reinforced concrete pipe.

Chris Hinkle from ForeSight Consulting address 3810 New Vision Dr. The Church is going to construct a pond to control the onsite, offsite discharge. All of the construction will be on the Church site. Future maintenance will be the Church's; Eagle Lake will be responsible up to the property line.

Bill Brown made a motion to approve, seconded by Roger Moll. Larry asked if they could make it subject to final review by the Surveyor's Office.

Peter Neumann address 405 Estero Rd. asked to speak before vote.

Mr. Neumann expressed concerns regarding the amount of water that flows over Badiac Rd. He told the Board that he did not want to be impacted by this decision. He would like to see all of the water detained on site. He wanted the Board to consider the future development north of Badiac Road and the impact that would have on the properties.

ADF: He told Mr. Neumann that through his office they try to address those concerns of watershed issues. They require the developer of any property to take a look at that additional acreage that comes at them and control it and comes with how it is going to be dealt with. In this case the engineering firm came up with a plan to detain and release the water from their site in a fashion that has the least impact on Eagle Lake Subdivision. The areas you see of water coming at them from the north side of Badiac Road will be controlled through their onsite stormwater management facility.

Larry Weber told Mr. Neumann that the Surveyor's Office don't require undeveloped land to improve their drainage.

Mr. Neumann also expressed concerns regarding the placement of the detention ponds. He told the Board that since a rezoning is not required that the various government officials must take extra care to hear the voices of the people who are affected by their decisions.

Larry Weber told Mr. Neumann that the city is requiring an easement across the pond so that they can (?) their highway flows through the pond into the pipes. If they (city) chose to make a storm pipe improvement on Badiac Road, they would have rights to do it in to the pond.

Linda asked for a vote on the motion. Motion carried.

11. **Doc. #08-075, Beightle-Nettlehorst Drain located in Cedar Creek Twp. Sec. 16.** Petitioner is Ronald E. Butts. Petition for encroachment within the drainage easement for the construction and installation of a 6-inch diameter drain pipe. Installation of a private septic system.

Greg Roberts told the Board that he didn't represent the property owner but he could explain the request to the Board.

ADF explained to Mr. Roberts that we need a grant of easement and that the legal description doesn't match. ADF recommended approval subject to receipt of a grant of easement, survey and legal description being resolved. Roger Moll made a motion to approve the petition subject to final review of the outstanding issues by the Surveyor's Office, seconded by Bill Brown. Motion voted on and carried.

12. **Doc. #08-076, Sumner Drain located in Washington Twp. Sec. 14.** Petitioner is Brotherhood Mutual Insurance Co. Petition requesting the Allen County Drainage Board to established Periodic Maintenance on the drain. Motion to proceed to public hearing.

ADF recommended approval motion to proceed. Bill Brown made a motion to approve, second by Roger Moll. Motion carried.

13. **Doc. #08-077, Hospital Drain (open end area of the Hospital and Geller Drain system) located in Perry Twp. Sec. 30.** Petitioner John Hidy for the Town of Huntertown. Petition for encroachment within the drainage easement for the construction and installation of a 12-inch water main installed by horizontal directional drilling method to be owned and maintained by the Town of Huntertown. To provide water main looping in the Huntertown Distribution system.

ADF recommended approval of petition. Bill Brown made a motion to approve, second by Roger Moll. Motion carried.

14. **Doc. #08-078, Willow Creek Main Drain located in Perry Twp. Sec. 9.** Petitioner is Jason Kissel for ACRES, Inc. ACRES Land Trust requests to replace an existing wooden foot bridge which was destroyed by a log during winter 2008 flooding. The proposed new foot bridge will be of steel construction and elevated approximately 2-feet above top of bank grade. The bridge footprint is 5' wide x 60' length with concrete footers to be set approximately 6' behind existing top of bank.

Shane Perfect from ACRES address 1802 Chapman Rd.

Mr. Perfect explained the project to the Board.

ADF: We will need a DNR approval for the installation of the facility along with an engineer plan signed and sealed for liability issues.

Larry Weber told Mr. Perfect that if another tree damages the bridge that it is their responsibility and not the Drain's.

ADF recommended approval subject to receipt of appropriate documentation.

Bill made a motion to approve pending DNR approval and engineering drawings, second by Roger Moll. Motion carried.

15. **Doc. #08-079,** Request from Z.K. Tazian Associates for approval of their Stormwater Management Plan for the Universal Education Foundation Building.

ADF recommended approval subject to receipt of County Highway approval. Bill Brown made a motion pending Highway approval, second by Roger Moll. Motion carried.

16. **Doc. #08-080** Request from Bob Morris to vacate the Becket Br. 1 Drain located in St. Joseph Twp. Sec. 20. Motion to proceed to public hearing.

Tom Nizzer address 2152 Berry St.

Gregg Roberts

ADF recommended proceeding to a July 24, 2008 Public Hearing. Bill Brown made a motion for a July 24, 2008 Public Hearing, second by Roger Moll. Motion carried.

Other Business:

The new Drainage Board Fees were reviewed by the Board.

Meeting adjourned

ALLEN COUNTY DRAINAGE BOARD

Linda K. Bloom, Chairperson

Wm. E. Brown, Vice-Chairperson

Roger Moll, Secretary

Allan D. Frisinger, County Surveyor

Date

Allen County does not discriminate because of disability in the admission to, treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereafter, and Allen County's ADA Policy, are available from the ADA Coordinator. Requests for assistance or suggestions on how the County can better meet the needs of those persons with disabilities may be submitted to the ADA Coordinator at: Human Resources Department, Room 208, 1 East Main Street, Fort Wayne, Indiana 46802, or by telephone at 260-449-7217, TDD 260-44-7881.