

**ALLEN COUNTY DRAINAGE BOARD MINUTES  
REGULAR HEARING**

September 18, 2008

9:00 a.m.

Present: William Brown, Roger Moll, Allan Frisinger, Cathy Serrano/Atty, Larry Weber, Sec: Cheryl Zurbrugg (Linda Bloom, absent),

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**Call to Order:** Vice-Chairperson, Wm. E. Brown

**Approval of Minutes:** August 28, 2008 Minutes  
*Bill Brown motioned for minutes to be approved.  
Roger Moll seconded, motion passed.*

**Approval of Petitions:**

**1. Signing of the Allen County Drainage Board Findings of Fact and Order on Petition to Remove Obstruction.**

*Following short discussion, Roger Moll motioned to sign the Findings of Fact, seconded by Bill Brown, motion carried.*

**2. Doc. #08-121, Mowrer Drain located in St. Joseph Twp. Sec. 14.** Petitioners Gregg & Shawn Richhart. Petition for encroachment for the construction and installation of detention basin, spillway, outfall pipe and structure. Construction of a professional office building and stormwater detention basin.

*Al Frisinger recommended approving encroachment, Roger Moll motioned, Bill Brown seconded, motion carried.*

**3. Doc. #08-122, Pierson #2 Drain located in Adams Twp. Sec. 4.** Petitioner is the City of Fort Wayne. Petition for encroachment for the construction and installation of a 16-inc water main placed 5-foot below ditch bottom by means of directionally drilling or open cutting. This 16-inch water main will cross perpendicular to the ditch as shown on the attach drawings. Replacing the existing 6-inch water main.

*Al Frisinger recommended approval subject to receipt of Drainage Board fees, inspection notice, and to let ACSO know prior to work being done whether it will be bore or open cut on ditch bank so that ditch stabilization requirements can be determined. Roger Moll motioned for approval subject to ACSO conditions, Bill Brown seconded, motion carried.*

**4. Doc. #08-123, Maria Flaugh Drain located in Wayne Twp. Sec. 18.** Petitioner – Village at Time Corners. E&M Family Eatery, LLC. Petition for encroachment within the drainage easement for the construction of a parking area and driving lane.

*Al Frisinger recommended approval subject to Drainage Board encroachment fee, normal Erosion Control practice being used, and a \$2500 one time fee to be paid prior to occupancy for future maintenance of drain. Roger Moll made a motion, Bill Brown seconded the motion, motion passed approving subject to ACSO conditions.*

*Al Frisinger determined that Flaugh Drain detention requirements for this parcel were fulfilled by previous flood fringe compensation created during the shopping center development.*

*Much discussion was made about parcel being .97 acre and being under the one acre requirement by the City of FW. ADF said in Indianapolis, another large county like us, they round up (.5 becomes 1 acre). ADF said we should take a definite look on how proposals are brought to us concerning water quality. He asked how do we want to deal with this, what will be acceptable, what won't? Cost of going over 1 acre is fairly high; structures for water quality are costly. Cost could be \$15,000 plus maintenance of filters, etc. Bill Brown said practicality has to come in. ADF said erosion control and management practices should at least be done. Al suggested if there is an impact on our drain the*

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*Board should ask for a fee (approx \$2500) as a contribution to that drain fund for cost of removing trees from ditch bank.*

5. **Doc. #08-124, United Steelworkers Union Hall located in Maumee Twp. Sec. 29.** Request for Stormwater Management Plan approval from the United Steelworkers of America.

*All Frisinger recommended approval subject to receipt of Drainage Board fees and recorded maintenance agreement. Roger Moll motioned to approve subject to ACSO conditions, Bill Brown seconded, motion passed.*

6. **Doc. #08-125, Joe Dennis #2 Br. 1 Drain located in Lafayette Twp. Sec. 9.** Petitioner – Salt Hill Development, LLC. Petition for encroachment for the installation of a 4-inch perimeter drain tile along with Stormwater Management Plan Approval.

*ADF stated this was part of the originally proposed "Minor Plat" Salt Hill. Now they are going away from that and doing single lot cut outs. ACSO is checking out drain capacity, etc. Also currently ACSO is working on reconstruction of the Joe Dennis Drain which is 100 years old. Roger expressed his concern of all the septic tanks going in one by one. How many interconnects will there be? How will that affect the drain? How will Developer manage this?*

*Lonnie Norris/Granite Ridge Builders said it was not economically feasible to do the Minor Plat with all the costs plus they were having a sewer issue. Now would like to build one house and sell the house and all 40 acres as one piece.*

*John Bracht/Servant Designs said all water for this site will follow the existing flow right now on top of existing tile. Drain is actually open at property site.*

*ADF said we will be reconstructing the system soon.*

*Larry Weber/ACSO said size of tile will increase with the reconstruction. Drain right now is not sized for urban standards.*

*ADF recommended approving subject to the following conditions:*

- 1) Detention plan for future site*
- 2) Deed for property being built on now*
- 3) Offsite easement*
- 4) Onsite review of drain*
- 5) Receipt of Drainage Board fees*

*The petition was approved subject to these conditions, motioned by Roger Moll, seconded by Bill Brown.*

*Clarification was made saying they can do their building now but in the future they would need detention/SWMP for the whole site. Bill Brown asked how we can make the next buyer be aware of this stipulation. ADF said it can be recorded on title as such. The Drainage Board attorney, Cathy Serrano agreed it would show up when title search is done.*

*Lonnie Norris asked if this was how it was going to be whenever they build on a two acre parcel.*

*Bill Brown wanted to make it very clear this is not a precedent that we are making. Every site will stand on its own.*

*Roger Moll stated we (the Board) have a huge impact on how development is happening in rural Allen County. We have to deal down the road with things like obstruction hearings so we want to make sure it is done right whenever we can.*

*ADF read from Indiana Drainage Law.*

*Larry Weber stated what it comes down to is who should be paying for it? The property owner who just bought the property from the Developer wants to know*

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*why the property owner is being charged a \$14,000 assessment. Why didn't the Developer have to fix and pay for it? Why did the County give a permit to the Developer knowing the drain was at capacity? These are the questions we get asked in the office. Roger Moll said this Board will have to give due consideration on all sides.*

*Lonnie Norris wanted it to be known that Salt Hill is actually 4 parcels and it is possible that he will be back in front of the Board again.*

*ADF stated if we knew the drain was in good shape this would all be different. Lonnie Norris said if we have to put in detention with every 2 acre parcel that would be a shift. Roger Moll said the water quality is new rules mandated by Federal and State.*

7. **Doc. #08-126, Gallmeyer #1 Drain located in Marion Twp. Sec. 36.** Petitioner – Lawrence M. Frecker. Petition for encroachment within the drainage easement for the construction and installation of a septic system and 4-incher perimeter drain tile.

*Rick Slayback/Civil Eng. Services informed the Board the garage and barn have been there for many years. Now the property owner wants to build a log cabin. Disturbance of land will be very small for house and septic only. ADF said outfall is going to an open drain which is on his own property (very different from prior discussion on #6)*

*ADF recommended approval subject to fees, Roger Moll motioned to approve the petition, Bill Brown seconded, motion passed.*

8. **Doc. #08-127,** Motion to proceed to hearing for the reconstruction of the John Rapp Br. #2 Tile located in Lake Twp. Scheduled for October 23, 2008.

*ADF recommended approval to proceed to hearing on 10/23/08, Roger Moll motioned, Bill Brown seconded, motion carried.*

9. **Doc. #08-128, Schoppman Drain located in St. Joseph Twp. Sec. 20.** Petitioner – Neil Kobi. Petition for encroachment within the drainage easement for the construction of a 3,053 sq. ft. of 5-inch exterior concrete parking area on the east end of the existing lot. The City requires "X" amount of parking spaces per sq. ft. of area. Therefore, the new area of concrete is required to meet the city's requirements.

*ADF recommended approval subject to receipt of Drainage Board fees, Roger Moll motioned approval subject to fees, Bill Brown seconded, motion passed.*

10. **Doc. #08-098 Amended, Dunfee Drain located in Washington Twp. Sec. 3.** Petitioner is requesting to amend Doc #08-098 to include petition asking that the existing Quonset Hut to remain within proposed relocated Dunfee Drain easement.

*ADF recommended allowing them to move ahead with project while issues are being resolved concerning the Hut in the 30' easement and approving subject to Drainage Board fees for encroachment. Roger wants it clear that there will be no liability to Drainage Board or watershed if existing Hut gets damaged during reconstruction of drain. Also, this approval is for the existing Hut as it stands now (not to be rebuilt if something happens to it).*

*James DeMerritt/Herman Kittle Properties said the resolution of the Hut being there is being fought by attorneys right now. He would like to see it removed.*

*Todd Bauer/Foresight Consulting said at this time we would like if we can at least move forward with construction while a resolution is being made.*

*Roger Moll motioned to allow petitioner to move ahead and approve subject to ACSO conditions, Bill Brown seconded, motion passed.*

11. **Doc. #08-129, Dunfee Missionary Church located in Aboite Twp. Sec 6.**  
Request for Storm Management Plan Approval from the Dunfee Missionary Church.

*ADF recommended approval subject to receipt of Drainage Board fees and letter of agreement from offsite property owner. Roger Moll motioned to approve subject to ACSO conditions, Bill Brown seconded, motion passed.*

**OTHER BUSINESS:**

• **Discussion of Wells Drain Tile Reconstruction**

*Warren Zwik/AZ Engineering brought forth a plan and said it was first designed in 2006 and project went out to bid earlier this year. They have been asked, because of flooding on Baird Road to extend their drainage plan to pick up Baird Road. Warren said ACHD is willing to extend the drainage. ADF said the rerouting of the Wells Tile becomes a project to go through the Drainage Board and requires a hearing with notification to property owners. Properties will be impacted by a statutory drain easement. ADF stated the problem started when adjacent property owner talked ACHD into bringing in broken concrete to fill in corner of his property 5 feet. ADF suggested we as Drainage Board should call this as reconstruction of the Wells Tile and vacate this whole thing (pointing at map). Board needs to either adopt this construction plan or stop the plan and proceed with hearing. Interconnection will need to be approved by Drainage Board.*

*Recommendation from ADF is to make Board approval to continue with construction as proposed subject to a public hearing, inspection by ACSO, and submitting copy of NOI for our file. The DB attorney confirmed that to relocate the Wells Tile a public hearing is needed and landowner notification required. Roger Moll motioned to approve subject to ACSO conditions, Bill Brown seconded, motion passed.*

• **Discussion concerning the Smith Joint Drain in Whitley County**

*The question presented was would the Allen County Board like to waive their participation or sit in on a Joint Board with Whitley County for the Smith Drain?*

*After hearing input from Joe Magsam/ACSO and short discussion it was agreed to waive our participation since the entire drain is in Whitley County and Whitley is doing the collection of assessments.*

Meeting was adjourned.

**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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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.