
ALLEN COUNTY DRAINAGE BOARD

MINUTES for Regular Hearing at 9:30 am on: **8/23/2012**

Present: DB: Linda Bloom, M.J. Klinker (Appointed Member), Therese Brown (not present), Allan Frisinger (non-voting member), DB Atty/Bill Fishering, ACSO/Larry Weber, DB Sec/Cheryl Zurbrugg. See sign-in sheet for others present.

Call to Order by Commissioner Bloom

Approval of Minutes from 8/9/12

Minutes motioned by: MJ Klinker motioned to approve the Minutes from 8/9/12. Linda Bloom seconded the motion. Minutes were approved.

Approval of Petitions:

ENCROACHMENT

Walnut Creek

Doc # **12-097**

Located in: ABOITE TOWNSHIP, SECTION 18

Drain Name: Walnut Creek

Subdivision: Walnut Creek

Drain #: 11-18-642

Project:

Petitioner: Lisa Downey, Manager

Engineer: Walnut Creek Association

Action:

Petition for encroachment within the drainage easement of the Walnut Creek Subdivision System. The Walnut Creek Association is requesting a catch basin be installed between Lots 126 and 127 for better drainage and be paid for from the Walnut Creek Subdivision Drain Fund.

Motion: **APPROVED (with signature from Assoc Member)**

MINUTES OF MEETING: *Al Frisinger (ADF) stated this is a request to utilize money out of that particular fund that has collected for maintenance on the system to allow for installation of an inlet. This is precedence setting because the petitioner is the manager of the Walnut Creek Association but doesn't live there. So she signed it requesting we take money out of the Association to put in an inlet. Looking at the petition, the reason for this request is poor design. ADF clarified this request is to come out of the drainage fund we collect for maintenance not their Association dues. The bigger question is as you say we will do this is... this is a small thing, maybe \$2,000-\$3000 but once you make that move that move to spend that \$3000 the guy down the street says "me too" and the guy a block over says "me too", and someone else says "me too" and all of a sudden you have \$100,000 of expenditures to put inlets on pipes that were supposed to have been carrying water with overland flowpaths or swales that allowed for drainage. It appears to only benefit 2 property owners. ADF said making an approval to do this opens up the door for other subdivisions to want to use their fund. We get a lot of requests for stone around detention basins but that is not a function of the regulated drainage system but a function of the Association to maintain water quality and erosion control around the banks. Again do we want to go down this path and begin to spend money on improvements that maybe should have been thought out better in the first place? Another option may be landscaping could be done to direct the water to an existing inlet because many times swales get filled in the building process, etc. So now comes the issue again... Can we take money out of the account that everyone pays into to enhance the drainage to spend on just one or two lots? ADF suggested this could be OK if they participate in the expenditure because then it kicks it back to them and they can say, "do we want to spend Association money?" And if it's OK for this one, will it be OK for the next one and the next one? It really needs to be clear how those fundings go. Larry Weber stated the other option on these things would be to file a \$250 petition and reconstruct all these swales and try to move the utilities and try to rebuild it back by the original plan but those hearings aren't always good outcomes either. If there was a public hearing for reconstruction, we could use 75% of the maintenance fees for the reconstruction work. These people are saying we don't want to go thru the routes of a public hearing, we the Association are in favor of this and don't want to use the Association dues for this because dues are for cutting grass and pond upkeep. ADF said that we have a responsibility to be good stewards of the money they give us. If we spend \$3000 to do something on 2 lots, I see that we are going to face this continually and you could spend a lot of money fast and we don't collect a lot of money so you end up spending it all and then when there is a failure they are going to say "where is our money?" Linda Bloom agreed. ADF again suggested that the Board take action to allow the work to happen but let him determine what the prorated share will be. MJ Klinker agreed that it sounded better if they are willing to participate. Larry Weber suggested we just use the fund and spend \$1500 out of the fund which will then generate assessments to collect and the fund will go back to the 4 year high again. Concern was raised whether all the property owners are aware they will be paying for this through assessments. ADF said \$25 a year is not a big deal. Larry Weber said it will be a lot cheaper to install the inlet than have a public hearing and reconstruct the swale with removing utility lines, fences, sheds, etc. Either way the property owners will be spending for this. ADF read Drainage Code which allows for the Board to spend from the maintenance fund for necessary or proper repair when the recommendation from the County Surveyor deems it necessary. ADF said I think we will be fine to allocate this money to do this work and going back to assess them. ADF made a final recommendation that we do this work and he will have someone from the Association sign along with Lisa (the Assoc. Manager) and we will generate collection of their assessment at the end of the year. MJ Klinker clarified we are not going to ask them to pay up front, we are just going to assess them. He asked if the poor design issue should be addressed? It was agreed maybe it was poor design, maybe it wasn't, but we (the Board) are addressing the standing water issue. MJ Klinker motioned to approve Doc #12-097, second from Commissioner Bloom, motion approved.*

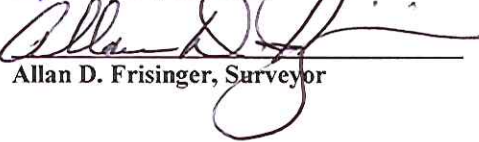
Meeting was adjourned at 10:00 a.m.

ALLEN COUNTY DRAINAGE BOARD:


Linda K. Bloom, Chairperson

Therese M. Brown, Vice-Chairperson


M.J. Klinker, Secretary


Allan D. Frisinger, Surveyor

9/13/12 (signed)
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 34.107 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, 200 E. Berry, Suite 380, Fort Wayne, Indiana 46802, or by telephone at 260-449-7217, TDD 260-449-7881.