



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

City-County Building Room 200 · 1 East Main Street · Fort Wayne, IN 46802

Phone: 260.449.7555 TDD: 260.449.7881 FAX: 260.449.7568

NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

Commissioners' Legislative Session

10:00 a.m. Friday, February 25, 2011

Commissioners' Courtroom - City-County Building

Commissioners Present: Nelson Peters, Linda Bloom and Therese Brown

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Rhonda Rice	Commissioners Office
	Bill Fishering	County Attorney
	Phil Gutman	Financial Advisor
	Scott Harrold	DPS
	Chris	Greatbatch Medical
	Jeff Stevens	Community Corrections
	Bob Bolenbaugh	Purchasing
	Bill Hartman	Highway Department
	Jeff Neumeyer	WPTA TV
	Kevin Leininger	News Sentinel

Commissioner Peters called the meeting to order at 10:02 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of February 18th, 2011.** Commissioner Brown made a motion to approve the minutes. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 2. Consideration of a Fort Wayne/Allen County Joint LEDGE Agreement for Greatbatch Medical.** Scott Harrold, DPS, and Chris Dosky from Greatbatch Medical, presented this item. Scott stated that this item along with the next one are regarding incentives for Greatbatch to locate the Greatbatch Medical project here in Allen County just south of Sweetwater. Greatbatch is a global company. They have subsidiaries all over the place. They bought out Precimed in 2007 and were looking to expand that operation. They were considering moving their headquarters and we put together a pretty good incentive package and this LEDGE agreement is one part of it. It is a joint effort with the City of Fort Wayne. The LEDGE agreement is based on the previous agreements we have done like BF Goodrich and GM and was crafted by Attorney Fishering with input from the attorneys at Greatbatch as well as the City of Fort Wayne since they are involved in this. Basically, the incentive is about \$308,000 over 3 years. The County's portion of that works out to about \$77,000 and the City has the other $\frac{3}{4}$ of it. The agreement asks them to maintain operations at the facility for a period of 10 years. Chris Dosky stated it has been a pleasure working with us and thanked us for our assistance with this process. They are currently looking at coming from a 40,000 sq. ft. facility to a 80,000 sq. ft. facility with the capability to expand to 125,000 sq. ft. facility. They are building with growth in mind and it will be a state of the art facility. Commissioner Brown made a motion to approve Consideration of a Fort Wayne/Allen County Joint LEDGE Agreement for Greatbatch Medical. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 3. Consideration of a Joint Ordinance with the City of Fort Wayne regarding the Greatbatch property.** Scott Harrold, DPS, stated that State law gives us the foundation for this but this is making sure that we are going to do a TIF District in the area. Since it's right on the border of Fort Wayne area, this helps make sure that we maintain jurisdiction of this until we fulfill all obligations. We still have a little infrastructure work to do and there is another TIF agreement with the company that will be coming in March after we designate the TIF district. Commissioner Bloom made a motion that we have a Joint

Ordinance with the City of Fort Wayne regarding the Greatbatch property. Commissioner Brown seconded the motion. Motion carried 3-0.

4. **Service Agreement between the Board of Commissioners and Indiana Data Center and Comcast for Internet Service at Community Correction for electronic server equipment.** Jeff Stevens, Financial Coordinator for Allen County Community Corrections presented these two service contracts for the internet and connectivity for the electronic monitoring server. The reason for two of them is that for 1) it is a requirement of the vendor and the system and 2) we would probably consider that as a back up as important as this system is to the operations. Commissioner Bloom made a motion to approve the Service Agreement between the Board of Commissioners and Indiana Data Center and Comcast for Internet Service at Community Correction for electronic server equipment. Commissioner Brown seconded the motion. Motion carried 3-0.
5. **Agreement between the Board of Commissioners and Fort Wayne Community Schools for the loan of county print shop equipment.** Commissioner Peters stated that he did err in his representation to County Council yesterday. He stated that he thought the equipment was just old enough that we were happy that they were taking over our maintenance costs and that we were giving it to them but that is obviously not the case. Bob Bolenbaugh, Purchasing Director, explained that the reason we are loaning this equipment to them is that they need some of our equipment to do work for us. We did not want to charge them for this equipment because we did not want to back should our agreement ever terminate. This is a five year agreement. They will be responsible for supplies and maintenance of this equipment. Commissioner Bloom and Commissioner Brown asked if this equipment that they will be using to perform work special to us were to break, are they then absorbing the cost for replacement of that without it increasing our costs? Bob Bolenbaugh responded there would be no increased cost to us and that it is part of their ongoing equipment repair. Commissioner Bloom made a motion to approve the Agreement between the Board of Commissioners and Fort Wayne Community Schools for the loan of county print shop equipment. Commissioner Brown seconded the motion. Motion carried 3-0.
6. **Supplemental Agreement #5 between the Allen County Board of Commissioners and Beam, Longest & Neff, LLC, for additional engineering, design, and right-of-way services for Project # 03-294, Coverdale Road from Indianapolis Road to Airport Expressway. Cost - \$91,925.00.** Bill Hartman, Highway Director, stated that we are modifying existing drainage tiles that require additional surveys and environmental design and right-of-way services for this project. Commissioner Bloom made a motion to approve Supplemental Agreement #5 between the Allen County Board of Commissioners and Beam, Longest & Neff, LLC, for additional engineering, design, and right-of-way services for Project # 03-294, Coverdale Road from Indianapolis Road to Airport Expressway. Cost - \$91,925.00. Commissioner Brown seconded the motion. Motion carried 3-0.
7. **Change Orders 33 & 34, for Maplecrest Road, LPA Project #00-227, INDOT Contract #R-31752. Total Amount of Change Orders = \$12,946.92 (Increase).** Bill Hartman, Highway Director, stated that change order #33 is required due to use of temporary striping and additional construction signs due to detour. Change order #34 is necessary as it was found that existing overhead signage and poles with foundations were in clear zone of the pavement. Since that posed a traffic hazard and was within the pavement edge, the pole foundations, poles and overhead cable span and signs were removed. Commissioner Bloom made a motion to approve Change Orders 33 & 34, for Maplecrest Road, LPA Project #00-227, INDOT Contract #R-31752. Total Amount of Change Orders = \$12,946.92 (Increase). Commissioner Brown seconded the motion. Motion carried 3-0.
8. **Consider Approval of Change Orders #4 for ARRA Resurface Contract #32992, for the following roads in Allen County:**
 - A. **North River Rd frm Landin Rd to I-469**
 - B. **Monroeville Road frm US 27 to Marion Center Rd**
 - C. **Seiler Road frm Adams Center Rd to Green Rd**

Reason for Change Order #4: Time Extension; Bill Hartman stated that crosswalks are now painted as piano keys rather than just straight lines. It took an additional 2 weeks on these 3 projects to complete the change in the crosswalks. There is money involved here. This is just procedural. Commissioner Bloom

made a motion to approve Change Order #4. Commissioner Brown seconded the motion. Motion carried 3-0.

9. **Consider Approval of Change Orders #6 for ARRA Resurface Contract #32919, for the following roads in Allen County:**
 - A. Aboite Center Road frm W Hamilton Road to Homestead Road
 - B. Bass Road frm WC Line Road to Scott Road
 - C. Covington Road frm WC Line Road to ±200 W of Braemar Drive
 - D. Leesburg Road frm Kroemer Road to Beineke Road
 - E. W Hamilton Road frm US 24 to Bass Road

Reason for Change Order #6: Time Extension. Bill Hartman, Highway Director, stated that this time extension moves the contract completion date 3 days. There was a delay in a notice to proceed from INDOT so the contractor needed an additional 3 days to complete. Commissioner Brown made a motion to approve Change Order #6. Commissioner Bloom seconded the motion. Motion carried 3-0.

10. **Construction Engineering Agreement between the Allen County Board of Commissioners and American Structurepoint, Inc. for construction engineering services of the Diebold Road Improvements, Phase 1, Project #1200209 and Phase 2, Project #1200108.**

Cost of construction engineering services for Phase 1: \$377,885.00

Cost of construction engineering services for Phase 2: \$119,000.00

Total Cost of construction engineering services for both phases: \$496,885.00

Note: Parkview Hospital will be responsible for the cost of Phase 1 and Allen County will encumber the cost of Phase 2, for the construction engineering services for the Diebold Road improvements.

Bill Hartman, Highway Director, stated that Phase 1 is in our interlocal agreement with Parkview and Phase 2 is the County's responsibility. Commissioner Bloom made a motion to accept the Construction Engineering Agreement between the Allen County Board of Commissioners and American Structurepoint, Inc. for construction engineering services of the Diebold Road Improvements, Phase 1, Project #1200209 and Phase 2, Project #1200108. Commissioner Brown seconded the motion. Motion carried 3-0.

11. **Warranty Deeds for Woodburn/Webster Intersection Improvements, Project # 1300206**
 - a. Parcel 2 – Schuller
 - b. Parcel 5, 5A & 5B – Canalway Properties, LLC

Commissioner Bloom made a motion to approve Warranty Deeds for Woodburn/Webster Intersection Improvements. Commissioner Brown seconded the motion. Motion carried 3-0.

12. **Appointment to Northwest Allen County Schools Common Wage Committee.** Chris Cloud, Executive Assistant, stated the name before the Commissioner's is Cathy Serrano. Commissioner Bloom made a motion to appoint Cathy Serrano to Northwest Allen County Schools Common Wage Committee. Commissioner Brown seconded the motion. Motion carried 3-0.

13. **Final approval of bond documents and lease amendment for Juvenile Justice Center bond.** Bill Fishing, County Attorney and Phil Gutman, Financial Advisor, presented this item. The first thing Mr. Gutman presented was the Final Official Statement for the bond issue. This final one is done after the bond has been sold. He explained that the second thing they do is work with the underwriters to determine who can provide the best underwriting services for a refunding issue. He stated that in this issue they selected Raymond James to provide this service primarily on the representation that they have more sales people in Allen County than any other underwriter. He stated that we don't have the report yet on who sold the bonds but when they get that information, they will share it. He also provided the final amortization schedule which showed the savings over the life of the issue is roughly \$505,000 which breaks out on an annual basis of approximately \$80,000 a year. Commissioner Bloom made a motion to

accept the Final approval of bond documents and lease amendment for Juvenile Justice Center bond. Commissioner Brown seconded the motion. Motion carried 3-0.

Coliseum Bond Discussion – Phil Gutman stated that when they first talked about the sale of the Juvenile Center bond issue, the Coliseum didn't show as much savings but it was still quite a bit. During the time period when they were preparing the Juvenile Center, the Coliseum went negative. The savings that was showing in October and November completely disappeared. He stated that as of yesterday, if we brought the deal immediately, there would be roughly \$175,000 of savings on the Coliseum. He stated he just wanted them to be aware that there is a savings there at this time. He stated that if they get to a position where they would rather take something as opposed to nothing, he wanted them to have that opportunity. This is not a property backed tax issue. It is food and beverage tax. He stated if they said yes today it would not have any impact on the tax revenue but it would reduce the amount of money the food and beverage tax had in supply for debt service. Commissioner Peters asked how would the stars align for greater savings? Mr. Gutman responded that it is purely a function of supply and demand. In the taxable areas, supply and demand competes on a national level so there is plenty of that as opposed to tax exempt. The second part is interest rates. If you had a 10-15 bases point movement in the taxable area, you would probably be showing something in excess of \$200,000 savings. He stated that his philosophy is that in the public sector, he doesn't know how you ever turn down a savings. He stated that when you have a savings he thinks you have to look at it realistically and say yes we think we can get more on down the road or we ought to take it. Commissioner Peters stated that the real gamble here is if we tell you to go ahead with the sale, that we could potentially lose future savings. Phil Gutman responded that you would never lose it because you are locked in right where you are now. The question is can you do a little better and guessing at what point you feel it's a good deal. He stated that this is a taxable issue so even if you don't think this is enough, if you were to take it you'd have the benefit of it and if the market came your way more, you could do it again. Commissioner Peters stated that it seems to make sense that we do something with this. Mr. Gutman stated that is the reason he wanted them to have the opportunity to look at it and an opportunity to discuss it. Commissioner Peters stated that this is probably something we ought to consider sooner as opposed to later. Mr. Gutman stated that his recommendation would be that we should jump all over it. It would take them a month for them to get it ready to take to market and at that point we could look and see where the market is. There is no financial obligation on the Commissioner's part to say go ahead, get ready, do it. The Commissioner's thanked Mr. Gutman for his input.

14. Appointment of Director of Allen County Human Resources Department.

15. Other Business:

Huntertown Documents – Attorney Fishing stated that the first item in the packet was the mutual ordinance between the Commissioners and the Town of Huntertown providing that they are going to provide water to the County facilities for free as long as the County owns them. The next document is the Commissioner's Warranty Deed. As part of this agreement the Commissioner's are deeding a portion of ground immediately next to the power plant between the power plant and Carroll Road and a very small portion of ground in the NW corner of the Byron Health Center to the Town of Huntertown. They will use that to operate their utilities and that is what this deed is for. The next documents are two Ingress-Egress Easements and one includes the Utility Easement. The Utility Easement allows the installation of utilities as well as ingress and egress and requires that they restore the road should they install utilities. It is a perpetual non-exclusive easement which means anybody else that we allow to can use it. The general Ingress-Egress Easement is actually two easements. On the survey they were depicted in yellow and those are just road easements. There are existing roads there and we are giving non-exclusive permission to Huntertown to use those roads to access their new property by the water tower. This finalizes all. Commissioner Bloom made a motion to accept the Huntertown documents for Property on the existing Byron property at Carroll and Lima Roads. Commissioner Brown seconded the motion. Motion carried 3-0.

Waiver & Disclosure regarding Pete Mallers - Attorney Fishing stated he previously discussed with the Commissioners the waiver and disclosure of the fact that Pete Mallers has been hired by Greatbatch to do their development plan work which would involve the plan commission. All agreements needed, from the Commissioner's standpoint, were voted on and approved this morning so that there would be, in Attorney Fishing's opinion, no direct conflict, but, Greatbatch requested the waiver. They also

requested the waiver of the Redevelopment Commission which has waived that conflict also. Commissioner Brown made the motion to approve the Waiver. Commissioner Bloom seconded the motion. Motion carried 3-0.

Catering Agreement for Allen County Day at the Statehouse. Chris Cloud stated that this contract was between the Commissioners and the Indianapolis Marriott Downtown for the event on March 15. Commissioner Bloom made a motion to approve the contract. Commissioner Brown seconded the motion. Motion carried 3-0.

16. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of February 25, 2011. Commissioner Bloom made a motion to approve waiving the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of February 25, 2011. Commissioner Brown seconded the motion. Motion carried 3-0.

17. Comments from the Public. None

18. Motion to Adjourn. There being no further business, the meeting was adjourned at 10:50 a.m.

Allen County does not discriminate because of disability in the admission to, or 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 therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 1 East Main Street, Room 300, Fort Wayne, IN 46802, or by phone at (260) 449-7217.