



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

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

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NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

Commissioners' Legislative Session

10:00 a.m. Friday, May 6, 2011

Commissioners' Courtroom - City-County Building

Commissioners Present: Nelson Peters and Linda Bloom
Commissioners Absent: Therese Brown

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Jerri Lerch	Drug & Alcohol Consortium
	Mike Alexander	DAC Board President
	Michelle Wood	DPS
	Bill Hartman	Highway Director
	Ben Beer	USI Consultants
	Phil Gutman	Financial Advisor
	Vivian Sade	Journal Gazette

Commissioner Peters called the meeting to order at 10:06 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of April 29, 2011.** Commissioner Bloom made a motion to approve the minutes. Commissioner Peters seconded the motion. Motion carried 2-0.
- 2. Approval of allocation of funds out of the Drug Free Communities Fund for recommended programs on behalf of the Drug & Alcohol Consortium.** Jerri Lerch, Executive Director of the Drug and Alcohol Consortium and Mike Alexander, President of the DAC Board presented this item. Ms. Lerch stated that they go through an annual planning process on a funding committee that is represented by multiple members of the board in the community. In addition, in March of this year they conducted a community wide planning session in which Commissioner Peters participated where they heard from the community about what they are seeing and what is important to them. Those comments and data help guide us in requesting that these organizations be funded in each of the required categories. The statute requires that we spend $\frac{1}{4}$ in the area of justice law enforcement, $\frac{1}{4}$ in the area of prevention, $\frac{1}{4}$ in the area of intervention and treatment and $\frac{1}{4}$ to maintain the coalition itself which allows them to bring other funds from state and federal programs to our community. She stated that one of the things new this year which came out of the funding committee process is that they have a couple of organizations which are very passionate and they outreach to high risk in-need communities but their organizational capacity isn't very strong. This year what they are proposing is that some of their stronger organizations mentor those newer organizations. Commissioner Bloom made a motion to approve the allocation of funds out of the Drug Free Communities Fund for recommended programs on behalf of the Drug & Alcohol Consortium. Commissioner Peters seconded the motion. Motion carried 2-0.
- 3. Vacation Petition 396/10 to vacate .186 acres of unimproved platted right-of-way as platted in George Collins Addition in 1912 adjacent to the 6200 block of Ellison Road.** Michelle Wood, DPS, presented this item. She stated the Commissioners might recall that back in October 2010 a joint public hearing was held with the Plan Commission and the Commissioners for the Ultimate Care Communities which is proposed to be a 10 unit assisted care facility. As part of the Ultimate Care Communities petition, there were right of ways that needed to be vacated. It has taken a little time but they have everything in line now. This is a final step in cleaning up the paperwork. Commissioner Bloom made a motion to accept Vacation Petition 396/10. Commissioner Peters seconded the motion. Motion carried 2-0.

4. **Agreement between the Board of Commissioners and Martin Riley for boiler/controls replacement at the Keystone building.** Chris Cloud, Executive Assistant, stated that this is for boiler/control replacement and Martin Riley will do the engineering, spec it out, help us with the bid and oversee during construction to make sure it's done properly. The fee for doing this \$7,200. Commissioner Bloom made a motion to approve the Agreement between the Board of Commissioners and Martin Riley for boiler/controls replacement at the Keystone building. Commissioner Peters seconded the motion. Motion carried 2-0.

5. **Contract Extension of Bid Ref #10-10, for INSTALL TRAFFIC PAVEMENT MARKINGS ON VARIOUS ROADS IN ALLEN COUNTY STATE OF INDIANA, FOR YEAR 2010, PROJECT #0002710, FOR THE YEAR 2011, in the Amount of \$170,653.72.** Bill Hartman, Highway Director, stated that this went so well last year that they asked if this contractor would agree to extend the bid for this year. With the rising cost of fuel and materials we thought this was an opportunity that would be well worth it. Commissioner Bloom made a motion to approve the Contract Extension of Bid Ref #10-10, for INSTALL TRAFFIC PAVEMENT MARKINGS ON VARIOUS ROADS IN ALLEN COUNTY STATE OF INDIANA, FOR YEAR 2010, PROJECT #0002710, FOR THE YEAR 2011, in the Amount of \$170,653.72. Commissioner Peters seconded the motion. Motion carried 2-0.

6. **Award of Construction Contract to E&B Paving, for Bid Ref #06-11, ECONSTRUCTION and REALINGMENT OF THE WOODBURN-WEBSTER ROADS INTERSECTION PROJECT #1300206 MILAN TOWNSHIP, SECTION 26, ALLEN COUNTY, INDIANA.**

Five (5) bids were received and opened. The names of the bidders and the sum of the Base Bid were:

E&B Paving, Inc.	=	\$1,477,162.39
Wayne Asphalt and Construction Co., Inc.	=	\$1,672,243.58
Brooks Construction Co., Inc.	=	\$1,689,367.00
API Construction Corp.	=	\$1,772,677.11
Fleming Excavating, Inc.	=	\$1,827,977.44

The Engineer's Estimate for this project was \$2,033,805.40.

Bill Hartman, Highway Director, presented this item. Commissioner Bloom made a motion to approve the Award of Construction Contract to E&B Paving, for Bid Ref #06-11. Commissioner Peters seconded the motion. Motion carried 2-0.

7. **Change Orders 36, for Maplecrest Road, LPA Project #00-227, INDOT Contract #R-31752. Total Amount of This Change Order #36 = \$5,205.26 (Increase).**

Reason for Change Order #36: Changed Conditions; Due to the conflict with the existing overhead AEP lines along the northern edge of SR 930, the signal plan was modified. In order to avoid conflicts, the poles were adjusted to a 30 foot height to go under the AEP distribution lines.

Maplecrest Road, Project LPA Project #00-227, INDOT Contract #R-31752.

Original Contract Amount \$28,792,378.86

Change Order #1 Amount	9,505.00 (Increase)
Change Order #2 Amount	1,000.00 (Increase)
Change Order #3 Amount	8,050.00 (Increase)
Change Order #4 Amount	4,905.00 (Increase)
Change Order #5 Amount	6,895.00 (Increase)
Change Order #6 Amount	28,234.10 (Increase)
Change Order #7 Amount	362,116.72 (Increase)
Change Order #8 Amount	6,252.13 (Increase)
Change Order #9 Amount	6,625.92 (Increase)
Change Order #10 Amount	11,201.03 (Increase)

Change Order #11 Amount	26,110.16 (Increase)
Change Order #12 Amount	14,890.00 (Increase)
Change Order #13 Amount	16,366.24 (Increase)
Change Order #14 Amount	1,392,000.00 (Increase)
Change Order #15 Amount	-59,262.80 (Decrease)
Change Order #16 Amount	4,057.82 (Increase)
Change Order #17 Amount	349,568.48 (Increase)
Change Order #18 Amount	4,687.92 (Increase)
Change Order #19 Amount	2,900.74 (Increase)
Change Order #20 Amount	8,971.28 (Increase)
Change Order #21 Amount	31,520.43 (Increase)
Change Order #22 Amount	66,175.00 (Increase)
Change Order #23 Amount	8,125.50 (Increase)
Change Order #24 Amount	11,464.44 (Increase)
Change Order #25 Amount	11,608.60 (Increase)
Change Order #26 Amount	4,967.11 (Increase)
Change Order #27 Amount	2,387.00 (Increase)
Change Order #28 Amount	8,279.11 (Increase)
Change Order #29 Amount	82,446.77 (Increase)
Change Order #30 Amount	45,169.57 (Increase)
Change Order #31 Amount	2,413.19 (Increase)
Change Order #32 Amount	4,146.27 (Increase)
Change Order #33 Amount	7,446.92 (Increase)
Change Order #34 Amount	5,500.00 (Increase)
Change Order #35 Amount	2,590.33 (Increase)
This Change Order #36 Amount	2,590.33 (Increase)
Total Amount of Change Orders To Date:	2,504,520.23 (Increase)

The Current Adjusted Contract Amount To Date: \$31,296,899.09

The Engineer's Estimate for this Project was: \$49,993,000.00

Bill Hartman, Highway Director, stated this was due to changing signal locations. Commissioner Bloom made a motion to approve Change Orders 36, for Maplecrest Road, LPA Project #00-227, INDOT Contract #R-31752. Total Amount of This Change Order #36 = \$5,205.26 (Increase). Commissioner Peters seconded the motion. Motion carried 2-0.

8. **Norfolk Southern Railway Company, flagging services as required for the TECUMSEH STREET OVER MAUMEE RIVER, (BRIDGE #537), ALLEN COUNTY, INDIANA, PROJECT #BR0298, Bid Ref #32-08, the estimated amount for this service is \$100,000.00.** Bill Hartman, Highway Director, stated this was an agreement that somehow fell through the cracks. We sent it to the railroad, they approved it and it came back to us and somehow got filed. It is for flagging while we did the work underneath the railroad overpass that was not to exceed \$100,000. He stated we have a copy of an email where it is right around \$3,133.12. Commissioner Bloom made a motion to accept that amount. Commissioner Peters seconded the motion. Motion carried 2-0.

9. **Supplemental Preliminary Engineering Agreement Number 3 for St JOSEPH CENTER ROAD BRIDGE OVER ST JOSEPH RIVER, BRIDGE #108, PROJECT #03-295, in ALLEN COUNTY STATE OF INDIANA, In the Amount of \$19,200.00.**

This Supplement #3 is required for Design Revisions to the pedestrian pathway retaining wall foundation due to poor soils.

Bill Hartman, Highway Director, stated that as we got ready to bid this project, we had a meeting about a month ago with our consultant and there were some issues with the foundations for widening the piers for

the bridge which required some additional design work and that is what this represents. Commissioner Bloom made a motion to accept the Supplemental Preliminary Engineering Agreement Number 3 for St JOSEPH CENTER ROAD BRIDGE OVER ST JOSEPH RIVER, BRIDGE #108. Commissioner Peters seconded the motion. Motion carried 2-0.

10. Warranty Deeds – Flutter Rd – St. Joe Rd to Schwartz Rd, Project # 05-276

- a. Parcel 39 – Halsey
- b. Parcel 43 – Ebnet
- c. Parcel 56 – Richards
- d. Parcel 57 – McCarthy
- e. Parcel 98 – Ross

Commissioner Bloom made a motion to approve Warranty Deeds – Flutter Rd – St. Joe Rd to Schwartz Rd, Project # 05-276 as read. Commissioner Peters seconded the motion. Motion carried 2-0.

11. Warranty Deeds – Gump Rd – SR # 3 to Coldwater Rd, Project # 03-296

- a. Parcel 33 – Grogg
- b. Parcel 63 – Strater

Commissioner Bloom made a motion to approve Warranty Deeds – Gump Rd – SR #3 to Coldwater Road, Project # 03-296 as read. Commissioner Peters seconded the motion. Motion carried 2-0.

- 12. Addition to the Allen County Code Title 12 (Financial) – Article 189 (Radon & Healthy Homes Fund) on behalf of the Department of Health.** Chris Cloud, Executive Assistant, stated that the DOH got a grant from the state for radon testing and they need a special fund to put it in per state protocol. Commissioner Bloom made a motion to approve an Addition to the Allen County Code Title 12 (Financial) – Article 189 (Radon & Healthy Homes Fund) on behalf of the Department of Health. Commissioner Peters seconded the motion. Motion carried 2-0.

13. Other Business:

Phil Gutman, Financial Advisor, updated the Commissioners on the Coliseum Bond Refunding that was just done. He stated they have been endeavoring to get the taxable portion of the Coliseum financing that was done in 2001 refunded. At the time they did that financing in '01 they never dreamed that taxable rates would be low enough that we could refund that issue. He stated that this body has seen fit to give us the opportunity to try to do it and has given us enough latitude that we could work within the market constraints and market movements. He stated he was pleased to say today that as of Wednesday they were able to produce a savings of roughly \$456,000 +or- over the remaining life of that issue. Originally they were talking about a savings of \$462,000 but they ran into some unanticipated increases in costs of trustee fees and some rating fees. He is still negotiating with the rating agency and with the trustee but he thinks they have come to an agreement. There is enough in the cost of issuance to pay the increases if we are able to get any break in negotiating the fees down. All of this money will be held under a trust indenture. The trust indenture provides to the extent that if we don't use the cost of issuance money, it flows into an account which is a credit against the next payment. He stated that this is scheduled for a pre-closing on May 20 and closing on the 24th. They try to set it up so we have at least 2 Fridays to take public action on the documents that are signed. Commissioner Bloom stated that she is very comfortable with this and quite delighted that we were able to get this much and made a motion to accept the Revenue Refunding Bond in the amount today of \$456,734.02. Commissioner Peters seconded the motion. Motion carried 2-0.

Vacation Leave Bank Request from Superior Court for employee Rhonda Drews. Commissioner Bloom made a motion to accept the Vacation Leave Bank Request from Superior Court. Commissioner Peters seconded the motion. Motion carried 2-0.

Uniform Conflict of Interest Disclosure Statement from Mr. Bodenhafer acknowledging that he is currently an insurance provider for the County and is also on the Plan Commission. Chris Cloud, Executive Assistant, stated that if his only business with the County was as an insurance provider he would not have to complete this form but because he is appointed to the Plan Commission also this is required. Commissioner Bloom made a motion acknowledging that we are in receipt of paperwork that Charles Bodenhafer is on the Plan Commissioner and does do business with Allen County. Commissioner Peters seconded the motion. Motion carried 2-0.

14. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of May 6, 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 May 6, 2011. Commissioner Peters seconded the motion. Motion carried 2-0.

15. Comments from the Public.

16. Motion to Adjourn. There being no further business, the meeting was adjourned at 10:37 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.