



## 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, May 13, 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
	Bill Fishering	County Attorney
	Dave Parrish	Lincoln Financial Group
	Gary Hooten	Lincoln Financial Group
	Scott Harrold	Planning Services
	Bill Hartman	Highway Director
	Vivian Sade	Journal Gazette

Commissioner Peters called the meeting to order at 10:03 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of May 6, 2011.** Commissioner Brown made a motion to approve the minutes. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 2. Roth "Good Faith" Amendment to Allen County's deferred compensation plan per the Small Business Jobs Act of 2010.** Dave Parrish and Gary Hooten from Lincoln Financial Group presented this item. Adding this amendment will give employees the opportunity to continue putting money away pre-tax like they have for years but it also adds a new feature that was approved last year by congress to make Roth after-tax contributions inside the 457 plan. An employee can put part away pre-tax and part in a Roth which is after-tax. The advantage on a Roth is that all of the earnings on it grow tax free. The money is put in after-tax but all earnings grow tax free. Commissioner Peters inquired whether there would be separate accounting for the Roth part vs. the pre-tax part in an employee's 457 account. They responded yes and stated that the only role the County has to do is just have an additional payroll slot. If an employee signs up and want \$100 per paycheck with \$50 pre-tax and \$50 after-tax in the Roth, there would actually be 2 payroll slots – one taking it pre-tax and one taking it after-tax. It would then show up on their one quarterly statement that they already have so they would not have separate statements. Commissioner Brown inquired if there was a way for employees to transfer dollars from an existing pre-tax 457 plan to a Roth after-tax account. They responded that there is some confusing information out there regarding this and they are having Lincoln's legal department look into it to determine if it is a possibility. They will get clarification and give the Commissioners an answer before this is implemented in July 2011. Commissioner Brown made a motion to approve the Roth "Good Faith" Amendment to Allen County's deferred compensation plan per the Small Business Jobs Act of 2010. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 3. LEDGE Agreement between the Board of Commissioners and General Mills.** Scott Harrold, DPS, stated that this is a standard agreement that we developed in the past. He explained that LEDGE stands for Local Economic Development for Growing Economy. This is an agreement that we use to make sure a company holds up their end of the bargain for the incentives that we are putting in to the project. This one was drafted based on previous ones we have done with companies such as GM, BF Goodrich, etc. and then modified for the particulars of this by Bill Fishering. After some back forth with company attorneys we finally got something finalized this week. The basics of it is that General Mills agrees to invest about \$36,000,000 in a facility and equipment and create 65 new jobs as well as retaining the 75 jobs currently at

the old Nestle facility. They agree to maintain operations at this facility for 10 years so that gives us some assurances that will get something out of what we are agreeing to. Commissioner Bloom made a motion to accept the LEDGE Agreement between the Board of Commissioners and General Mills. Commissioner Brown seconded the motion. Motion carried 3-0.

4. **Reimbursable Utility Relocation Agreement for Diebold Rd , Phase II, Project # 1200108, for an estimated amount of \$334,991.00.** Bill Hartman, Highway Director, stated that this is for Phase II, the northern portion of the Diebold Road project. There are 10 very large steel poles to relocate that are in an easement and the additional right of way requirements that we have for widening this project require that these poles be moved. The estimate that I&M has given is \$334,991. Commissioner Peters asked where will this money come out of. Bill responded that it is already in the line item and appropriated for this project. Commissioner Bloom made a motion to accept the Reimbursable Utility Relocation Agreement for Diebold Rd , Phase II, Project # 1200108, for an estimated amount of \$334,991.00. Commissioner Brown seconded the motion. Motion carried 3-0.
5. **Appointment to the New Haven Plan Commission.** Chris Cloud, Executive Assistant, stated the name before them is Jon Stauffer submitted by Mayor McDonald. Commissioner Brown made a motion to appoint Mr. Stauffer to the New Haven Plan Commission. Commissioner Bloom seconded the motion. Motion carried 3-0.
6. **Escrow Agreement between the Board of Commissioners and Feters Construction.** Mr. Fishing, County Attorney, stated that this is a state law requirement with respect to escrowing on certain larger projects. Basically it allows the contractor to get the interest vs. us. Commissioner Brown made a motion to approve the Escrow Agreement between the Board of Commissioners and Feters Construction. Commissioner Bloom seconded the motion. Motion carried 3-0.

7. **Other Business:**

**Bill Fishing, County Attorney**, stated that as Scott Harrold pointed out, our current economic development agreements have drifted a little from what we used to do. Starting with Great Batch we began to agree to put in infrastructure and other parts of projects. General Mills is one of those and what he has in front of them today is SDI. The reason for the reluctance from county attorney staff to leap all over these projects is because they are always on a quick track and as with Great Batch, General Mills and as with SDI LaFarga, none of plans are done for any of these things we are promising to do which seems to add an additional risk to us and that is what Scott was referring to. It seems in the current environment we don't have much choice. Mr. Fishing stated that he asking the Commissioners to approve a **Real Estate Exchange and Construction Agreement with SDI**. The agreement basically provides that we are giving SDI a piece of ground, approximately 74 acres and they are giving us back a piece of ground of approximately 53 acres and they are across the road from one another. We are also agreeing to undertake the widening of Ryan Road, which is why he is before the Commissioners now since they control that undertaking. It's proposed to be done in the ordinary course. It is his understanding that we are moving forward and treating this as if it were a federally approved project so there is the chance that we will receive some portion of funding from the federal government. Also in this process is an expansion of the existing drainage system so that it can handle commercial runoff. The drainage board approved that yesterday. These documents are all tentative and Attorney Fishing stated that he expects very few changes in them but they have not been finally approved. He would like the Commissioners to approve them and authorize him to approve any subsequent changes. They hoped to close it today but found some easement on the east side of the property of the Paulding County Electric Company so it now looks like it will close Wednesday afternoon. Commissioner Brown made a motion to approve the Real Estate Exchange and Construction Agreement with SDI LaFarga. Commissioner Bloom seconded the motion. Motion carried 3-0.

8. **Approval to waive the 2<sup>nd</sup> Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of May 13, 2011.** Commissioner Bloom made a motion to approve waiving the 2<sup>nd</sup> Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of May 13, 2011. Commissioner Brown seconded the motion. Motion carried 3-0.

**9. Comments from the Public.**

**10. Motion to Adjourn.** There being no further business, the meeting was adjourned at 10:23 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.*