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1 STATE OF INDIANA)

)SS:

2 COUNTY OF ALLEN)

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BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN

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RE: LEGISLATIVE SESSION OF
MARCH 23, 2005

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DATE: March 23, 2005

15

TIME: 10:09 a.m.

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LOCATION: Room 200
Commissioners Courtroom
City-County Building
1 East Main Street
Fort Wayne, Indiana 46802

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REPORTER: Rhonda M. Mullholand

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1 PRESENT:

2 Marla J. Irving Allen County Commissioner

3 Nelson Peters Allen County Commissioner

4 Susan Elser Allen County Board of

Commissioners' Office

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Judy Heck Allen County Board of

- 6 Commissioners' Office
- 7 Mary Hitchens Allen County Public
Information Department
- 8
- 9 Scott Harrold Allen County Department of
Planning Services
- 10 Michelle Wood Allen County Department of
Planning Services
- 11
- 12 Lori Mayer Allen County Department of
Emergency Management
- 13 Christopher Dunn Allen County Youth Services
- 14 Anthony Burrus Allen County Department of
Safety & Environmental
15 Services
- 16 Bruce Little Allen County Purchasing
Department
- 17
- 18 Michael Fitch Allen County Highway
Department
- 19 G. William Fishering Allen County Attorney
- 20 Thomas Hardin Assistant Allen County
Attorney

- 21 Roy Stevens ASC
- 22
- 23 Rhonda M. Mullholand Rolf Reporting, Inc.
- 24
- 25 Kevin Leininger News-Sentinel
- 0003
- 1 Ben Lanka Journal-Gazette

I N D E X

Page

- 2
- 3 Presentations by:
- 4 Michelle Wood 7
- 5
- 6 Lori Mayer 13

7
 Christopher Dunn and Anthony Burrus 14
 8
 9 Bruce Little 16
 10
 Michael Fitch 17, 18, 19, 20
 11
 12 G. William Fishing 24, 30
 13
 Thomas Hardin 24

14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 0004

1
 Page
 Agenda:
 2
 1. Approval of minutes of 03/16/05
 3 Legislative Session. 7
 4
 2. Rezoning Petition #1540/05: Petition
 5 to rezone property and approve a
 primary plat and development plan for
 6 a 209-lot single family residential
 subdivision. The 60.54 acre site is
 7 located on the south side between the
 10900 and 11400 blocks of Lower
 8 Huntington Road and on the north side,
 between the 10900 and 11500 blocks
 9 of Kress Road. Present zoning is
 A-1/Agricultural. Proposed zoning is
 10 RSP-1/Planned Single Family Residential.
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3. Signature of Commissioners on a
Community Emergency Response Team
Sub-Grants for FFY 2003 and FFY 2004
as resubmitted by the State of Indiana.
..... 13

4. Bid Award to J.O. Mory, Inc. for
installation of a double check
Backflow Preventor, a Dry Pipe
System in the original building and
disposal of antifreeze solution at
Allen County Youth Services.
Total - \$45,299.00. 14

5. Contract Rider No. 1 between Allen
County and KONE, Inc. for elevator
and escalator maintenance for
various Allen County owned buildings.
..... 16

6. Approve Certificate of Substantial
Completion for the Allen County
Juvenile Center - F&M Tile and
Terrazzo Company, Inc. 17

7. Approve traffic posting change for:
a) Portage Drive @ Lower Huntington
Road - Post STOP
..... 18

8. (WITHDRAWN)
Approve Warranty Deeds required for
right of way acquisitions on Coldwater
Road, Project #03-120, from the following
parcels:
a) Parcel 12 - Irving Ready-Mix, Inc.
b) Parcel 13 - Irving Ready-Mix, Inc.
c) Parcel 16 - I.R.M. Partnership

9. Approve Warranty Deeds required for
right of way acquisitions on Dupont Road,

Project #00-339, from the following

parcels:

a) Parcel 6 - James Jaye Parker

b) Parcel 25 - Lan T. Nguyen

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10. Approve Supplemental Agreement #1 between
Beam, Longest and Neff, LLC and Allen

County for Goeglein Road Bridge over
Bullerman Ditch (Bridge #113), Project

#00-017 -- \$9,800.00 Increase SA#1

(Total fee not to exceed \$57,750.00
with SA#1). 19

11. Approve Supplemental Agreement #1 between
Beam, Longest and Neff, LLC and Allen

County for Leesburg Road Bridge over
Seegar Creek (Bridge #81), Project

#BR0897 -- \$18,500.00 Increase SA#1

(Total fee not to exceed \$59,400.00
with SA#1). 20

12. Other Business:

a) Introduction of Ethics and
Conflict of Interest Ordinance 24

b) Legislative Services Contract with
Sommer Barnard P.C. 30

13. Approval to waive the 2nd Reading on
any matter approved today and for which
it may be deemed necessary for the
Legislative Session of March 23, 2005

..... 33

14. Comments from the Public --

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1 IRVING: Good morning and welcome to the March 23rd,
2 2005 Legislative Session. Before we begin, I would
3 like to have our County Commissioner Peters lead us
4 in the Pledge and a moment of silence. Thank you.

5 (At this time the Pledge of Allegiance is
6 recited followed by a moment of silence.)

7 IRVING: Thank you very much. First on the agenda
8 today is approval of the minutes of the March 16th
9 Legislative Session.

10 PETERS: I would make a motion to approve the minutes
11 of the March 16th, '05 Legislative Session.

12 IRVING: I'll second that. All in favor say "aye."

13 PETERS: Aye.

14 IRVING: Aye. Motion carried. Next on our agenda is
15 a Rezoning Petition for 1540/05. I think Michelle's
16 here, and going to explain a little bit--

17 WOOD: Uh-huh (affirmative).

18 IRVING: --about it.

19 WOOD: Good morning.

20 IRVING: Good morning.

21 PETERS: Good morning.

22 IRVING: How are you today?

23 WOOD: Thank--fine, thank you. Michelle Wood, with
24 the Department of Planning Services. This petition
25 for 1540/05 is for the primary plat and development

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1 plan of Calera. This is for a 209 lot single family
2 subdivision. This is on the south side of Lower
3 Huntington Road. You might recall, last year the
4 Plan Commission, and the Commissioners, approved

5 Asbury Park, also a single family subdivision, on the
6 north side of Lower Huntington Road. That petition
7 was at 2.35 units per acre. This petition is for
8 3.45 units per acre, so a little more dense than the
9 properties to the north.

10 There are two entrances off of Lower
11 Huntington Road. They do not align with Asbury Park,
12 but they're on either side. This also abuts Kress
13 Road, but there--that's an unimproved road at this
14 time. There are no entrances proposed on to Kress
15 Road. And, they do have a stub street designed into
16 this to go to kind of the northeast side of the
17 property.

18 And, they did ask for a couple waivers. The
19 first waiver was to eliminate sidewalks on one side
20 of the cul-de-sac streets, and we did ask them to put
21 sidewalks on both sides on the main--they didn't have
22 one on the main thru street, through the site,
23 because it ends in the cul-de-sac, but we had them
24 put that back in. Another waiver they asked for was
25 for five foot side yards on all lots 60 feet or--wide

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1 or less. As it turns out, all the lots in the
2 subdivision are 60 feet wide or less, so it would
3 have been a waiver for all lots. This was deferred
4 for a month to--to think about the issue, and it--
5 they--the Plan Commission did act on it last week,
6 and did approve a partial waiver. They approved
7 waivers for 15% of the lots. And, that would be up
8 to the builder and the applicant, or the developer,
9 to determine where those side yard waivers are used.
10 They would need to bring it to our staff, Department
11 of Planning Services staff, before their secondary
12 approval, before a plat's recorded, so that we know
13 exactly which lots that waiver is going to be used
14 on. And, once it's used, it's used. If--and, at
15 the--at the Plan Commission meeting, one of or Plan
16 Commissioners did ask about, you know, would there be
17 two side by side lots with the waiver, and Mr. Zehr
18 stated that it probably wouldn't even work out that
19 way anyway. He--basically, he said, no, they would
20 plan it so that they weren't side by side, so you
21 didn't have a 10 foot between two homes. But, with

22 easements, and just the general layout of the
23 subdivision, it probably wouldn't be best to do that
24 anyway. So, that's another thing staff can look at
25 when they bring the plan in. We can monitor where
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1 those lots--where the waivers are being used, on
2 which lots.
3 PETERS: Commissioner Irving, I do know there was
4 quite a bit of deliberation on this particular
5 rezoning petition, and it--it went back and forth,
6 and it, in part, is what's precipitated a meeting
7 that's scheduled for tomorrow with the Plan
8 Commission, and the Commissioners, regarding side
9 yard setbacks, and so forth. But, we felt
10 comfortable at the time that there had been due
11 precedence set with the 15% number on the five foot
12 setbacks, and--and, consequently approved that at the
13 Plan Commission. And, as such, I would make a motion
14 to approve Rezoning Petition Number 1540/05.

15 IRVING: Commissioner Peters, maybe you can answer
16 it, or Ms. Woods, why is there such a big density
17 difference between Asbury Park, at 2.35, and--I'm
18 sorry, I can't remember the name of this one--

19 WOOD: Calera.

20 IRVING: --Calera at 3.45?

21 WOOD: Probably a couple of reasons, and--and I'm
22 kind of speaking for the developer here. But, if you
23 look at--on the north side, that subdivision is close
24 to Winmore (phonetic)--Winmore--

25 IRVING: That's right.

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1 WOOD: --is that correct--

2 IRVING: Uh-huh (affirmative). Which has the estate
3 homes.

4 WOOD: --which has more estate homes. Their--their
5 density is something like one home per three acres,
6 or four acres. So, Asbury Park, which abuts that
7 subdivision, it also has a wooded area where they
8 tend to do larger lots in those areas. And--and,
9 Asbury Park, even the density isn't 2.35 over the
10 whole--that's an average, it's--it's not over the
11 whole development. They'll have their larger lots in
12 the back, smaller lots up towards the front, by the--

13 by the road. And--and, I think they're also
14 providing another type of housing for that area. So,
15 you have homes in the 400,000s [\$400,000.00]. I
16 think these homes, 110 [\$110,000.00] to 185
17 [\$185,000.00] is what they estimated. Mr. Zehr also
18 had some numbers that he presented to Plan
19 Commission, that a large amount of the home permits
20 issued last year were in that range, in the 150
21 [\$150,000.00] range. So, they felt there was a
22 market for that product.

23 IRVING: The only question--the other question that I
24 do have is this unusual triangle that would be--let's
25 see, north--would be the east side--that must have a

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1 home in, according to the picture, is that correct?

2 WOOD: On Kress?

3 IRVING: It's on--

4 PETERS: Right.

5 IRVING: --yeah, on Kress.

6 WOOD: Between Kress and Lower Huntington, that
7 triangle?

8 IRVING: Yes.

9 WOOD: Yes. There's still a meets and bounds
10 property there--

11 IRVING: Okay.

12 WOOD: --there's also the exception property kind of
13 in the middle of the site. And, then over to the
14 east--maybe this is actually what you're talking
15 about, between 69 and Kress, there's a wooded
16 triangle that's not developed--

17 PETERS: Okay, I think that is what--

18 WOOD: --that's on the other side of a pretty large
19 legal drain?

20 IRVING: Yes. That is what I'm referring to.

21 WOOD: Okay.

22 IRVING: Is that--I mean--

23 WOOD: It's more than likely low. It--it's on the
24 other side of the Dennis Drain, right by the
25 interstate, probably wasn't that attractive to

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1 develop, or even feasible if it was low ground.

2 IRVING: Okay. Okay. Because sometimes it looks
3 like that's pretty land locked, and there's no

4 entrances to go into that. I'll second this motion.

5 All in favor say "aye."

6 PETERS: Aye.

7 IRVING: Aye. Motion carried. Thank you.

8 WOOD: Thank you.

9 IRVING: Do you have anything else for us today?

10 WOOD: No, that's all I have. Thank you.

11 IRVING: Number three, signature of Commissioners on
12 a Community Emergency Response Team Sub-Grant for
13 2003/2004, submitted by the State of Indiana. Well,
14 good morning.

15 MAYER: Good morning. Lori Mayer, Assistant Director
16 for Emergency Management. We just need you guys to
17 resign for the CERT money. The State found some
18 problems, through general council, so instead of us
19 normally--or, originally getting the 7,238
20 [\$7,238.00] that we were supposed to get, we will now
21 be getting \$4,085.00. So--

22 IRVING: I hate it when we get decreases.

23 MAYER: --so we just need you guys to resign for the
24 correct figure.

25 PETERS: But--but, it's still money, so I'll--I'll
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1 make a motion on that Community Emergency Response
2 Team Sub-Grant for fiscal year 2003 and '04 as
3 resubmitted.

4 IRVING: I'll second the motion. All in favor say
5 "aye."

6 PETERS: Aye.

7 IRVING: Aye. Motion carried. You know, we're on
8 television, so that means that your wife is going to
9 hear, "it's only money."

10 PETERS: No, I said it's money we're getting. She
11 likes that "money we're getting" thing.

12 IRVING: I'll make sure to have her watch tonight.
13 Number five, Contract Rider No. 1--oh, I'm sorry,
14 Number 3, we just did--Number 4, Bid Award on J.O.
15 Mory, Inc., for installation of a double check
16 Backflow Preventor, a Dry Pipe System in the original
17 building, at Allen County Youth Services, for a total
18 of \$45,299.00. Thank you. Good morning.

19 DUNN: Good morning.

20 BURRUS: Good morning.

21 DUNN: Chris Dunn, Youth Services Center. Tony
22 Burrus, Allen County Safety Director. We would
23 request that the Commissioners approve the contract
24 being awarded to J.O, Mory, that was recommended by
25 Moake Park Group and SCO Engineering for our
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1 sprinkler head system project.

2 BURRUS: Yes. We're changing the system from a--I
3 want to say wet, or alcohol system, to a dry system.
4 This--we have actually two systems out there
5 operating. And, this would also bring us up to code,
6 to meet State Fire Marshall Regulations.

7 PETERS: Mr. Fishing, have you had the opportunity
8 to review the contract?

9 FISHERING: Yes. And, I would say that there are
10 still one or two changes that need to be made in it.
11 but the flat amount is fine, and I'd recommend that
12 you approve it, subject to changes.

13 PETERS: All right. Well, rather than hold this up
14 then, I would move that we approve the bid, subject
15 to further review by our attorney, not to exceed the
16 listed amount of \$45,299.00.

17 IRVING: I will second the motion. All in favor say
18 "aye."

19 PETERS: Aye.

20 IRVING: Aye. Motion carried. Thank you very much.
21 Do you gentlemen have anything else?

22 BURRUS: Thank you guys.

23 IRVING: Have a wonderful week.

24 DUNN: Thank you.

25 PETERS: It's only money.

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1 IRVING: Contract Rider No. 1 between Allen County
2 and KONE, Inc. for elevators, maintenance for various
3 Allen County owned buildings.

4 LITTLE: Good morning, Commissioners.

5 PETERS: Good morning.

6 IRVING: Good morning, Bruce--

7 LITTLE: I'm Bruce Little--

8 IRVING: --how are you?

9 LITTLE: --fine--Director of Purchasing for Allen
10 County. The elevators that we're looking at today
11 are five elevators located in the Allen County

12 Justice Center and Jail. These are new elevators
13 that were put in--put into service just about a year
14 ago, and they are just now coming off of their one
15 year warranty. So, we need to put them now on a
16 service contract. We do have an existing service
17 contract for County elevators with KONE Elevator, so
18 I'm asking that these five elevators be attached as a
19 rider to that five year contract that we already
20 have.

21 IRVING: At what cost, please?

22 LITTLE: At a cost of \$129.00 per unit, per month.

23 PETERS: And, of course, this is a cost we would
24 incur anyway, regardless of--

25 LITTLE: Absolutely. We--we absolutely need to have
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1 service contracts on elevators.

2 PETERS: Right. Right. Okay.

3 LITTLE: The cost is going to be--for two of the
4 elevators, that are located in the Jail, that will be
5 paid for by the--the County Sheriff's Office, and the
6 other three elevators will be borne by--the cost of
7 which will be borne by the Building Manager's
8 Department.

9 PETERS: Okay. Thanks. I'd make a motion that we
10 approve a contract rider between Allen County and
11 KONE for elevator and escalator maintenance.

12 IRVING: I'll second the motion. All in favor say
13 "aye."

14 PETERS: Aye.

15 IRVING: Aye.

16 LITTLE: Okay. Thank you.

17 IRVING: Motion carried.

18 PETERS: Thanks.

19 IRVING: Number six, approve Certification of
20 Substantial Completion of the Allen County Juvenile
21 Center, F&M Tile and Terrazzo Company, Incorporated.
22 Commissioner Peters, we--this is the beginning of
23 many, many contracts that we will be--the completion,
24 and then we'll be signing off, of course. There is
25 no additional on the money. It is saying that they

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1 have completed their work in a timely manner.

2 PETERS: All right. I would move the approval of a

3 Certificate of Substantial Completion for the Allen
4 County Juvenile Center.

5 IRVING: I second the motion. All in favor say
6 "aye."

7 PETERS: Aye.

8 IRVING: Aye. Motion carried. Approval of traffic
9 post change for Portage Drive at Lower Huntington
10 Road, post a "STOP" sign.

11 FITCH: Good morning, Mike Fitch, Allen County
12 Highway.

13 IRVING: Good morning, Mike.

14 PETERS: Good morning.

15 FITCH: This is a--a short, dead-end, street that for
16 some reason never had a "STOP" sign posted, and it
17 was brought to our attention, so we're requesting a
18 "STOP" sign be placed at the intersection of Portage
19 and--

20 IRVING: I'll entertain a motion.

21 FITCH: --Lower Huntington.

22 PETERS: I'll be happy to move the traffic posting
23 change for Portage Drive and Lower Huntington Road.

24 IRVING: I'll second that motion. All in favor say
25 "aye."

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1 PETERS: Aye.

2 IRVING: Aye. Motion carried. Number eight,
3 approval of some Warranty Deeds.

4 FITCH: I'm going to request that we defer item eight
5 until next week.

6 PETERS: Okay.

7 IRVING: Can I have a motion, please.

8 PETERS: I'll make a motion we defer item eight.

9 IRVING: I will second the motion. All in favor say
10 "aye."

11 PETERS: Aye.

12 IRVING: Aye. Motion carried. Number nine, approve
13 Warranty Deeds required for the right-of-way on
14 Dupont Road, Project 339, for a James Park, and
15 Parcel 25, Nguyen--Nygen--Nuygen, whatever, it--we
16 know it's Parcel 25, don't we?

17 FITCH: Yes.

18 PETERS: I'll make a motion to approve the Warranty
19 Deeds for Parcel 6 and Parcel 25.

20 IRVING: I'll second it. All in favor say "aye."

21 PETERS: Aye.

22 IRVING: Aye. Motion carried. Item number 10,
23 approve Supplemental Agreement between Beam, Longest
24 and Neff, and Allen County, for Goeglein Road Bridge
25 over the Bullerman Ditch, Bridge #113, it's Project
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1 #00-017, a \$9800.00 increase, total fee not to exceed
2 57,750 [\$57,750.00].

3 FITCH: This is--project's getting near the
4 completion of design. Going through some preliminary
5 plans there was some additional design modifications,
6 that the highway requested, in the amount of
7 \$2800.00. And, then there's four parcels of right-
8 of-way required, and the eng--right-of-way
9 engineering is \$7,000.00.

10 PETERS: I will make a motion to approve the
11 Supplemental Agreement between Beam, Longest and
12 Neff, and Allen County, for Goeglein Road Bridge over
13 the Bullerman Ditch.

14 IRVING: I'll second the motion. All in favor say
15 "aye."

16 PETERS: Aye.

17 IRVING: Aye. Motion carried. Approve Supplemental
18 Agreement #1 between Beam, Longest and Neff for the
19 Leesburg Road Bridge over the Seegar Creek Bridge,
20 #81, Project BRO897, \$18,500.00 increase, not to
21 exceed 59,400 [\$59,400.00].

22 FITCH: This project, again, is--we're through the
23 preliminary design phase, and during a recent field
24 check the originally project was to replace a bridge
25 deck, and from additional investigation by our

0021

1 consultant, there--of these super structures, they're
2 recommending that it be a bridge replacement, versus
3 just a deck replacement. The design modifications
4 will require additional design work in the amount of
5 \$16,600.00; the right-of-way engineering, there's two
6 parcels, a total of \$1900.00 for right-of-way.

7 IRVING: Are these all bridges that are in the
8 initial bond?

9 FITCH: Yes, these two are--would be part of our
10 bridge bond.

11 IRVING: Then how do we cover the increased cost,
12 though, Mike?

13 FITCH: Right now, Bill's going through that--Bill
14 Hartman is going through that analysis. The seven
15 bridges that we've built--have bid so far, we're in
16 the neighborhood of 200,000 plus under the estimate.
17 So, we're estimating that if that trend continues we
18 will have sufficient funds to complete these
19 projects. So, we are--

20 IRVING: Great.

21 FITCH: --we're watching that very closely. We do
22 have some projects we do expect to be a little more
23 expensive than--than our estimates. But, as we bid
24 these we will keep track of--we did put additional
25 bridges in our bond issue because we want to make
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1 sure that we have--that we spend all the money. So,
2 we have--we think we're gonna be right on.

3 IRVING: Great.

4 FITCH: And, right now, we don't have any problems
5 with the funds, with them being--

6 PETERS: What--what's the likelihood--and, I'm asking
7 you to speculate, but what's the likelihood of these
8 types of increases on the projects throughout the
9 bond issue?

10 FITCH: This--these increases, there's bills going
11 through, there's like seven or eight bridges that
12 we're getting--doing some final design work. There's
13 like three other bridges that we're just starting
14 some designs, so we don't--this is about the end of
15 what--I'd say the changes to--out of the 29 bridges,
16 to have seven or eight that we need some changes on,
17 to realize these projects were started three and four
18 years ago, we started the engineering design in
19 anticipation of the bond issue. So, over that time
20 period we got permits, different types of permits,
21 requirements, and so there have been slight changes
22 in the review and approval process in the last three
23 years. So, I--I anticipate this to be, you know, the
24 end of--you know, of our changes. We're gonna have
25 slight changes, but not this extent.

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1 IRVING: Great. Right.

2 PETERS: So, is it fair to say then that there's a
3 number that have come under bid--

4 FITCH: Yes.

5 PETERS: --to allow us to stay even with some of
6 these increases?

7 FITCH: Right.

8 PETERS: Okay. Good.

9 FITCH: Yeah.

10 PETERS: All right.

11 IRVING: Good. I'll entertain a motion.

12 FITCH: And, it's--you know, it's--with the fuel
13 cost, I mean, it's--you know, we don't know what's
14 gonna happen here the rest of--

15 PETERS: Right. No, I understand. Well, I'm--I'm
16 just happy to hear that--

17 FITCH: --with--with concrete. It's--it's--we--each
18 bridge, we put our estimate together a year ago, for
19 the bond issue, so we've got a--we--we put some--you
20 know, at--at our counsel's request, we did put extra
21 fudge in there for additional cost. Now, when
22 bridges are coming in, they're coming in under our
23 cost. I think out of the seven we had one over, and
24 six were under our bids, so if that trend continues
25 we're gonna be in great shape.

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1 PETERS: No, I'm just happy to hear we've got those--

2 FITCH: Yes. Yes.

3 PETERS: --coming in under bid.

4 FITCH: I think, construction-wise, we have very
5 competitive contractors out there now.

6 PETERS: Okay. I would make a motion to approve the
7 Supplemental Agreement between Beam, Longest and
8 Neff, and Allen County, for Leesburg Road Bridge over
9 Seegar Creek.

10 IRVING: I'll second the motion. All in favor say
11 "aye."

12 PETERS: Aye.

13 IRVING: Aye. Motion carried. Anything else before
14 us, Mike?

15 FITCH: That's all I have. Thank you very much.
16 Have a good day.

17 IRVING: Under "Other Business," we have the
18 Introduction of the Ethics and Conflict of Interest

19 Ordinance. I think we have two of our distinguished
20 County Attorneys to come. Good morning, gentlemen.
21 FISHERING: Commissioners, how are you?
22 PETERS: Good morning.
23 FISHERING: I'm Bill Fishering, the County Attorney.
24 HARDIN: Good morning, Commissioners. Tom Hardin,
25 Assistant County Attorney.

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1 IRVING: Thank you for coming.
2 FISHERING: Our pleasure. Before you this morning is
3 a proposed ordinance with respect to ethics. The
4 County has operated under the general State Code for
5 some period of time, which may or may not have direct
6 effect on the County. We have elected to propose an
7 ordinance that would have general applicability for
8 County employees, and County appointees. This is
9 that proposal.

10 As is sometimes a problem for us, as you know
11 we are a flat entity, and we do not directly control
12 some of the other persons who work for the County.
13 And, so, to that extent, you'll see this does not
14 include fines or other penalties, but would involve
15 notifying officers who do have control of any
16 violations, and allowing them to choose what to do
17 with the people.

18 To the extent that persons are covered by the
19 handbook, which you also adopt, the handbook would be
20 modified to update it to include some of these
21 matters. It does establish a commission to review
22 things, it's a bipartisan commission, a three member
23 commission. You would appoint them, there are no
24 specific requirements other than you may--or, may not
25 appoint other than no more than two should be of the

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1 same party.
2 IRVING: Attorney Hardin, this kind of fits in to a
3 class that you're--
4 HARDIN: It does.
5 IRVING: --holding next--maybe you would like to
6 expound a little bit on that.
7 HARDIN: Well, I think, as the Commissioners are
8 aware, the County Attorney's Office, in conjunction
9 with some other entities, a few years ago hosted a

10 ethics seminar for our local officials and board
11 members, and we invited everybody. Anybody who
12 wished to come was certainly welcome and able to
13 come. And, we discussed issues involving ethics, we
14 discussed open door policies, we discussed open
15 records policies. And, I think, you know, the County
16 Attorney's Office has tried to make this a focus, and
17 has tried to shed some light on the importance of
18 ethics. And, I think you're seeing that from our
19 current governor, and I just think it's important,
20 and it's a good idea to have these kinds of rules in
21 place, and give our employees something to look at to
22 determine whether conduct is appropriate or not.
23 PETERS: I--I think this is great, and I think that
24 this is an ordinance way past its time. I think it's
25 tremendous. But, I think on another note, to--to
0027

1 what you just said, it's important to point out that
2 I don't believe that this ordinance is being
3 introduced because we feel there's a huge issue, or a
4 huge problem with County employees. I think what it
5 does, is it sets a level of standards for employees
6 to understand the expectations of County government
7 in the area of ethics, and I think that's fantastic.
8 Secondly, I think what it does is, it allows the
9 citizens, it allows the taxpayers to--to understand
10 better the motivations of County government, and the
11 --and the motivations of County employees. So, I
12 think this is a fantastic piece of work, and I look
13 forward to voting on it.

14 FISHERING: And, the only thing I would mention is,
15 we are putting it out to the other elected officials
16 for their review. This is a preliminary draft. We
17 don't mean this to be absolutely set in stone, and we
18 do look forward to their comments and thoughts,
19 because quite often they have thoughts that don't
20 occur to us. So--

21 PETERS: It's my understanding, am I correct, and you
22 may not know, but--but I think the Public Information
23 Office knows, we are going to post this on the
24 County's website--

25 FISHERING: I've been told that.

0028

1 PETERS: -- for potential comment, as well.

2 IRVING: Yes.

3 FISHERING: Yes, I've been told that.

4 PETERS: Okay. Good.

5 IRVING: I would also--you kind of touched on it a
6 little bit when you said that our new governor has
7 taken a look at their ethics policies too. Tell me
8 how this coincides with what he's looking at for
9 State officials too.

10 HARDIN: I think the governor's proposal, and
11 campaign pledge, has been to tighten ethics standards
12 and rules, within a State government. And, when you
13 have many layers of government, and the governor
14 controls aspects of State government, the
15 Commissioners control aspects of County government,
16 along with the other elected officials, and so I
17 think that this coincides--dovetails very nicely with
18 what is going to happen on the State level and what
19 we're seeing already in terms of what the governor
20 has proposed.

21 I would also add, too, back to the ethics
22 seminar. I mentioned we had hosted one several years
23 ago. There is also going to be another ethics
24 seminar next week, on March 30th, and elected
25 officials, appointed officials, are certainly

0029

1 invited. We have a--a long list of people who will
2 be attending that seminar. We're going to be talking
3 about ethics, and we're going to be talking more
4 about ethics ordinances, and that sort of thing. So,
5 we would certainly want to invite those who have not
6 notified us that they are coming, to attend the
7 ethics seminar. It's going to be at the Chamber of
8 Commerce, starting at 8:30, one week from today.

9 IRVING: Well, amazing as it may be, as I know that
10 Commissioner Peters and I are definitely planning on
11 being there, but as we have to bow out for our 10:00
12 Legislative, as you're continuing with your seminar,
13 hopefully we're going to be passing it, so I--it's
14 kind of amazing these things have kind of paralleled
15 each other. I congratulate you on that, Tom.

16 I would also like to add that we will have
17 copies of this available in the Commissioners Office,

18 that if someone wants to come by, in Room 200 at the
19 City-County Building, they'll be available there too,
20 for their comment, so--

21 HARDIN: Okay. Thank you.

22 IRVING: Is there anything else you two would like to
23 add?

24 FISHERING: That's it. Move its introduction and
25 we're ready to roll.

0030

1 IRVING: Okay.

2 PETERS: I'd make a motion that we introduced the
3 Ethics and Conflict of Interest Ordinance.

4 IRVING: To be voted on next week. Should we add
5 that to the--

6 FISHERING: Wherever you vote on it.

7 PETERS: To be voted on--

8 HARDIN: In the future.

9 PETERS: --in the future.

10 FISHERING: Whenever.

11 IRVING: In the future. I'll second that motion.

12 All in favor say "aye."

13 PETERS: Aye.

14 IRVING: Aye. Motion carried. Thank you, gentlemen.

15 PETERS: Nice job. Appreciate it.

16 IRVING: Yes. Do we have any other "Other Business"?

17 ELSER: We have no other--

18 FISHERING: Yes, we--Barnard and Sommers.

19 IRVING: Oh, yes.

20 ELSER: Yes, we do have other business.

21 IRVING: I am so glad that our County Attorney keeps

22 me--you know, that's--what can we say here, keeps me

23 on my toes. We have a contract, and I fail to have

24 one in front of me, but I--

25 PETERS: And, I don't either. I know what it is,

0031

1 but--

2 IRVING: --that we are going to, for a five week

3 period--

4 FISHERING: Unless the legislature happens to stay on

5 an extra session.

6 IRVING: --or--or laundry--laundry--or longer, which

7 I'm--as tired as those guys are, I hope it isn't, but

8 we have a contract here with Sommer Barnard

9 attorneys, P.C., legislative counsel, a professional
10 service agreement, which will last through the end of
11 April, or can be extended through the rest of the
12 legislative. It is a cost of \$2500.00 a month, per
13 month. And, has our attorney had a chance to look at
14 this contract?

15 FISHERING: Yes, I've reviewed that agreement, and
16 it's fine with me.

17 PETERS: All right.

18 FISHERING: It is a professional services agreement.
19 As you know, right at the beginning of the year we
20 lost our lobbyist--

21 IRVING: Yes.

22 FISHERING: --who went to the Chamber of Commerce.
23 We have been struggling to either find a person to
24 replace that lobbyist on a full-time basis, or to
25 substitute in at least for this legislative session,

0032

1 a professional lobbyist out of Indianapolis. We've
2 been unable to find a person to come in and take over
3 those duties in the short term. But, because there
4 are so many significant pieces of legislation,
5 particularly dealing with taxing authorities, income
6 tax, property tax, et cetera, it's just imperative
7 that we have somebody down there trying to digest
8 that, and stay on top of it, as we've come to the
9 crunch time--

10 PETERS: Right.

11 FISHERING: --when things seem to start happening
12 without any knowledge. So, I strongly recommend that
13 you approve this, and we get them on board to help
14 us.

15 PETERS: All right. I would move passage of the
16 professional service agreement between the
17 Commissioners and Sommer Barnard attorneys,
18 legislative counsel.

19 IRVING: I'll second the motion. All in favor say
20 "aye."

21 PETERS: Aye.

22 IRVING: Aye. Motion carried. Now, Mr. Fishering,
23 do we have any other business?

24 FISHERING: Now, I don't know of any other business.

25 PETERS: That's good.

0033

1 IRVING: Susan, do we have any?

2 ELSER: None that I'm aware of.

3 IRVING: Okay. Could I have the approval of the
4 waiver?

5 PETERS: Oh, absolutely. I would move that we
6 approve to waive the second reading on any matter
7 approved today which it may be deemed necessary for
8 the Legislative Session of March 23rd, 2005.

9 IRVING: I will second that motion. All in favor say
10 "aye."

11 PETERS: Aye.

12 IRVING: Aye. Motion carried. Comments from the
13 public? (No response.) Comments from the Public?
14 (No response.) Hearing none, thank you very much for
15 joining us and have a wonderful week.

16 PETERS: And, I'd make a motion to adjourn.

17 IRVING: Thank you.

18 (Adjourned 10:40 a.m.)

19 * * *

0034

1 STATE OF INDIANA)
) SS:

2 COUNTY OF ALLEN)

3 REPORTER'S CERTIFICATE

4 I, Rhonda M. Mullholand, a Notary Public in
5 and for the State of Indiana, County of Allen, do
6 hereby certify that the above and foregoing is a true
7 and accurate transcript of the Board of
8 Commissioners' of the County of Allen, Legislative
9 Session, held before me on March 23, 2005, in the
10 Allen County Commissioners' Courtroom, Room 200,
11 City-County Building, 1 East Main Street, Fort Wayne,
12 Allen County, Indiana; that I am not related to,
13 employed by or interested in any of the parties to
14 this cause of action.

15 IN WITNESS WHEREOF, I have hereto affixed my

16 hand and seal this 28th day of March, 2005.

17

18

Rhonda M. Mullholand, Notary Public

19 Residing in Allen County, Indiana

20

My Commission Expires:

21 June 21, 2009

22