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1 STATE OF INDIANA)
)SS:

2 COUNTY OF ALLEN)

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7 BOARD OF COMMISSIONERS
 OF THE COUNTY OF ALLEN

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9 RE: LEGISLATIVE SESSION OF
10 APRIL 13, 2005

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DATE: April 13, 2005

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16

TIME: 10:07 a.m.

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

21

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REPORTER: Kimberlee M. Adams

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1 PRESENT:
2 Linda K. Bloom Allen County Commissioner
3 Nelson Peters Allen County Commissioner
4 Marla J. Irving Allen County Commissioner
5 Susan Elser Allen County Board of
 Commissioners' Office

6

- 7 Mary Hitchens Allen County Public Information Office
- 8 John McGauley Allen County Public Information Office
- 9
- 10 G.W. Fishering Allen County Counsel
- 11 Jerry Hoffmann Aboite Independent
- 12 Michelle Wood Department of Planning Services
- 13 Alex Wernher Director, Allen County GIS
- 14 Katheryn Stevens Commander, Allen County Jail
- 15 Selma Hough Director, ACS
- 16 Ron Smith GAI
- 17 Pat Crick Allen County Recorder
- 18 Mike Fitch Director, Allen County Highway Department
- 19
- 20 Kimberlee Adams Rolf Reporting, Inc.
- 21 Ben Lanka Journal Gazette
- 22 Kevin Leininger News Sentinel
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0008

1 BLOOM: Good morning, and welcome to the
2 Commissioners Legislative Session. First, we're
3 going to honor our country and a silent prayer,
4 please.

5 (At this time, the Pledge of Allegiance was
6 recited in unison, and a moment of silence
7 was recognized by all.)

8 BLOOM: Thank you. Approval of the Minutes of March
9 30th.

10 PETERS: I make a motion that we approve the Minutes
11 of March 30th.

12 IRVING: I'll second the motion.

13 BLOOM: All in favor, signify it by saying, "Aye."

14 PETERS: Aye.

15 IRVING: Aye.

16 BLOOM: Amendment to the Allen County Jail Lease.
17 Good morning, Bill.

18 FISHERING: Commissioners, how are you?

19 BLOOM: Good.

20 FISHERING: I'm Bill Fishering--

21 IRVING: Good morning.

22 FISHERING: --the County attorney. First on my list
23 for today being passed before you is the Supplemental
24 Contract of Lease dated tomorrow. And it has been
25 signed by the Allen County Jail Building Corp. and

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1 needs your approval. And the last page of that is
2 Exhibit A which shows the new lease payment schedule.
3 This is for the refunding of the 2000 jail bond. And

4 as I mentioned to you reflects an overall debt
5 service savings of approximately \$515,000.00.

6 BLOOM: Great.

7 IRVING: Great.

8 FISHERING: That's the net savings. And you had
9 instructed originally for your approval that it not
10 be done unless you saved at least \$500,000.00.

11 BLOOM: That's--that's right.

12 FISHERING: This does accomplish that.

13 BLOOM: That's good.

14 FISHERING: And I would request your approval. This
15 will close tomorrow with this approval, and that will
16 be accomplished.

17 IRVING: I make a motion that we approve the
18 amendment to the Allen County Jail Lease.

19 PETERS: I think any time we're getting money back
20 like that, I've got to second it.

21 BLOOM: All in favor, signify it by saying, "Aye."

22 PETERS: Aye.

23 IRVING: Aye.

24 BLOOM: Aye. Settlement of Agreed Judgment with
25 Frederick C. Firks and Charles E. Dennis.

0010

1 FISHERING: The Plaintiffs in this particular matter
2 filed a lawsuit against a number of individuals and
3 entities, amongst them were the Board of
4 Commissioners. The County took the position that we
5 had no responsibility for that. The County being the
6 Board of Commissioners--that we had no responsibility
7 for that alleged problems, and that the only
8 potential responsible persons was the Prosecutor's
9 Office. The Prosecutor's Office has elected to
10 settle with respect to the FSLA claims which are the
11 overtime claims arising out of allegations that the
12 Plaintiffs worked through their lunch hour. Those
13 allegations occurred before the current prosecutor
14 took office. It actually goes back to the former
15 prosecutor. This settlement agreement dismisses all
16 complaints against the Commissioners and agrees that
17 we have no particular responsibility with respect to
18 that. The Commissioners are contributing no funds to
19 this particular settlement.

20 BLOOM: Right.

21 FISHERING: I would recommend approval.
22 IRVING: So moved.
23 PETERS: I'll second it.
24 BLOOM: All in favor, signify it by saying, "Aye."
25 PETERS: Aye.

0011

1 IRVING: Aye.
2 BLOOM: Aye.
3 FISHERING: Thank you very much.
4 IRVING: Thank you.
5 BLOOM: Thank you. Information Resource Management
6 Agreement between Allen County on behalf of the Allen
7 County Recorder's office and ACS Enterprise
8 Solutions. Cost - \$66,200.00. Good morning.
9 CRICK: Good morning.
10 IRVING: Good morning.
11 PETERS: Good morning.
12 CRICK: I have a partner with me.
13 HOUGH: Good morning, Commissioners.
14 IRVING: She's a partner with all of us.
15 CRICK: Uh-huh (affirmative).
16 HOUGH: Selma Hough, ACS.
17 CRICK: This is an annual agreement we have--you have
18 signed every year for one of ACS employees to take
19 care or dedicate to the Recorder's Office--
20 IRVING: Facilitate the--
21 CRICK: --so that it relieves them. And that
22 \$66,200.00 will be out of the 245 [\$245,000.00], my
23 perpetuation fund.
24 IRVING: I make a motion that we approve this. Help
25 me out, I can't remember exactly how many years.

0012

1 CRICK: I think--we were talking about it and I think
2 it's been five.
3 IRVING: Yeah, it was--I think--
4 CRICK: Yeah.
5 IRVING: --it was one of the very first things when I
6 became Commissioner that we talked about.
7 CRICK: Okay.
8 IRVING: And--
9 CRICK: Yeah.
10 IRVING: --yeah, I make that we approve.
11 PETERS: I know it's good seeing us move into the

12 21st century--22nd century, so I'll second that.
13 BLOOM: All in favor, signify it by saying, "Aye."
14 PETERS: Aye.
15 IRVING: Aye.
16 BLOOM: Aye. Thank you very much.
17 PETERS: Nice job.
18 CRICK: Thank you, Commissioners.
19 HOUGH: Thanks.
20 IRVING: Thank you. It was ter--
21 BLOOM: Appointment--
22 IRVING: --it was terrible having them sit there with
23 little punches and doing those--
24 PETERS: Oh, I'm sure.
25 IRVING: --key punch cards. No, I'm just kidding.

0013

1 BLOOM: Quit it.
2 IRVING: I know. Okay, I'm sorry.
3 BLOOM: Appointment to the Common Wage Committee for
4 the Fort Wayne-Allen County Airport Authority for
5 Hotel Demolition Project, Northwest Quadrant, Airway
6 Avenue Construction Project, and Parking Lot
7 Construction Project.
8 ELSER: The name before you today is Alan
9 Grinsfelder.
10 PETERS: I make a motion on Mr. Grinsfelder's
11 appointment to the Common Wage Committee.
12 IRVING: I'll second that motion.
13 BLOOM: All in favor, signify it by saying, "Aye."
14 PETERS: Aye.
15 IRVING: Aye.
16 BLOOM: Aye. Approval of a contract between Allen
17 County and Integrator, formerly Stanley Security
18 Solutions, Inc., for servicing hardware and software
19 for the jail control rooms from July 19th through
20 December 31st. Cost \$2675.00.
21 IRVING: Good morning, Commander.
22 STEVENS: Good morning.
23 PETERS: Good morning.
24 BLOOM: Good morning.
25 STEVENS: The opportunity for us to combine some of

0014

1 the existing maintenance contracts with the new
2 contracts since we've completed the new construction

3 on the site. This is the last remaining maintenance
4 contract. So if we can get through the end of this
5 year, then in January, they'll all be combined to the
6 same contractors handling the same type of equipment.

7 BLOOM: Existing building, new building.

8 STEVENS: Right.

9 BLOOM: Good job.

10 IRVING: I make a motion we approve.

11 PETERS: I'll second it.

12 BLOOM: All in favor, signify it by saying, "Aye."

13 PETERS: Aye.

14 IRVING: Aye.

15 BLOOM: Aye.

16 IRVING: Commander Stevens, I was in Indianapolis
17 yesterday and had a meeting with Senator Long. And I
18 think he is going to be calling you about some
19 statistics of the--the jail and some of the programs
20 and thus. So I look forward to his call.

21 STEVENS: All right. Thank you.

22 IRVING: Thank you. Have a great day.

23 BLOOM: Approval of an amendment to the Allen County
24 Code, Title 12, Article 90, Electronic Map Users
25 fees. Good morning, Alex.

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1 WERNHER: Good morning, Commissioners.

2 IRVING: Good morning, Alex.

3 WERNHER: How are you?

4 IRVING: Wonderful.

5 WERNHER: My name is Alex Wernher. I'm Allen
6 County's GIS Director. And let me just go through a
7 little history of this request before I--I actually
8 walk through the items. What we saw--and I left a
9 copy at your--

10 BLOOM: Uh-huh (affirmative).

11 WERNHER: --desk there for each of you--

12 IRVING: Uh-huh (affirmative).

13 WERNHER: --a subset of our Year End Report. And if
14 you turn to that document, after your Executive
15 Summary, I just want to bring your attention to the
16 first graph, the Revenue Projected versus Actual.
17 This is data from last year, 2004. The green bars
18 represent actual data and the blue represents
19 projected revenue for 2004. And you'll see in those

20 categories that the revenue projection we exceeded.
21 And many of them, for example, local data extract
22 sales of orthophotography or plots for information.
23 But the--there's one item there, Subscription for GIS
24 Data--
25 IRVING: Uh-huh (affirmative).

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1 WERNHER: --a large blue, that we did not sell any
2 data in, meaning that our--our cost for--for
3 subscription access to information was, in my mind,
4 to high based on the results that we've seen.
5 They're just--the market wasn't responding to it.

6 BLOOM: Okay.

7 WERNHER: And--but that's also a dataset that is key
8 to our program in terms of generating revenue. And
9 what--another key component is our Interlocal
10 Consortium Membership or basically partnerships with
11 different entities for data. And that, we did very
12 well in. But what I'm--what I'm proposing with these
13 amendments, what we proposed to the iMap Board and
14 which they passed, was a modification in the cost of
15 the data as more data is purchased so that we can
16 encourage partnerships and subscriptions to the data
17 for larger datasets. I mean, in essence--

18 BLOOM: Right, right.

19 WERNHER: --this data to get out. We want it to be
20 reasonable for the community, and--as well as help
21 maintain our program--

22 BLOOM: Right.

23 WERNHER: --in the development of new datasets and
24 maintaining its accuracy. So it's because of these
25 results from last year that we're making the

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1 recommendation to modify our fees and reduce them as
2 you buy more. And an example of that, if you look to
3 your ordinance, currently we're not proposing a
4 change in any of the smaller data purchases. Our
5 data extracts rates for one section of land are
6 staying the same. But if people purchase a township
7 of data, for example, the parcel information would
8 decrease in cost by half. And the same is true for
9 the--our topographic information. And then when they
10 go to purchase a county-wide set of data for parcels,

11 for example, that drops down to 10 cents per parcel.
12 IRVING: Uh-huh (affirmative).
13 WERNHER: To--a little additional bit of history, the
14 requests that we received last year came in two
15 types. One was for sections of land or the whole
16 county. There really wasn't actually any requests
17 for township levels of data purchases. But of the
18 sections of land that were requested, they were all
19 purchased. But no one followed through on buying a
20 subscription to county-wide datasets because they
21 felt it was too expensive. So what--especially with
22 the county-wide dataset, we are reducing that cost,
23 or proposing that we reduce it to \$15,000.00 for each
24 primary data layer, like orthophotography or parcels
25 or contours.

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1 BLOOM: Right.
2 WERNHER: And that would be a snapshot of that
3 dataset at that time for \$15,000.00. And that
4 follows with some of our research from around the
5 country. We--we did a survey with URISA for what
6 other states, and counties, and cities were doing, as
7 well as a local survey. And we just feel that based
8 on what we saw with actual data for 2004 that we
9 should modify these rates.
10 BLOOM: Exactly.
11 WERNHER: And another major change is with our
12 website rates. We are proposing three types of rate
13 instead of just one that we had originally. The
14 first is to allow a public person like myself to go
15 to the website, view the free information. Or if I
16 wanted a full report of all of the information from
17 the Assessors and Auditors tax data that's available,
18 I could pay \$2.00 and get that one time report. A
19 subscriber, like a company or a realtor for example,
20 could and see all of that data all of the time for
21 \$40.00 per month. And then the last is we are
22 proposing our original rate of \$400.00 a quarter to
23 be considered a multi-users rate that a company could
24 use. If they have more than one person they want to
25 accessing the site, they could pay that \$400.00 per

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1 quarter and an office of 10 people could then access

2 the site.

3 IRVING: Uh-huh (affirmative).

4 BLOOM: Use that. Uh-huh (affirmative).

5 WERNHER: So the principle here is that we lower the

6 rates a little and--and hope for--that it's

7 reasonable and--and look to serve more people than

8 just a couple of people at higher rates.

9 PETERS: Alex, bear with me just a second. I read

10 the minutes from the January 31st iMap meeting to try

11 and get a little bit better understanding of what was

12 going on. I apologize for not having caught up with

13 you over telephone to perhaps ask these questions.

14 But the problem that I have--I think the rational is

15 great. I'm not understanding, however, where the

16 costs are coming from. In other words, they're going

17 to 20 cents per parcel, \$85.00 per township. What

18 were they?

19 WERNHER: Oh, I'm sorry. The--yeah, for the--a

20 parcel was 40 cents per parcel across the county

21 and--

22 PETERS: Okay.

23 WERNHER: --per section. Topography is \$150.00.

24 PETERS: So we're going from \$150.00 to--

25 BLOOM: \$85.00.

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1 PETERS: --\$85.00?

2 IRVING: Uh-huh (affirmative).

3 PETERS: Okay.

4 IRVING: We've lowered our rates.

5 WERNHER: \$85.00. If--only if someone buys a

6 township of sections, for example.

7 PETERS: I understand.

8 WERNHER: And the--the local section would still

9 be--if someone wanted a section of contour data, that

10 would still be \$150.00. If they wanted to buy the

11 contour data for a full township, then it would drop

12 down to \$85.00.

13 PETERS: Okay.

14 WERNHER: And--

15 PETERS: Now what about--okay, so then we go to the

16 subscription for GIS data. It's 40 cents per parcel.

17 WERNHER: That's down from \$1.25 per parcel.

18 PETERS: Okay.

19 WERNHER: And that would allow someone to see--view
20 and print access all of the GIS data layers with
21 updates over a year.

22 PETERS: Okay. And then as we move over to
23 county-wide data extract parcel
24 panel--parcel/centerline data to \$15,000.00
25 from where?

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1 WERNHER: If--before, in 2004, if someone wanted to
2 purchase the county-wide data at 40 cents per parcel
3 for just the parcels, that would have totalled about
4 \$60,000.00.

5 PETERS: Okay.

6 WERNHER: So it would be down to 15 [\$15,000.00].

7 PETERS: Okay. Would that be the same with the data
8 extract, the topographic, and the--

9 WERNHER: Then it would have been \$150.00 per section
10 over 660--

11 PETERS: Okay.

12 WERNHER: --sections, roughly. So that's over
13 \$100,000.00. I think it was 125 [\$125,000.00].

14 PETERS: All right. How about the orthoimagery?

15 WERNHER: Orthoimagery would have been--unfortunately
16 I don't have a calculator. The--the county-wide
17 would have been, I think, just under \$100,000.00--

18 PETERS: Okay.

19 WERNHER: --so--for the whole county.

20 PETERS: Now did we have--the public view--and I'm
21 almost done here--the public viewer unit price, did
22 we even have that before?

23 WERNHER: No. Nuh-uh (negative).

24 PETERS: Okay.

25 WERNHER: This is--

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1 PETERS: So that's new.

2 WERNHER: Right. And that--and that will be free.
3 When they go to our website, they'll be able to click
4 on a public access button--

5 BLOOM: Uh-huh (affirmative).

6 IRVING: Uh-huh (affirmative).

7 BLOOM: Uh-huh (affirmative).

8 WERNHER: --and view this information for free, as
9 well as print it off on an eight and a half by eleven

10 [8 1/2" x 11"]--
11 IRVING: Uh-huh (affirmative).
12 PETERS: Okay.
13 WERNHER: --and see a subset of the tax roll data.
14 PETERS: All right. Okay. Thanks.
15 IRVING: Are you familiar with a company--and I've
16 been doing a lot--you've really turned me on to doing
17 some fun things on the internet now that I kind of
18 understand how to operate the iMap.
19 WERNHER: Good.
20 IRVING: Is it a company called Trevor or it's T--
21 WERNHER: Are they a web developer?
22 IRVING: Our rates are so much lower. I mean,
23 they're charging like 18--I think is was \$18.85 for
24 just like an eight and a half by eleven
25 [8 1/2" x 11"] printout of, like, your home--

0023

1 WERNHER: Oh, really?
2 IRVING: --an aerial view of your home. And it's
3 not--
4 BLOOM: Really?
5 IRVING: Unbelievable. I was very impressed with the
6 iMap Board and their ability to keep our prices down.
7 Because you look into the other sections, I mean,
8 definitely they--they are asking for a huge return on
9 their initial investment.
10 BLOOM: Well, thank you ever so much.
11 IRVING: I know.
12 WERNHER: We have a great Board.
13 IRVING: I know you've tried hard to do this and--
14 BLOOM: Oh, yeah.
15 IRVING: --but I--Trussor (phonetic) or--I can't
16 remember. And I was just totally blown away. And it
17 was \$18.85 for an eight by elev--eight and a half by
18 eleven [8 1/2" x 11"], black and white--
19 BLOOM: Copy.
20 IRVING: --copy.
21 BLOOM: Uh-huh (affirmative).
22 IRVING: Huge.
23 WERNHER: So we're being competitive and that's good
24 then.
25 IRVING: You definitely are.

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1 WERNHER: Great.

2 PETERS: Will you look at these costs again at the
3 end of the year?

4 WERNHER: Yep. Every year, I'll--

5 BLOOM: Every year.

6 WERNHER: --be providing a Year End Report for you
7 and the Board, and--and we can adjust. And that's
8 the--really, our business plan has all of our costs
9 laid out over five years.

10 IRVING: Uh-huh (affirmative).

11 WERNHER: And we need to address it every year just
12 to make sure that we're meeting our costs and--and
13 we're staying competitive and--

14 BLOOM: Right.

15 WERNHER: --and reasonable. So yes, I will be
16 providing that data.

17 BLOOM: Yeah.

18 PETERS: Good.

19 BLOOM: Yeah.

20 IRVING: I make a motion that we approve the
21 amendment to Allen County Code, Title 12, Article 90.

22 PETERS: I'll second it.

23 BLOOM: All in favor, signify it by saying, "Aye."

24 PETERS: Aye.

25 IRVING: Aye.

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1 BLOOM: Aye.

2 WERNHER: Great.

3 BLOOM: Susan, do we have an--

4 IRVING: Great job, Alex.

5 WERNHER: Thank you.

6 BLOOM: --ordinance number that we can put into the
7 record, please?

8 ELSER: Yes, per your approval, this will be
9 Ordinance #4-13-05-6.

10 IRVING: Thank you very much.

11 BLOOM: Thank you.

12 PETERS: Thank you.

13 BLOOM: Plat for signature. After the meeting, we
14 will sign this, The Forest at Foxwood, Section I.

15 Thank you. Approve a Supplemental Agreement #1
16 between Beam, Longest and Neff and Allen County for
17 additional engineering services on the Maysville Road

18 Bridge over Bullerman Ditch. It's Bridge #528.
19 \$25,900.00 increase.
20 FITCH: Good morning.
21 BLOOM: Good morning.
22 IRVING: Good morning.
23 FITCH: Mike Fitch, Allen County Highway Department.
24 This Supplement covers additional engineering
25 services. Most of the increase is due to
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1 right-of-way services which are now added to the
2 agreement to finish the project.
3 IRVING: I make a motion that we approve, please.
4 PETERS: I'll second it.
5 BLOOM: All in favor, signify it by saying, "Aye."
6 PETERS: Aye.
7 IRVING: Aye.
8 BLOOM: Aye. Approve a Supplemental Agreement
9 between--#1 between Beam, Longest and Neff and Allen
10 County for additional engineering services on
11 Winchester Road Bridge over Nickleson Creek, Bridge
12 #261, for an increase of \$12,400.00
13 FITCH: This is also some additional minor
14 engineering work and also adding environmental
15 services to the contract.
16 BLOOM: Okay.
17 IRVING: I make a motion we approve.
18 PETERS: I'll second it.
19 BLOOM: All in favor, signify it by saying, "Aye."
20 PETERS: Aye.
21 IRVING: Aye.
22 BLOOM: Aye. Approve Supplemental Agreement #1
23 between Beam, Longest and Neff and Allen County for
24 additional engineering services on the Monroeville
25 Road Bridge over the Bohnke Ditch, Bridge #278, for a
0027

1 total--well, increase of \$5200.00.
2 FITCH: This is for additional engineering and also a
3 permit fee for DNR to complete this project.
4 BLOOM: Okay.
5 PETERS: I'll make a motion on Supplemental Agreement
6 #1, Project #00-031.
7 IRVING: I'll second the motion.
8 BLOOM: All in favor, signify it by saying, "Aye."

9 PETERS: Aye.

10 IRVING: Aye.

11 BLOOM: Aye. Approve Supplemental Agreement #1
12 between Floyd Burroughs & Associates and Allen County
13 for additional engineering services on the O'day Road
14 Bridge over Seegar Ditch, Bridge #89, increase
15 \$9,000.00.

16 FITCH: This is additional engineering work and also
17 some right-of-way services.

18 IRVING: Second the motion. Oh, no, I'll make the
19 motion to accept.

20 PETERS: Well, in that case, I'll second the motion.

21 BLOOM: All in favor, signify it by saying, "Aye."

22 PETERS: Aye.

23 IRVING: Aye.

24 BLOOM: Aye. Approve a Supplemental Agreement #1
25 between Beam, Longest and Neff and Allen County for
0028

1 additional engineering services on the Sherman Street
2 Bridge over Spy Run Creek, Bridge #533.

3 FITCH: Okay, this project is over by the Fort Wayne
4 Zoo.

5 BLOOM: \$80,300.00. Now tell them--

6 FITCH: This is a significant in this project's
7 scope.

8 BLOOM: Right.

9 FITCH: The initial project was to just repla--to
10 replace the bridge deck and leave the superstructure
11 in place. In recent meetings with the City officials
12 and also the--trying to comply with the new
13 bicycle/pedestrian plan--

14 BLOOM: Right.

15 FITCH: --this structure, it was determined, that we
16 needed to reconstruct the entire structure. There's
17 some new, also, waterway opening design guidelines
18 that would require us to widen the structure
19 slightly. We're going to widen it and put
20 side--sidewalks on both sides.

21 BLOOM: Yeah.

22 FITCH: And also, the structure, because of its
23 location and visibility, there are going to be some
24 aesthetic improvements to meet some of the City's new
25 requirements for improved appearances of bridges

0029

1 within the City. So this is a significant change.

2 BLOOM: Significant, \$80,300.00.

3 FITCH: Yes.

4 BLOOM: It's also right there by the school. So the

5 school is going to be so--

6 FITCH: Yes. Yeah.

7 IRVING: Is the City helping participate in this?

8 BLOOM: No.

9 IRVING: Okay.

10 BLOOM: They, of course, are at all of the meetings,

11 and that's why there's a lot of changes here.

12 Because, like Mike said, we were just going to

13 resurface it. Now we're widening it, sidewalks, the

14 aesthetics. If you'll notice the bridges that we've

15 been doing in the city, we've really barred no

16 expense.

17 FITCH: Yeah.

18 BLOOM: We've made them quite aesthetic--

19 FITCH: Yes.

20 BLOOM: --aes--aes--

21 FITCH: And it gets--yes.

22 BLOOM: --well, forget it--nice to look at.

23 PETERS: Better looking.

24 BLOOM: Yeah, nice to look at.

25 IRVING: Aesthetically pleasing.

0030

1 BLOOM: Thank you. And--it wouldn't come out. And

2 so they've been involved in all of the meetings. And

3 of course, with their approval, this is why we're

4 spending more money on this. So I need to increase

5 that one \$80,300.00.

6 PETERS: I'll make a motion on Project #BR0797.

7 IRVING: Second the motion.

8 BLOOM: All in favor, signify it by saying, "Aye."

9 PETERS: Aye.

10 IRVING: Aye.

11 BLOOM: Aye. Approve Warranty Deeds required for

12 additional right-of-way on Coldwater Road, Phase I,

13 from Union Chapel to Pion, Parcels 10, 11, 12, 13,

14 and 15.

15 IRVING: President Bloom, I would like to abstain

16 from voting on Parcel 12, 13, and 15.

17 BLOOM: Okay, then what I'm going to do is take
18 Parcel 10 and 11 first. And I'd like a motion just
19 on those two parcels.
20 IRVING: I make a motion we approve Parcel 10 and 11
21 to Northwest Allen Schools.
22 PETERS: I'll second it.
23 BLOOM: All in favor, signify it by saying, "Aye."
24 PETERS: Aye.
25 IRVING: Aye.

0031

1 BLOOM: Aye. Parcels 12, 13, and 15.
2 PETERS: I'll make a motion on Parcels 12, 13, and
3 15.
4 BLOOM: I'll second that motion. All in favor,
5 signify it by saying, "Aye."
6 PETERS: Aye.
7 BLOOM: Aye. Approve Warranty Deeds for additional
8 right-of-way acquisition on Coldwater Road, Phase II,
9 Coldwater and Gump, Parcel 11.
10 IRVING: So moved. Why are we doing that again? We
11 just did Parcel 11.
12 BLOOM: This is a different project.
13 IRVING: Oh, it is?
14 FITCH: Well--
15 BLOOM: Well, it says #04-254.
16 FITCH: Yeah, the--
17 IRVING: Okay.
18 FITCH: --I--I'll question--
19 IRVING: Well, I know it's right--
20 FITCH: --I'll question that too. But there's two
21 parcels--well, I don't know. I think Marla is right.
22 I don't know why there'd be two--
23 BLOOM: Yeah, but there are two separate project
24 numbers it looks like.
25 FITCH: Right.

0032

1 IRVING: Yeah, but aren't we doing the--it's for the
2 additional right-of-way.
3 BLOOM: Yeah, but--
4 IRVING: I'm not going to--I know one is for--I'm not
5 sure. And Commissioner Bloom, I have to be very
6 careful on what I vote on on this one. So I am going
7 to abstain on voting on Number 15 because--

8 BLOOM: Number 15--oh, Parcel 11 with Northwest
9 Schools?

10 IRVING: Yeah. I mean, it was okay up here because I
11 knew where those were located. This one, I'm not
12 quite sure about.

13 PETERS: Well you know, I'm not overly comfortable
14 voting on this one. There seems to be as much
15 ambiguity surrounding what it actually represents.

16 BLOOM: Well, the one is from Union Chapel to Pion.
17 This one is--it looks like that corner at Coldwater
18 and Gump.

19 IRVING: Yeah, but--

20 FITCH: Yeah.

21 IRVING: --Commissioner Bloom--

22 BLOOM: But you don't know ownership?

23 IRVING: --no, wait. The parcel of land at the
24 corner of Coldwater and--

25 BLOOM: Gump.

0033

1 IRVING: --Gump is owned by Mr. Maggos--is not owned
2 by Northwest Allen Schools.

3 BLOOM: Do we have that clarified?

4 IRVING: He owns that, what is that, four or five
5 acres there on the corner?

6 FITCH: The Parcel 11 that you approved--

7 BLOOM: Right.

8 FITCH: --is the new property. A portion of it's on
9 Coldwater and a portion is on Gump where the new
10 elementary school is being built.

11 IRVING: Right.

12 BLOOM: Number 11 and--okay.

13 FITCH: Right. The other--

14 BLOOM: And then what's this?

15 FITCH: --the other Parcel 11--

16 BLOOM: Is what?

17 FITCH: --is additional right-of-way being

18 taken--it's still Parcel 11, but there's an

19 additional--apparently there was an error, so they're
20 taking additional right-of-way.

21 BLOOM: Ownership maybe?

22 PETERS: An error meaning what, they didn't take
23 enough--

24 FITCH: They didn't take enough in--

25 PETERS: --right-of-way to begin with?

0034

1 FITCH: --the initial document, so they rewrote it.

2 IRVING: Why would that not be the same project
3 number then? Let's just--let's just wait until next
4 week.

5 BLOOM: Because there was a contract and this is an
6 additional contract.

7 FITCH: Yeah, it's--

8 BLOOM: They can't add it to the other one.

9 PETERS: What do we hurt by tabling it for a week?

10 FITCH: None. No--not at all.

11 PETERS: Does that need a motion--

12 BLOOM: No.

13 PETERS: --or can we just table it?

14 IRVING: I make a motion that--

15 BLOOM: We'll just table it.

16 IRVING: --we defer for--okay. Table that for a
17 week.

18 FITCH: Yeah, yeah. I'm sorry. I--

19 IRVING: Thank you.

20 FITCH: --I didn't see the--

21 BLOOM: I did, but I thought it was additional
22 right-of-way because I thought I'd asked.

23 IRVING: Okay.

24 FITCH: Well, I look at these and--

25 BLOOM: I know.

0035

1 IRVING: I know.

2 FITCH: Parcel 11 and Parcel 11.

3 BLOOM: I know.

4 FITCH: --it didn't ring a bell there.

5 BLOOM: Approve Warranty Deed needed for additional
6 right-of-way acquisition on the Kress Road Curve
7 Relocation, Parcel 1.

8 IRVING: So moved.

9 PETERS: I'll second it.

10 BLOOM: All in favor, signify it by saying, "Aye."

11 PETERS: Aye.

12 IRVING: Aye.

13 BLOOM: Aye. Approve a Warranty Deed and QuitClaim
14 Deed required for additional right-of-way acquisition
15 for Dupont Road from Pine Mills to Auburn Road,

16 Parcel 1, Jean McComb, Warranty Deed; Parcel 1,
17 QuitClaim Deed; and Parcel 26, Terry Weimer Warranty
18 Deed.

19 IRVING: So moved.

20 PETERS: I'll second it.

21 BLOOM: All in favor, signify it by saying, "Aye."

22 PETERS: Aye.

23 IRVING: Aye.

24 BLOOM: Aye. Approve and award Bid Reference #04-05,
25 Timber Bridge Replacement for the Rorick Road Bridge
0036

1 over Lomont Ditch, Bridge #3614 to R.L. McCoy for
2 \$106,812.80, under the engineer's estimate by almost
3 \$20,000.00.

4 FITCH: This project, we received three bidders, R.L.
5 McCoy, Primco, Inc., and Pioneer Associates. R.L.
6 McCoy was the low bid at \$106,812.80. The engineer's
7 estimate was \$126,203.80. We recommend awarding it
8 to R.L. McCoy.

9 IRVING: So moved.

10 PETERS: I'll second that.

11 BLOOM: All in favor, signify it by saying, "Aye."

12 PETERS: Aye.

13 IRVING: Aye.

14 BLOOM: Aye. Approve Change Order #6 for the
15 Stellhorn/Maysville Road Intersection between Brooks
16 Construction and Allen County for an increase of
17 \$4,678.50.

18 FITCH: This Change Order covers thermoplastic broken
19 and solid line markings for the project. We
20 initially had four inch lines set up for the project
21 and the City required six inch wide lines.

22 IRVING: Okay.

23 FITCH: So this changes--

24 BLOOM: Another project we're working with the City.

25 FITCH: Yes.

0037

1 PETERS: Oh, it's not a Change Order to make a
2 carousel?

3 IRVING: So moved.

4 BLOOM: Watch it.

5 PETERS: I'll second it.

6 BLOOM: All in favor, signify it by saying, "Aye."

7 PETERS: Aye.

8 IRVING: Aye.

9 BLOOM: Aye. What do you mean, a roundabout?

10 PETERS: That's the one.

11 BLOOM: Uh-huh (affirmative), not a carousel.

12 IRVING: That's where I was going to kind of go when

13 we were talking about the bridge on Sherman and Spy

14 Run. That, you know, even though that the--the City

15 has been at the meetings and has had some--

16 BLOOM: Input.

17 IRVING: --input--

18 BLOOM: A lot of input.

19 IRVING: --I--I'm beginning to wonder if we don't

20 need to have something that's put more in writing

21 because they also attended the meetings and had the

22 input on the 37 and--I can't think of the name--

23 FITCH: Maysville/Stellhorn.

24 IRVING: Yeah. And now after it's completed, we're

25 getting editorials done by City Council saying that

0038

1 they weren't in agreement and weren't consulted, and

2 they were at the meetings and they would--there was

3 input from the City. So I'm wondering, when we do

4 these projects like this if we shouldn't have them,

5 you know, give their okay some way. So then, when

6 they're done, everyone knows that they have had the

7 proper input.

8 BLOOM: Well, it's--yeah, the article in the paper, I

9 thought, was extremely uninformative in the respect

10 that this was a project that the County had

11 engineered, and of course, when it was annexed, we

12 had determined to do it because of all of the new

13 development as a safety issue and that the City would

14 then continue. But to say that, like Commissioner

15 Irving said, that they weren't included and they're

16 going to have to undo what we've done, we did

17 this--certainly not the total project and not the

18 total cost--

19 FITCH: Right.

20 BLOOM: --but we did it up to the point that now the

21 City will take over and do it. And--did you

22 understand that? I didn't under--

23 FITCH: The editorial has some errors in its content

24 as far as the understanding the full scope of the
25 project. This project started over about three and a
0039

1 half years ago.

2 BLOOM: Exactly.

3 FITCH: We had been working with the City closely
4 because we knew that the impending annexation was
5 coming.

6 IRVING: Right.

7 FITCH: From day one, we--we did an engineering study
8 for the entire corridor in that area. And the total
9 project was something like \$5.8 million.

10 BLOOM: Exactly.

11 FITCH: And we sat down with the City and that time
12 and we decided that it was impossible for the County
13 to pursue a project of that size and having
14 annexation so that--but because of the accidents, we
15 felt we needed to take action immediately to try to
16 reduce and eliminate the accidents.

17 BLOOM: And do a safety--

18 FITCH: So we put a plan in place--

19 BLOOM: Exactly.

20 FITCH: --as a staged project to do the first phase
21 and to make it safe. And then the City has already
22 programmed the second stage for federal highway
23 funding--

24 BLOOM: Right.

25 FITCH: --to make further improvements. So--

0040

1 BLOOM: Right.

2 FITCH: --I was surprised that the editorial--

3 IRVING: Well, that--

4 FITCH: --took the stance--

5 IRVING: --that kind of gets--

6 FITCH: --that there wasn't the cooperation when we
7 have been--

8 IRVING: Uh-huh (affirmative).

9 FITCH: --meeting with the City--

10 BLOOM: Well, for years.

11 FITCH: --on a regular basis and--

12 BLOOM: Yeah.

13 IRVING: Well, as Commissioner Peters--I know he
14 jokingly brought it up, but there is no joking to it,

15 that--that's why I'm asking for maybe some
16 consideration. I mean, we're spending, what is it, a
17 fee now to include \$115,600.00 for the Sherman Street
18 Bridge. And we're adding sidewalks. I mean,
19 originally, we were just going to resurface. Now we
20 are--are adding a lot more amenities at the request
21 of the City. And--

22 BLOOM: Widening the bridge and sidewalks, yeah.

23 IRVING: Right. That I just wonder if there isn't
24 some type of signed document that when we're working
25 on these joint projects that their engineer signs off

0041

1 and says, you know, "We are happy with this. We've
2 had a chance to review this." In my Four C's
3 meetings, that's--that's what we did because we
4 were--the same thing with the annexated--annexation
5 areas. And I'm just wondering if there shouldn't be
6 some type of a vehicle set up within the Highway
7 Department that on these joint projects and/or
8 projects that we are funding but have their
9 approval--

10 BLOOM: Right.

11 IRVING: --that we shouldn't have some type of a
12 vehicle that will give us the paperwork necessary so
13 it doesn't look like we've overstepped our bounds--

14 FITCH: Yeah.

15 IRVING: --and/or doing things that the City later
16 feels is--

17 PETERS: It makes sense.

18 BLOOM: Uh-huh (affirmative).

19 IRVING: --not appropriate.

20 FITCH: It appears we need a much more formal process
21 than--

22 IRVING: Yes.

23 FITCH: --our meetings and--

24 BLOOM: Because--

25 FITCH: --letter agreements and--

0042

1 BLOOM: --that really sounded like they had not been
2 included. And--

3 FITCH: Right.

4 BLOOM: --like you said, three and a half years--

5 PETERS: Mike, let me ask this--and I think that

6 certainly enhances--that idea enhances the
7 cooperation that I think is necessary to get the job
8 done. A lot of times as we try and forge these
9 cooperative efforts, the impediments of doing so
10 greatly reduce our ability to complete a project on a
11 timely manner. What do you see, in terms of getting
12 some agreement with the City on these projects, how
13 much will that hold us back in terms of completing
14 these in a timely manner?

15 FITCH: I don't believe it will hold us back. I
16 think it will allow everyone to understand what the
17 agreement and who is doing what. Right now, it's
18 more of a--between Linda and myself and Dave Ross and
19 his staff--

20 PETERS: Right.

21 FITCH: --we understand. But I don't think the City
22 officials and, apparently, the news media don't have
23 access to the verbal agreements or even written
24 letters and things that go back and forth--

25 BLOOM: Uh-huh (affirmative).

0043

1 FITCH: --on a project.

2 BLOOM: Uh-huh (affirmative).

3 FITCH: So I--a more formal process would--would let
4 everybody know what the--what we agreed to do.

5 IRVING: Mike, maybe you could--

6 BLOOM: We have to--

7 FITCH: Who is going to and what--

8 BLOOM: --well--

9 IRVING: --within the next--

10 FITCH: --what steps are going to be completed by
11 which agent.

12 IRVING: --within the next couple of weeks, maybe you
13 can come up with some type of a vehicle that we can
14 have the Commissioners approve that we have the City
15 sign off on either mutual projects and/or projects
16 that are being caught up in annexed areas?

17 FITCH: Right.

18 BLOOM: Not just existing ones--

19 FITCH: Yeah.

20 BLOOM: --but new ones in areas that are soon to be
21 annexed or have been annexed--

22 FITCH: Right.

23 BLOOM: --that we have started. I know the Council
24 brought up a lot of interaction with you and me about
25 why are we doing or--

0044

1 FITCH: Right.

2 BLOOM: --projects that we've started if the City is
3 annexing or soon to or has. And our answer to that
4 is, these federal projects, we have been receiving
5 the money. Now if we don't complete these projects,
6 we'd have to give the money back.

7 FITCH: Right.

8 BLOOM: And another thing is, it's not always the
9 County's fault that these projects aren't completed
10 by the time they're annexed. And a prime example of
11 that was Dupont Road.

12 FITCH: Right.

13 BLOOM: That the project, not because of any fault of
14 the County's, was not able to be completed. And I
15 took some real static on why are we completing this--

16 FITCH: Yeah.

17 BLOOM: --when they've already annexed it.

18 FITCH: Well, I think in the Maysville/Stellhorn
19 intersection, I think some of the issues that have
20 risen out of that is that the project, unfortunately,
21 we got into some utility delays last summer.

22 BLOOM: Right.

23 FITCH: We were not able to complete the striping--

24 BLOOM: Uh-huh (affirmative).

25 FITCH: --and get all of the work done. And most of

0045

1 the complaints I've heard are from--not--from
2 visibility, the paint lines aren't clear. This week,
3 we're able to get the--the thermoplastic pavements
4 markings are complete. We've got signs up. There
5 was some confusion about--

6 BLOOM: Right, yeah.

7 FITCH: --because they make the turn now, that they
8 were continuing south on Maysville instead of making
9 the right turn to go into Fort Wayne. There was some
10 confusion on direction. So we put street name signs
11 up on the overhead signal, so that they can clearly--

12 BLOOM: Make the right.

13 FITCH: --identify the directions.

14 IRVING: Right, right.
15 FITCH: Hopefully, this will--there were some islands
16 that were constructed as part of the City requirement
17 from the new development. And we have some--and
18 that's not completed. The developer still has a new
19 signal to be installed at Stellhorn and Wheelock, and
20 new--

21 BLOOM: Okay.

22 FITCH: --widened pavement. It will connect to our
23 project. And additional curbing will be added as
24 part of that project. So until that project is done,
25 this--this thing is not going to work 100%. And

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1 we're getting some of the, you know, backlash
2 because, "Well, why isn't--why aren't you doing this
3 other project?" Well, that's--that's not part of our
4 project, that's part of the developer--

5 BLOOM: Okay.

6 FITCH: --responsibility. So, it's just a
7 combination of things that--you know, and it's
8 change. You know, people--

9 BLOOM: Change is hard.

10 FITCH: --don't like change. They--change is hard.

11 BLOOM: And inconvenience is hard. People hate
12 inconvenience.

13 FITCH: Right.

14 BLOOM: But to do all of these repairs and new
15 construction, we've--we've--

16 FITCH: Right.

17 BLOOM: --got to have access.

18 FITCH: Right.

19 PETERS: I've still been using the old way and that
20 seems to work pretty well.

21 FITCH: Yeah.

22 BLOOM: Well, you just do that.

23 IRVING: Just--maybe you could have something to
24 submit with us within the next couple of weeks?

25 FITCH: Okay. I will.

0047

1 IRVING: Thank you, Mike.

2 FITCH: Thank you very much.

3 BLOOM: Maybe that would better clarify everything.

4 FITCH: Yeah. Thank you. Yeah.

5 BLOOM: Thank you. Any other business this morning?

6 ELSER: We have no other business.

7 IRVING: I make a motion we waive the second reading
8 on any matters that were approved today in which it
9 may deem necessary.

10 PETERS: I'll second that.

11 BLOOM: All in favor, signify it by saying, "Aye."

12 PETERS: Aye.

13 IRVING: Aye.

14 BLOOM: Aye. Any comments from the public this
15 morning? We have a group. If none, meeting
16 adjourned.

17 (Adjourned at 10:47 a.m.)

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1 STATE OF INDIANA)
) SS:

2 COUNTY OF ALLEN)

3

4 REPORTER'S CERTIFICATE

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

16 IN WITNESS WHEREOF, I have hereto affixed my
17 hand and seal this 15th day of April, 2005.

18
19

Kimberlee M. Adams, Notary Public

20 Residing in Allen County, Indiana

21

My Commission Expires:

22 December 2, 2011