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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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RE: LEGISLATIVE SESSION OF  
May 4, 2005

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DATE: May 4, 2005

15  
16

TIME: 10:08 a.m.

17  
18

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

19  
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21  
22

REPORTER: Kimberlee M. Adams

23  
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25

0002

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

6

6 Mary Hitchens Allen County Public  
7 Information Office  
8 John McGauley Allen County Public  
9 Information Office  
10 Jerry Hoffmann Aboite Independent  
11 Michelle Wood Department of Planning  
12 Services  
13 Mike Fitch Director, Allen County  
14 Highway Department  
15 G. William Fishering Allen County Counsel  
16 Randy Brown General Manager,  
17 War Memorial Coliseum  
18 Tony Hudson Allen County  
19 Community Corrections  
20 Sheila Hudson Allen County  
21 Community Corrections  
22 Pam Finlayson Allen County Election Board  
23 Jeanne Nicolet Allen County Election Board  
24 Renee Rousseau Allen County Clerk  
25 Chief Deputy  
0003  
1 Pat Love Allen County Assessor  
2 Shaun Murray Allen County Legislative  
3 Liaison  
4  
5 James Larson Allen County Resident  
6 Sherry Giffin Allen County Resident  
7 Jason Kuchmay Allen County Resident

- 8 Walter Riebenack Allen County Resident
- 9 Denny Logan Allen County Resident
- 10 Ron Smith Allen County Resident
- 11 Maurine Holle Homebuilders Association
- 12 Vickie Boehm Allen County Resident
- 13 Kimberlee Adams Rolf Reporting, Inc.
- 14 Ben Lanka Journal Gazette
- 15 Kevin Leininger News Sentinel

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0009

1 BLOOM: Good morning, and welcome to the  
2 Commissioners Legislative Meeting. First, we're  
3 going to honor our country and then a silent moment,  
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--was  
9 this going to be two?

10 ELSER: Yes, 4/20 and 4/27.

11 BLOOM: The 20th and the 27th, please.

12 PETERS: I make a motion on both counts.

13 IRVING: I'll second the motion.

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

15 PETERS: Aye.

16 IRVING: Aye.

17 BLOOM: Aye. Amendment to the Juvenile Center Lease.

18 FISHERING: Ladies and gentlemen, I'm Bill Fishering,  
19 the County attorney. We have successfully negotiated  
20 the purchase of what's called the Elco Tool property.

21 And now we will be amending the lease between you and  
22 the building corporation to add that piece of  
23 property into the overall lease.

24 BLOOM: Uh-huh (affirmative).

25 FISHERING: And you will also be approving the lease

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1 between you and Elco Tool to retain the property  
2 until the end of this year. They are not required to  
3 retain it, but they may retain that property until



4 the end of the year. You will have possession of the  
5 vacant lot which is between the Elco Tool and the  
6 North Wells service station building. And all of  
7 that's on Wallywood. There's no charge for their  
8 retaining property. That was part of the negotiated  
9 purchase price to the extent they do retain it,  
10 however, through the two tax paying periods, they  
11 will be paying the property taxes on that property.  
12 IRVING: And may we say they've also been kind enough  
13 that we now have trailers on that property--  
14 FISHERING: Yes.  
15 IRVING: --and so they--that was part of the  
16 agreement of that too, so I make a motion that we  
17 approve the amendment to the Juvenile Center Lease.  
18 PETERS: I second it.  
19 BLOOM: All in favor, signify it by saying, "Aye."  
20 PETERS: Aye.  
21 IRVING: Aye.  
22 BLOOM: Aye. Thank you. Vacation Petition #371 to  
23 vacate a portion of the storm sewer and surface  
24 drainage easement. Good morning, Michelle.  
25 WOOD: Good morning. Michelle Wood, Department of  
0011

1 Planning Services.  
2 IRVING: Good morning, Michelle.  
3 WOOD: Good morning. This is a continuation from  
4 last week's meeting. Vacation Petition #371/05.  
5 Would you like me to just read through the petition  
6 again or--  
7 BLOOM: Please.  
8 WOOD: Okay. The applicant is Mark R. Minnick. And  
9 the request is to vacate a portion of the storm sewer  
10 and surface drainage easement in the north half of  
11 Lot #21 in Sycamore Hills subdivision to allow for an  
12 existing house and room additions. And the location  
13 is at 10920 Birkdale Court within Sycamore Hills  
14 subdivision. This is in Section 9 of Aboite  
15 Township. And it's zoned RSP 3 plan, single family.  
16 The--the house is built on a portion of the existing  
17 storm and surface drainage easement. And there was  
18 an earlier petition to vacate the portion of the  
19 easement where the house was located. This was in  
20 1991. Apparently, that was never recorded, and when

21 Mr. Minnick brought the property, through his title  
22 work, it came up that portion of the house was in the  
23 easement. The easement still--while the vacation was  
24 approved, not recorded, so the easement remained. At  
25 the same Mr. Minnick wanted to build on an addition  
0012

1 which is actually a deck on pilings, so it's a second  
2 floor deck off the back of the house. And that  
3 prompted him to come to the Department of Planning  
4 Services to find a solution. And we started to guide  
5 him through the Vacation process which pretty much  
6 brings us to where we are today, or at least last  
7 week. The Hearing, there was--we had testimony from  
8 some--the residents on one side, and--the Giffins and  
9 also Denny Logan who is representing the Riebenacks  
10 on the other side of the house.

11 BLOOM: Right.

12 WOOD: And also Mr. Larson--I believe that's his  
13 name--from Sycamore Hills Architectural Control spoke  
14 and a couple of the other members of Architectural  
15 Control from Sycamore Hills. And they had concerns  
16 about drainage and whether or not this addition and  
17 the vacation of--the partial vacation of the easement  
18 would affect their drainage, and also, I believe,  
19 there were some concerns with views from  
20 that--blocking of views that would result from the  
21 extension of the deck. And then we also heard  
22 testimony from Al Frisinger, the Allen County  
23 Surveyor. He had his crew visit the site before the  
24 hearing. And he stated that there are roughly seven  
25 acres of surface drainage, water shed, that come to

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1 this area--

2 BLOOM: Right.

3 WOOD: --that would flow between the houses and into  
4 the lake. He does not believe the flow would be  
5 affected by this addition and there's ample surface  
6 drainage easement that would remain if this were  
7 vacated. He also stated there might be problems  
8 caused by site grading during development on the  
9 individual lots and there could be issues with the  
10 flood protection grades. Each of these homes has a  
11 flood protection grade placed on it based on the

12 outflow of the pond. And without knowing what each,  
13 you know, each was sur--surveyed, what their  
14 elevation is, it's kind of hard to tell whether or  
15 not they're below that flood protection grade. And  
16 they can also check the pond overflow to make sure  
17 that that's working properly. But if everything was  
18 working properly, he felt that this would not  
19 be--would not impede drainage between the lots to the  
20 lake.

21 PETERS: Ms. Wood, it was my understanding that there  
22 were really two issues that this boiled down to. One  
23 was the drainage issue and one was an aesthetics or a  
24 site view issue, was that--is that correct?

25 WOOD: That's how it appeared at the hearing, yes.

0014

1 PETERS: The request for the vacation, however, deals  
2 with the drainage issue--

3 WOOD: That's correct.

4 PETERS: --correct?

5 WOOD: That's correct. The petition in front of you  
6 is--is for drainage. It's a drainage easement. The  
7 easement is on a private lot. The building--he would  
8 not exceed the building line on the lot. The--the  
9 building line actually goes through the lake, which  
10 obviously, you wouldn't want to allow him to do that.  
11 But if--

12 BLOOM: No.

13 WOOD: --if you were to vacate the part--this portion  
14 of the easement, he still has plenty of room--  
15 buildable land--on his lot. And the Department of  
16 Planning Services would be able to issue a permit.  
17 From the Sycamore Hills standpoint, they still have  
18 their own architectural control--

19 BLOOM: Right.

20 WOOD: --which is laid out in their restrictive  
21 covenants which we do not have jurisdiction over.

22 PETERS: Okay.

23 WOOD: So it would be up to their architectural  
24 control whether or not to approve his building  
25 additions, which I believe, that they--they review

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1 every addition or--

2 BLOOM: Uh-huh (affirmative).

3 WOOD: --new construction--

4 BLOOM: Uh-huh (affirmative).

5 WOOD: --within the subdivision. But this petition  
6 is for drainage easement.

7 PETERS: Okay. Now what I heard you just say, it was  
8 staff's recommendation before last week to grant the  
9 vacation?

10 WOOD: Yes, based--

11 PETERS: Is there anything that's occurred since that  
12 time that would change the recommendation of the  
13 staff?

14 WOOD: No. And our recommendation is based solely on  
15 approvals from the agencies that we rely on to review  
16 these requests.

17 BLOOM: Uh-huh (affirmative).

18 WOOD: So--and I read to you that we did have  
19 approvals from the Highway Department, Surveyor's  
20 Office, AquaIndiana, AEP, NIPSCO, Sprint, and  
21 Comcast.

22 BLOOM: Uh-huh (affirmative).

23 WOOD: And those are all of the agencies that would  
24 have interest in this easement. And then again,  
25 based on Mr. Frisinger's testimony after visiting the  
0016

1 site, that he felt that there--that there would be no  
2 impact. Then our--our recommendation would need to  
3 stay the same--

4 PETERS: Okay.

5 WOOD: --as an approval.

6 PETERS: One more question, then I'll quit. I think  
7 I heard you say that if we approve the vacation  
8 petition, then the Architectural Control Committee in  
9 that area would still retain the right to approve or  
10 reject the request for building. I mean, is that--

11 WOOD: The way I understand it--

12 PETERS: --kind of your sense of it?

13 WOOD: --yes. And actually I shouldn't speak  
14 for--for what they can do, but I think we've heard  
15 here that they do have--

16 PETERS: Okay.

17 WOOD: --that ability through their restrictive  
18 covenants.

19 PETERS: Okay. Well, that's what I--

20 WOOD: Right.  
21 PETERS: --thought I was hearing too.  
22 WOOD: Your approval of the partial vacation would  
23 only have--would only bear on their decision--  
24 BLOOM: Right.  
25 WOOD: --if they--

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1 BLOOM: Right.  
2 WOOD: --felt that it should. I mean, that's--  
3 PETERS: Gotcha.  
4 WOOD: --that's completely up to their board.  
5 BLOOM: And they had signed this and rescinded it  
6 because of the drainage.  
7 WOOD: That's--that's what was said at the hearing.  
8 I don't have any documentation for that, but that's--  
9 BLOOM: But that's--  
10 WOOD: Uh-huh (affirmative).  
11 BLOOM: --what they told us. Right.  
12 PETERS: Okay.  
13 IRVING: Commissioner Bloom?  
14 BLOOM: Yes.  
15 IRVING: I was in Washington, D.C. and was not here  
16 at last Legislative, but I did review the Minutes  
17 taken by Rolf.  
18 BLOOM: All right, so you feel that you can vote on  
19 this?  
20 IRVING: Yeah, I feel like I missed a heck of a  
21 meeting.  
22 BLOOM: We carried on, we carried on.  
23 IRVING: I know.  
24 PETERS: Well, having heard that, I would make a  
25 motion to approve Vacation Petition #371/05.

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1 IRVING: I'll have to second the motion.  
2 BLOOM: All in favor, signify it by saying, "Aye."  
3 PETERS: Aye.  
4 IRVING: Aye.  
5 BLOOM: Aye. Agreement with MSKTD & Associates for  
6 the design/architectural engineering for the--  
7 RIEBENACK: If I--if I may, you just voted on that  
8 without any--  
9 BLOOM: Yes.  
10 RIEBENACK: --further testimony.

11 BLOOM: No, we had the hearing last week. The  
12 hearing was last week. Today was the vote.  
13 RIEBENACK: Are you telling me that you have now  
14 approved the vacation of this easement--  
15 BLOOM: Yes, we have.  
16 RIEBENACK: --which affects the property rights of  
17 both neighbors?  
18 BLOOM: We didn't see it that way. We had testimony  
19 from--  
20 RIEBENACK: This easement--  
21 BLOOM: --an engineer and a surveyor, sir.  
22 RIEBENACK: --this easement flows across three  
23 properties, Lots #20, #21, and #22.  
24 BLOOM: Have you heard the testimony from last week  
25 when we had--

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1 RIEBENACK: No. Unfortunately, I couldn't be here.  
2 BLOOM: Last week was the public hearing.  
3 IRVING: I'd like to make it stated that we weren't  
4 together in Washington, though, right?  
5 RIEBENACK: That's right. I was not in Washington.  
6 IRVING: Okay, that's on the record then.  
7 RIEBENACK: I thought this was continued for today  
8 for further testimony and everybody here thinks the  
9 same way.  
10 ELSER: Not as a public hearing.  
11 BLOOM: Not as a public hearing. The public hearing  
12 was last week. We held our decision until today.  
13 IRVING: Did you close the public hearing--  
14 BLOOM: Yes.  
15 IRVING: --Commissioner Bloom?  
16 BLOOM: Yes, I did.  
17 IRVING: I can't remember.  
18 FISHERING: It should be in the Minutes.  
19 ELSER: She did close the public hearing.  
20 RIEBENACK: My name is Walter Riebenack. I live on  
21 the adjacent lot.  
22 BLOOM: I figured you were.  
23 RIEBENACK: Okay.  
24 BLOOM: Yes.  
25 RIEBENACK: Mr. Logan who represents my wife who is--

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1 BLOOM: Yes.

2 RIEBENACK: --the property owner--

3 BLOOM: Yes.

4 RIEBENACK: --who cannot be here today,  
5 unfortunately, for medical reasons. Denny advised me  
6 to--to identify myself, so I am.

7 BLOOM: Thank you, sir.

8 KUCHMAY: If I could just briefly identify myself as  
9 well. My name is Jason Kuchmay. I'm an attorney  
10 representing Sherry Giffin who is a neighbor of Mr.  
11 Minnick here. And it was our understanding that  
12 there would be additional argument and testimony to  
13 be received today, and I'm here and present to offer  
14 that testimony in the event the public hearing was  
15 not properly closed before. And I'd just like to let  
16 the record reflect that we are here and that we do  
17 have our objections that we would like to present.

18 BLOOM: We can make available for you--it's--it's  
19 viewed on television twice, right? And we can make  
20 Minutes available to all of you, but I did close the  
21 hearing last week. I know I did.

22 KUCHMAY: I was--I was not present.

23 BLOOM: Right. Well--

24 KUCHMAY: So I can't dispute that.

25 BLOOM: Right.

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1 KUCHMAY: So I just want to re--

2 BLOOM: We heard testimony, but the--we--we heard  
3 from an engineer and we heard from the County  
4 Surveyor, and six departments did sign off as far as  
5 the drainage. And that was the issue, I believe.  
6 The vacation was for the drainage.

7 IRVING: Commissioner Bloom, because we do have other  
8 people here--

9 BLOOM: A lot of people here.

10 IRVING: --our Legislative Assistant just went to go  
11 get the Minutes from our meeting of last week--or  
12 their meeting of last week. Can we continue with our  
13 schedule and then at the end of the meeting--

14 BLOOM: Be--

15 IRVING: --we'll pull the Minutes for you.

16 BLOOM: --be happy too.

17 KUCHMAY: Thank you.

18 LARSON: Excuse me.

19 BLOOM: Yes.  
20 LARSON: I'm Jim Larson and I--I'm the President of  
21 the Birkdale Community Association.  
22 BLOOM: Right.  
23 LARSON: It was my understanding also that this was  
24 to be continued so Mr. Riebenack could hire an  
25 engineer to study the amount of drainage. I think it  
0022

1 was said eight acres, but seven acres is possible.  
2 But it was our understanding that that was incorrect.  
3 And it was my understanding that this was continued  
4 to bring more testimony. That's just my  
5 understanding.

6 IRVING: Well I wasn't--I wasn't here, Mr. Larson.  
7 If I--I do see our Legislative Assistant just left to  
8 go get the Minutes. So if we could all be patient,  
9 we'll go through the rest of our agenda. Is that  
10 correct, Commissioner Bloom?

11 BLOOM: Correct. We have quite a--

12 IRVING: We'll see what it says. When I read the  
13 Minutes, I thought that it also had been closed. So  
14 I--let's see what the Minutes say because they record  
15 them.

16 LARSON: All right.

17 GIFFIN: Hi, I'm Mrs. Giffin.

18 BLOOM: Good morning.

19 GIFFIN: Good morning. I was also under the  
20 understanding that the hearing was going to be  
21 continued. I received a certified letter. Had no  
22 time whatsoever to hire a professional--

23 BLOOM: Of course.

24 GIFFIN: --to evaluate my property or the situation.  
25 I know last fall Mr. Minnick approached my husband  
0023

1 late in the evening with a document and said, "Could  
2 you please sign this? This is all--look, it's just a  
3 formality. Everything is okay. The survey"--da, da,  
4 da. And my husband proceeded to sign this vacation  
5 document. Mr. Minnick, therefore, went to Mr.  
6 Riebenack or MaryAnn, and said, "Well, the Giffins  
7 have agreed to this." So when I found out about  
8 this, I asked my husband, "Did you sign something?"  
9 I wasn't home. He said, "Well, yeah, but he said it



10 was just a formality," da, da, da, da, da. And the  
11 document--I never saw the document. My husband is a  
12 physician. He's used to everyone coming out and  
13 saying, "Initial this, sign this," da, da, da, da,  
14 da. And apparently, he threw the document out. Now  
15 Mr. Minnick kind of the other day said, "Well, I  
16 can't"--I mean, "It's kind of your husband's fault  
17 that you didn't get this document." Well, my husband  
18 is not the homeowner. And so this is how this  
19 document was originally presented to us. And then  
20 when I found out that the document really wasn't  
21 valid because my husband wasn't the homeowner, I  
22 thought this issue was dead until I got the certified  
23 letter and had--I've had no time whatsoever, I mean,  
24 to get a professional. You know you can't get them  
25 out on the spot.

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1 BLOOM: Right.  
2 GIFFIN: So I--I assumed that this was continued.  
3 BLOOM: We're going to talk about this--yeah--in a  
4 little bit.  
5 GIFFIN: I just wanted to let you know.  
6 BLOOM: Thank you.  
7 GIFFIN: You're welcome.  
8 BLOOM: Thank you. Agreement with MSKTD & Associates  
9 for the design/architectural engineering for the  
10 Coliseum.  
11 BROWN: Good morning, folks.  
12 BLOOM: Good morning.  
13 IRVING: Good morning.  
14 BROWN: I am Randy Brown, General Manager of the  
15 Allen County War Memorial Coliseum. I will try to be  
16 brief this morning given the long agenda. The first  
17 document is for certain architectural services for  
18 the redesign of the--the arena ice floor.  
19 BLOOM: Right.  
20 BROWN: The majority of the work is actually done by  
21 a consultant, a company out of Minnesota called  
22 Bonestroo & Associates. They are one of the foremost  
23 ice consultants in the country, so I feel very good  
24 about that. The primary architect--architectural  
25 firm is MSKTD & Associates. Jerry Noble, who you

0025

1 know from our other work, is our project architect on  
2 this. Total architectural fee is 83 thou--80--excuse  
3 me, \$86,300.00. Then there'll be reimbursables on  
4 top of that. Mr. Fishing has reviewed this  
5 document. We have one minor change to make having to  
6 do with ownership of the drawings. Beyond that, it  
7 has been approved by him.

8 IRVING: And you are accepting Alternate Bid 1--

9 BROWN: No, this is--

10 IRVING: --Number 3--

11 BROWN: The first phase is the architectural fee.

12 BLOOM: This is this one.

13 IRVING: Oh.

14 PETERS: And you said \$86,300.00. Did you--

15 BROWN: Excuse me.

16 PETERS: --mean \$68,300.00?

17 BROWN: Yeah, I--I thought I corrected myself. One  
18 more time to make sure, \$68,300.00. Sixty-eight  
19 three [\$68,300.00].

20 BLOOM: Okay.

21 IRVING: So we're just now voting on the--

22 BLOOM: Number 4 is strictly the--

23 IRVING: MSKTD to do--

24 BLOOM: That's correct.

25 IRVING: --be the architect for \$68,300.00.

0026

1 BLOOM: That's right.

2 IRVING: So moved.

3 PETERS: I'll second it.

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

5 PETERS: Aye.

6 IRVING: Aye.

7 BLOOM: Aye. Now the Bid Award to Ice Builders, Inc.  
8 in the amount of \$608,000.00 for the ice rink  
9 replacement.

10 BROWN: Yes. We have bid this with the assistance of  
11 Bruce Little. We received two bids. And Ice  
12 Bid--Ice Builders is the low bid. The total base bid  
13 is \$539,000.00. We are recommending also awarding  
14 Alternate Bid 1, which is for a third compressor and  
15 accessories, an additional \$52,000.00; Bid Alternate  
16 3, which is certain repairs and review of structure  
17 and waterproofing. When we remove the ice floor,

18 we'll have an opportunity to review the slab below  
19 it. If you recall, in the arena, there's actually  
20 two slabs, two concrete slabs. You think of the  
21 floor that you're walking on--

22 IRVING: Right.

23 BROWN: --in the arena, the ice floor, the actual  
24 floor being replaced. But also then the--the slab  
25 below, which if you're down at Expo 4 looking up,  
0027

1 it's the ceiling. We will do an evaluation. We do  
2 have money set aside under contin--contingency, just  
3 if there's anything we need to address at that time.

4 So--

5 BLOOM: Okay.

6 BROWN: --that's what Bid Alternate 3 is. And last,  
7 Bid Alternate 4, is adding stainless steel tubing for  
8 the ice rink floor versus the polypropylene. This is a  
9 much stronger steel piping. And actually--if you  
10 think of the ice floor, you have two sets of pipes in  
11 the floor, one set for cooling the floor, and the  
12 other set for, what we call, the melt off. It's for  
13 when we turn the compressors off when we're removing  
14 ice from the arena. And what we do is we turn off  
15 the cooling segment of the floor, we slowly start  
16 circulating warm water through the second set of  
17 pipes. What that permits us to do is to break the  
18 ice off of the slab. We then, with a combination of  
19 tractors and the Zamboni, push it into a pit and haul  
20 the ice out of the building. So this is a total bid  
21 award of \$608,000.00 to Ice Builders.

22 IRVING: Randy, is it--is there any--how is the right  
23 terminology--is there any concern that the two bids  
24 that came in that there's such a huge gap between  
25 without the Alternate. The first one was \$539,000.00  
0028

1 and the second one was \$814,000.00, a  
2 300--approximately \$300,000.00 difference. Is there  
3 any concern between you and MSKTD that that is a huge  
4 gap?

5 BROWN: Actually Bonestroo & Associates works with  
6 both--both companies. They are--

7 IRVING: Okay.

8 BROWN: --they are the major installers of arena ice

9 systems. The Ice Builders bid, frankly, came in  
10 right--right with our estimates. It's what we  
11 thought the numbers would be.

12 IRVING: I didn't see a--

13 BROWN: They do a lot of work with them.

14 BLOOM: I didn't either.

15 BROWN: One of the condit--

16 IRVING: --I didn't see a con--an engineering. And  
17 maybe the--that sometimes would help, Randy. If  
18 there's engineering estimate that's already been  
19 established when you send it through--

20 BLOOM: Like we do in Highway--

21 IRVING: --if you could just add--

22 BLOOM: --yeah.

23 IRVING: --that's--it kind of helps us sometimes with  
24 the Highway Department--you're right, Commissioner  
25 Bloom--

0029

1 BROWN: I'd be happy to do that.

2 IRVING: --that we can, you know--

3 BLOOM: Because we do an estimate, an engineering  
4 estimate, and then--

5 IRVING: But--so that was right on and the other one  
6 was just extre--

7 BROWN: It's right on.

8 IRVING: Okay.

9 BROWN: And we have--for a combination of fees and  
10 contingency, just a little short of \$100,000.00 for  
11 those two elements.

12 IRVING: And you're paying for this how?

13 BROWN: This is paid through the Supplemental Food  
14 and Beverage Tax. And that has been appropriated  
15 through the County Council--

16 BLOOM: They did it.

17 BROWN: --during the past budget cycle.

18 BLOOM: Yeah.

19 IRVING: I make a motion we approve.

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.

25 BROWN: Have a great day. Thank you.

0030

1 BLOOM: Thank you.

2 IRVING: Thank you.

3 BLOOM: Addition to the Allen County Code, Title 1,  
4 Article 18, Ethics and Conflicts of Interest.

5 IRVING: Commissioner Bloom--I don't know who is  
6 supposed to speak on this--Commissioner Bloom--

7 PETERS: Bill was going to.

8 BLOOM: Yeah.

9 IRVING: Oh, we're at Ethics and--I thought we were  
10 doing the other. I thought we were doing the  
11 sidewalks, but we're not doing that.

12 BLOOM: It's on here, but not now.

13 IRVING: Why don't we skip that and go to Number 7.

14 BLOOM: Okay, I think we'll go on to the next one.

15 Amendment to the Allen County Code, Title 5, Highway  
16 Department. Please. Specification of Highway work.

17 I know we're taking this out of order, but we have  
18 kind of a--you're late.

19 FISHERING: I'm not late. I've been here all along.

20 BLOOM: Good morning.

21 FITCH: Good morning. Mike Fitch, Allen County  
22 Highway Department.

23 IRVING: Good morning, Mike. How are you?

24 PETERS: Good morning.

25 FITCH: We have a amendment to the--our sidewalk

0031

1 ordinance. This amendment allows the installer of  
2 sidewalks to construct a four foot wide sidewalk with  
3 a passing blister every 200 feet. This meets the  
4 requirement for Americans with Disabilities  
5 guidelines. Should the option be elected, complete  
6 plans for the sidewalk shall be submitted prior to  
7 approval. Said plans shall clearly designate all  
8 areas which constitute passing blisters and said  
9 design as approved shall reflect that on the plans.

10 So this is an option to our recommended--

11 BLOOM: The original one--

12 FITCH: --five foot width--

13 BLOOM: --which was--

14 FITCH: --yes.

15 BLOOM: --Title 5, Article 2.

16 FITCH: Yes.

17 BLOOM: This is strictly an amendment.  
18 FITCH: Yes.  
19 BLOOM: So this will read, "Five foot sidewalks or  
20 four feet sidewalks with blisters every 200 feet"?  
21 FITCH: Yes. There's--but there's--  
22 BLOOM: Okay.  
23 FITCH: --some additional requirements. If they go  
24 to four feet, they must submit a plan which must be  
25 approved by the Highway Department.

0032

1 IRVING: Now we are--there isn't anything else in the  
2 ADA Code that--I mean--  
3 BLOOM: We should have on here.  
4 IRVING: --this covers both areas. Are we correct  
5 now?  
6 FITCH: Yes.  
7 IRVING: Okay.  
8 FITCH: Yes.  
9 IRVING: And was it our intent--and I'm not trying to  
10 put words in your mouth--wasn't it our intent with  
11 this ordinance from the very beginning just to be ADA  
12 compliant?  
13 FITCH: Yes. Yes, it was.  
14 IRVING: I've never known you to be so short in your  
15 answers. That's great. I make a motion that we  
16 approve the addition to Allen County Code Title 1,  
17 Article--no, that's the wrong one--  
18 PETERS: Title 5.  
19 IRVING: --Title 5, Article 2, concerning the  
20 addition of the four foot sidewalks with the passing  
21 blisters and the approval.  
22 PETERS: I'll second that.  
23 BLOOM: All in favor, signify it by saying, "Aye."  
24 PETERS: Aye.  
25 IRVING: Aye.

0033

1 BLOOM: Aye.  
2 FITCH: Thank you.  
3 PETERS: Thank you.  
4 BLOOM: Thank you.  
5 IRVING: Is that all you have?  
6 BLOOM: No. He'll come back.  
7 FITCH: I'll be back.

8 BLOOM: Okay, let's go back to Number 6. Title 1,  
9 Article 18, Ethics and Conflicts of Interest.

10 IRVING: Did I see the final draft on that?

11 FISHERING: Yes.

12 IRVING: I did?

13 FISHERING: It should be there. I passed them out  
14 this morning.

15 IRVING: No.

16 PETERS: No.

17 IRVING: Let me take a gander over there.

18 FISHERING: Ladies and gentlemen, before you is an  
19 amended draft of the ethics ordinance.

20 IRVING: We are listening intently to you.

21 FISHERING: Excuse me. The significant changes  
22 between this and the original draft as proposed is  
23 the inclusion of all elected officers and a change in  
24 the system from one of prohibition to one of  
25 reporting, principally requiring that everybody

0034

1 report entertainment, etcetera, that exceeds \$25.00,  
2 where before they were strictly prohibited. Other  
3 than that, a slight change by removing food and  
4 beverage since it's gone to a reporting system. It  
5 is similar to the one you previously reviewed. It  
6 has an ethics commission made up of three people  
7 appointed by you, no more of two of whom from the  
8 same party. It is my thought that someone in your  
9 office would act as the secretary for that  
10 commission--

11 BLOOM: Uh-huh (affirmative).

12 FISHERING: --because this does now have a variety of  
13 reporting requirements and will need someone to  
14 actually organize and maintain those files. That's  
15 not directly addressed in here, but that would be my  
16 thought on how that would be.

17 PETERS: Let me--let me just say, Mr. Fishering,  
18 thanks for your patience during our deliberations and  
19 the number of times, I'm sure, you had to draft and  
20 redraft and draft some more. But I think we've  
21 gotten this thing to a point where it's going to--  
22 it's going to be beneficial for the County, the  
23 employees, and I think it's going to create that aura  
24 of trust that--that we seek from our constituents in

25 the community. Having said that, I would make a  
0035

1 motion to add to the Allen County Code, Title 1,

2 Article 18, Ethics and Conflicts of Interest.

3 IRVING: I will second that motion.

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

5 PETERS: Aye.

6 IRVING: Aye.

7 BLOOM: Aye. Thank you.

8 IRVING: Thank you very much.

9 BLOOM: Additions to the Allen County Code for the

10 following additions to Title 12. Good morning,

11 Scott.

12 HARROLD: Good morning. I'm Scott Harrold--

13 IRVING: Hi, Scott.

14 HARROLD: --from the County Department of Planning

15 Services. Just to be brief, I'll give you a brief

16 overview of all of these items and then if you have

17 any specific questions about an individual ordinance,

18 I can answer them. Basically, the whole reason for

19 all of these funds is coming out of we're refinancing

20 the General Motors Bond Issue. And in talking with

21 our bond counsel, they felt a need for further

22 separation of funds for better accounting and

23 bet--better--for audit purposes and that sort of

24 thing. Basically, in speaking with the Auditor's

25 Office, they felt the best thing for us to do would  
0036

1 to actually have separate funds instead of trying to

2 make the separations on paper. It just seems like a

3 better method to keep the--the funds separated.

4 Basically, there are three separate--three different

5 kinds of funds here--a general fund, which is--like

6 Number 124 and 129. Those funds we use to receive

7 tax increment or bond proceeds and to distribute to

8 the other funds. The bond principle and interest

9 funds--

10 BLOOM: Which ones, Scott?

11 HARROLD: 124 and 129 are general-type funds that are

12 used for receipt of--

13 BLOOM: Oh, I see that.

14 HARROLD: --of revenues--

15 BLOOM: Okay.



16 HARROLD: --that sort of thing.

17 BLOOM: Okay.

18 HARROLD: The bond principle and interest accounts  
19 which are 122, 125, and 127, those are funds where  
20 basically once a year we are to insert into those  
21 funds enough money to pay our next two bond payments.

22 BLOOM: Right.

23 HARROLD: So that's setting aside the bond payment  
24 fund money so that it's protected. Then the final  
25 ones, 123, 126, and 128, are reserve funds.

0037

1 Basically, the bond issues require a certain amount  
2 of money set aside to protect the bond holder in case  
3 something happens to the revenue stream. We felt it  
4 was best to have this reserve funds separated so that  
5 that money cannot be touched unless it's required.

6 BLOOM: Beyond the two payments.

7 HARROLD: Right. In addition to that.

8 BLOOM: Okay.

9 HARROLD: Typically, there is some kind of formula to  
10 calculate how much--

11 BLOOM: Yeah.

12 HARROLD: --money goes into that.

13 BLOOM: Yeah.

14 HARROLD: With that, I don't know if you want to take  
15 these individually or take them as a group.

16 BLOOM: No.

17 IRVING: Why don't you take them as a group?

18 HARROLD: Do you have any--

19 BLOOM: This really is an accounting situation here--

20 HARROLD: That's correct.

21 BLOOM: --that is going to make it much more clear  
22 for everyone concerned--

23 HARROLD: Right, right.

24 BLOOM: --especially the Auditor, which is extremely  
25 important.

0038

1 HARROLD: Right. It is a better method for  
2 accounting for the total funds between--

3 BLOOM: Right. Thank you.

4 IRVING: After reviewing this, I'd like to make a  
5 motion that we approve Title 12, Article 122, 123,  
6 124, 125, 126, 127, 128, and 129.

7 BLOOM: She just made a motion.  
8 PETERS: I'll second it.  
9 BLOOM: All in favor, signify it by saying, "Aye."  
10 PETERS: Aye.  
11 IRVING: Aye.  
12 BLOOM: Aye. Thank you very much.  
13 HARROLD: Thank you.  
14 IRVING: Good job.  
15 BLOOM: Addition to Allen County Code, Title 11,  
16 Election Board, Article 2. Good morning.  
17 NICOLET: Good morning.  
18 FINLAYSON: Good morning, Commissioners.  
19 ELSER: Commissioner Bloom, it's Article 3. That's--  
20 BLOOM: Is that a misprint?  
21 ELSER: It should be Article 3.  
22 BLOOM: All right. So it's going to be Title 11,  
23 Article 3. Thank you.  
24 IRVING: Hello, Pam.  
25 FINLAYSON: Hello.

0039

1 BLOOM: Good morning.  
2 FINLAYSON: I'm Pam Finlayson, Director of Elections  
3 for Allen County and this is Jeanne Nicolet--  
4 IRVING: Hi, Jeanne.  
5 FINLAYSON: --Assistant Director. The first item on  
6 the agenda, I believe, are our precinct changes--  
7 BLOOM: Uh-huh (affirmative).  
8 FINLAYSON: --is that correct?  
9 IRVING: Yes.  
10 BLOOM: Yes.  
11 FINLAYSON: I'm going to let Jeanne present that.  
12 She's overseeing the work on that project.  
13 NICOLET: These are precinct boundary changes that  
14 will effect the precincts in 2006, and they're a  
15 combination of annexations--precincts that were split  
16 because they were over the maximum allowed--  
17 BLOOM: Uh-huh (affirmative).  
18 NICOLET: --by the State for the number of registered  
19 voters. And also precincts that were too small.  
20 They have such a small number of voters that we found  
21 it very cost effective to combine these. And it also  
22 kept our number of precincts down to a net increase  
23 of only one over the last election.

24 IRVING: I make--then--and that's something that  
25 we've had to do in the past--  
0040

1 NICOLET: Yes, that's correct.

2 IRVING: --and we appreciate your efforts on this. I  
3 make a motion that we approve the change of the  
4 precinct boundaries.

5 PETERS: I will second it with one quick question.  
6 How often do we do that? How often are we required  
7 to do that, to--

8 IRVING: It's by--

9 PETERS: --look back at the boundaries and change  
10 them?

11 IRVING: --it's--it's by the numbers of voters in an  
12 area and it's reviewed.

13 PETERS: So it automatically occurs as soon as we see  
14 that a certain number of voters have voted in an  
15 area--

16 FINLAYSON: Right. We may not--

17 PETERS: --in a precinct?

18 FINLAYSON: --approach--

19 BLOOM: If registered actually.

20 FINLAYSON: --the changes immediately. It depends on  
21 the upcoming election. We wanted to get ready.  
22 These all involved annexations. That was the most  
23 dynamic redraw. And the City of Fort Wayne is  
24 looking at redistricting and we wanted to have the  
25 City of Fort Wayne in a good position to redraw their  
0041

1 city districts with current precinct boundaries.

2 PETERS: So I guess what I'm asking, does this occur  
3 prospectively, as a matter of--

4 IRVING: As needed.

5 PETERS: --registered voters, or we do--do we do it  
6 retroactively based on who voted in the last  
7 election? Do you follow what I'm saying?

8 BLOOM: Registered or actual.

9 PETERS: How do you know--how do you know we're over  
10 a certain number is what I'm asking.

11 FINLAYSON: We use the current registered voter  
12 numbers in the voter registration system.

13 PETERS: Okay.

14 BLOOM: Yeah. That's what I thought.

15 FINLAYSON: It's current numbers.  
16 PETERS: Okay, that's what I was asking.  
17 FINLAYSON: Okay.  
18 BLOOM: Not numbers, actual numbers, but the precinct  
19 registered voters.  
20 FINLAYSON: Correct.  
21 BLOOM: Yeah.  
22 FINLAYSON: Correct.  
23 BLOOM: Okay.  
24 PETERS: I call the question.  
25 BLOOM: All in favor, signify it by saying, "Aye."

0042

1 PETERS: Aye.  
2 IRVING: Aye.  
3 BLOOM: Aye. Request for Grant Application from the  
4 Help America Vote Act for the Allen County Election  
5 Board.  
6 FINLAYSON: Okay, this grant is a section of money  
7 that's being made available to the State of Indiana  
8 in the--to help our efforts to get the precincts  
9 handicap accessible. This money is from the federal  
10 government. It's a direct response to HAVA, Help  
11 America Vote Act.  
12 BLOOM: Uh-huh (affirmative).  
13 FINLAYSON: It's being funneled through the Secretary  
14 of State's office. The purchasing will be done by  
15 the Secretary of State's office, so there are no  
16 funds to be expended by Allen County first. We  
17 simply put in the request for the parts we need.  
18 These are all temporary fixes--  
19 IRVING: Right.  
20 BLOOM: Okay.  
21 FINLAYSON: --for the precincts. And then the State  
22 will purchase for--purchase the items and ship to us.  
23 PETERS: Now this is--this is just an article, a  
24 tangible thing? Is there money associated with this  
25 or is it just--

0043

1 FINLAYSON: It's a tangible thing.  
2 PETERS: --doorstops and handles and--  
3 FINLAYSON: That's all it is. It's you know, covers  
4 for rises at doors, you know, small rises--  
5 BLOOM: Uh-huh (affirmative).

6 FINLAYSON: --that--it's an easy fix. Door handles,  
7 covers for door handles that make them handicap  
8 accessible. Jeanne could--

9 NICOLET: And signs.

10 FINLAYSON: --and signs. A lot of it is signage.

11 BLOOM: So a lot of our numbers will be--I mean, they  
12 will have less to do because we will have less  
13 precincts in January?

14 FINLAYSON: No.

15 IRVING: Oh, no.

16 FINLAYSON: I don't understand that.

17 BLOOM: Aren't we closing some of the precincts  
18 because of annexation, or they're just simply--

19 FINLAYSON: They're moving.

20 BLOOM: --they're just simply changing--

21 FINLAYSON: We had a net--

22 BLOOM: --from County to City?

23 FINLAYSON: Correct. We had a net gain of one  
24 precinct.

25 BLOOM: Okay.

0044

1 FINLAYSON: So it--

2 BLOOM: One additional precinct.

3 FINLAYSON: One additional precinct.

4 BLOOM: And so aren't we going to have City--oh,  
5 that's a stupid question. Never mind.

6 IRVING: I think we're--

7 BLOOM: Never mind. It was a stupid question.

8 IRVING: --what we're doing--

9 BLOOM: I wasn't thinking.

10 IRVING: After the--after the last election and--to  
11 clarify, after the last election, we received a  
12 printout, and it was a very hefty size printout of  
13 every single voting location that we had in Allen  
14 County--

15 BLOOM: And the--

16 IRVING: --the territory of--and how that probably  
17 almost every single voting place we had had some  
18 handicap--

19 BLOOM: Absolutely.

20 IRVING: --problems. What this grant is doing is  
21 sending us some tangible items in order to fix some  
22 of our handicap--some of our voting locations that

23 will make it easier for people with disabilities to  
24 vote in these precincts.  
25 FINLAYSON: Now the last several months, Jeanne has  
0045

1 been overseeing a major project. We've been--they've  
2 been going through the surveys that were done last  
3 year, and we've been working with the ADA community  
4 now for several months.

5 IRVING: Uh-huh (affirmative).

6 FINLAYSON: And we've been reassessing those sites  
7 and we've been moving quite a few sites.

8 IRVING: Great.

9 FINLAYSON: So these parts will take care--

10 IRVING: Right.

11 FINLAYSON: --of minor obstacles.

12 BLOOM: Right.

13 IRVING: I make a motion that we approve the grant.

14 PETERS: I'll second it.

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

16 PETERS: Aye.

17 IRVING: Aye.

18 BLOOM: Aye.

19 PETERS: Ms. Bloom, with--

20 BLOOM: Thank you very much.

21 FINLAYSON: Okay, thank you.

22 PETERS: --with respect to--I'm always looking at the  
23 wrong agenda--

24 ELSER: Number 9.

25 PETERS: --Number 9, that actually should be  
0046

1 "Addition to Allen County Code Title 11, Article 2,  
2 and not 3 [not Article 3].

3 ELSER: A scribner's error on your assistant's part.

4 BLOOM: Actually, it was--

5 IRVING: Well, we had three--

6 BLOOM: --it was right on--

7 IRVING: --and then you had us mark out--

8 PETERS: It was right to begin with.

9 ELSER: It was correct to start with.

10 BLOOM: So actually, the--

11 IRVING: I will amend my motion then to the Allen  
12 Code Title 11, Article--

13 BLOOM: Two.

14 IRVING: --Two. It was voted on Article 3. I am now  
15 amending my motion to include Article 2.

16 PETERS: And I'll amend my second to include  
17 Article 2 as well.

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

19 PETERS: Aye.

20 IRVING: Aye.

21 BLOOM: Aye.

22 IRVING: Thank you.

23 BLOOM: City Utilities Customer Contract, we have  
24 City Utilities currently in service at the jail. The  
25 information is only an update for an account

0047

1 currently in service. So we need to have a contract  
2 with City Utilities. Evidently, we are hooked up but  
3 have not signed--we're--we're re--we're having a new  
4 meter put in, and so evidently new contracts are  
5 being requested to be signed. So, could I--

6 IRVING: I make--I make a motion that we sign the  
7 contracts to change for the City Utilities customers  
8 contract that we have.

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. Contract between Dr. David Lombard and  
14 Allen County for programmatic evaluation and  
15 consultation on behalf of Community Corrections.

16 HUDSON: Good morning, Commissioners.

17 BLOOM: Good morning, Sheila.

18 PETERS: Good morning.

19 IRVING: Good morning, Sheila.

20 HUDSON: Sheila Hudson, I'm Director of Community  
21 Corrections. In order to become a little bit more  
22 compliant to the new governor and the new Department  
23 of Corrections requirements that all programs work,  
24 we are tying up loose ends with Dr. David Lombard,  
25 not only to provide the clinical oversight of the

0048

1 forensic mental health division that we have with  
2 Community Corrections, but he--he is also--will be  
3 evaluating and--researching and evaluating the  
4 specific grants and the programs we have with

5 Community Corrections. This is a year grant and--or  
6 a year contract and it's done with--with Bill  
7 Fishing and his staff to make sure everything  
8 is--the terms are in compliance.

9 IRVING: Sheila, do we use him--and I notice and  
10 I'm--I'm going to congratulate you if this is  
11 true--that there are no claims for trips to and from  
12 your facility on West Superior. Does he usually come  
13 to your facility or--

14 HUDSON: Yes, he does.

15 IRVING: Well, that's great because there's--that's  
16 wonderful. That's saving us money. I make a motion  
17 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.

23 IRVING: Wonderful.

24 BLOOM: (inaudible)

25 IRVING: Yeah, but a lot of times they add the "to  
0049

1 and from" too.

2 BLOOM: Change Order on the Juvenile Center VFP,  
3 Change Order #008 for a deduct of 458 [\$458.00].

4 IRVING: This just has to do with the revamping of  
5 the--

6 BLOOM: Fire system.

7 IRVING: --fire alarm system. I make a motion we  
8 approve.

9 PETERS: I'll second it, but I've got one question.

10 That's, we've actually got a deduct on there, right?

11 IRVING: Yes. Yes, sir.

12 PETERS: Okay.

13 BLOOM: I said deduct.

14 PETERS: And I'll second it.

15 BLOOM: Yeah.

16 PETERS: Oh, I'm sorry.

17 IRVING: A deduct of \$458.00.

18 PETERS: Yeah. Sorry. Thank you.

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

20 PETERS: Aye.

21 IRVING: Aye.



22 BLOOM: Aye. Certificates of Substantial Completion.

23 Why does that--why is it Substantial Completion?

24 IRVING: Because over a certain percentage of any

25 work is completed. Is that correct, Mr. Fishing?

0050

1 FISHERING: Yeah. The AIA contract uses that as a

2 defining term which means that basically the

3 project--that portion of the project by the

4 individual contractors is complete enough to be ready

5 for occupancy leaving only the punch list items

6 thereafter. And that's in the underlying AIA

7 agreements.

8 BLOOM: It just looks strange--

9 FISHERING: I understand.

10 BLOOM: --to say "Substantial Completion"--at the

11 Juvenile Center. And there's quite a list here.

12 Would you like to read them, Commissioner Irving?

13 IRVING: CMS Roofing, Incorporated; Current,

14 Incorporated; Fort Wayne Structural Products; L-A

15 Electric, Incorporated; Strahm, Division of SGI,

16 Incorporated; Tag Co--Tag Coatings Corporation;

17 Celina Glass, Incorporated; ESCO Communications;

18 Hagerman Construction; Midwest Caulking,

19 Incorporated; W.A. Sheets & Sons, Incorporated; and

20 VFP Fire Systems. And I make a motion we approve.

21 PETERS: I'll second that.

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

23 PETERS: Aye.

24 IRVING: Aye.

25 BLOOM: Aye. Amend the record of February 2nd to

0051

1 correctly identify the Article number of the Military

2 Contribution Fund.

3 ELSER: Commissioner Bloom, this verbally was entered

4 into the record as Article 116. It should be Article

5 120 which is what was on the written documentation.

6 IRVING: So moved.

7 PETERS: I'll second it.

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

9 PETERS: Aye.

10 IRVING: Aye.

11 BLOOM: Aye. Approve and award Bid Reference #07-05,

12 construction of Dunton Road, from Honey Willow

13 Boulevard to Gump, [Project #03-250] to API  
14 Construction Corp. Amount, \$194,495.27, under the  
15 engineer's estimate by--well, the engineer's estimate  
16 was \$229,998.50, so under considerably, \$35,000.00.  
17 FITCH: Good morning. Mike Fitch, Allen County  
18 Highway Department.  
19 PETERS: Good morning.  
20 BLOOM: Good morning.  
21 FITCH: We received bids from five contractors on  
22 this project. API was the low bidder. As  
23 Commissioner Bloom pointed out, it's roughly  
24 \$35,000.00 below the engineer's estimate. The  
25 Highway Department recommends awarding the contract  
0052

1 to API Construction.  
2 PETERS: I would make a motion.  
3 IRVING: I'll second that motion.  
4 BLOOM: All in favor, signify it by saying, "Aye."  
5 PETERS: Aye.  
6 IRVING: Aye.  
7 BLOOM: Aye. Appro--Approve Change Order #2 for the  
8 Cuba Road Bridge over Oberhaltzer Ditch, Project  
9 #02-356, Reference #46-04 between R.L. McCoy and  
10 Allen County for a \$6,040.28 increase.  
11 FITCH: This change--  
12 BLOOM: Additional materials, wasn't it?  
13 FITCH: Yeah, this Change Order, there were roughly  
14 10--10 items. The big item was backfill material for  
15 the in-vent. There was air in the quantity. In  
16 order to complete that work, we had to have  
17 additional roughly 393,000--393 cubic yards of  
18 material.  
19 BLOOM: Additional material.  
20 FITCH: Additional material.  
21 BLOOM: Okay.  
22 PETERS: I make a motion on Change Order #2, Project  
23 #02-356, Bid Reference #46-04.  
24 IRVING: I will second that.  
25 BLOOM: All in favor, signify it by saying, "Aye."

0053

1 PETERS: Aye.  
2 IRVING: Aye.  
3 BLOOM: Aye. Traffic posting changes at the

4 intersections of Oak Crossing Addition.  
5 ELSER: Would you like for me to read those--  
6 BLOOM: Please.  
7 ELSER: --Commissioner?  
8 BLOOM: Please.  
9 ELSER: Oak Chase Court at Oak Chase Run, post STOP;  
10 Creek Gap Court at Oak Chase Run, post STOP; Ridge  
11 Gap Run at Holly Oak Road, post STOP; and Ridge Gap  
12 Run at Lonesome Oak Court, post STOP.  
13 IRVING: So moved.  
14 PETERS: I'll second it.  
15 BLOOM: All in favor, signify it by saying, "Aye."  
16 PETERS: Aye.  
17 IRVING: Aye.  
18 BLOOM: Aye. Approve Warranty Deed for right of way  
19 on the Leo/Mayhew Road intersection, Parcel 15.  
20 IRVING: So moved.  
21 PETERS: That's on both parcels?  
22 BLOOM: One parcel. I did this one. The other one  
23 is a different one.  
24 PETERS: Oh, this one up here. Okay.  
25 BLOOM: Yeah.

0054

1 PETERS: I'm further down.  
2 BLOOM: This is on Parcel 15 for Leo/Mayhew Road.  
3 PETERS: Right. Okay. I'd second that.  
4 BLOOM: All in favor, signify it by saying, "Aye."  
5 PETERS: Aye.  
6 IRVING: Aye.  
7 BLOOM: Aye. Approve a Warranty Deed for right of  
8 way on Dupont from Pine Mills to Auburn Road Project  
9 #00-339, Parcel 27.  
10 PETERS: That's the one I was looking at. I'll so  
11 move.  
12 IRVING: Seconded.  
13 BLOOM: All in favor, signify it by saying, "Aye."  
14 PETERS: Aye.  
15 IRVING: Aye.  
16 BLOOM: Aye. Approve Warranty Deeds required for  
17 acquisition of right of way on Coldwater Road, Phase  
18 I, from Union Chapel to Pion, #03-120, from Parcels  
19 17 and 22.  
20 IRVING: So moved.

21 PETERS: I'll second it.  
22 BLOOM: All in favor, signify it by saying, "Aye."  
23 PETERS: Aye.  
24 IRVING: Aye.  
25 BLOOM: Aye. Do you have any other business this  
0055  
1 morning?  
2 FITCH: That's all I have.  
3 BLOOM: Do you ever feel like you're totally ignored  
4 because we can just--  
5 FITCH: No, no.  
6 BLOOM: You've supplied us--  
7 FITCH: No, no.  
8 BLOOM: --with enough information.  
9 FITCH: Yes.  
10 BLOOM: Thank you.  
11 FITCH: That's what we try to do.  
12 IRVING: Thanks, Mike.  
13 FITCH: We try to overwhelm you with information so I  
14 don't get questions that way.  
15 BLOOM: You do. Thank you very much.  
16 IRVING: Good job. Thanks a lot, Mike.  
17 FITCH: Thank you. Have a good day.  
18 BLOOM: Any other business? I believe we have a  
19 couple of young ladies in the back of the room that  
20 would like to tell us of a very interesting--  
21 IRVING: Mother's Day.  
22 BLOOM: --Mother's Day project that they have here.  
23 It's a project--please come forward.  
24 IRVING: Please come forward. And please introduce  
25 yourselves.

0056

1 BROWN: Hi.  
2 STACY: Good morning, Commissioners.  
3 BROWN: My name is Megan Brown.  
4 IRVING: Good morning.  
5 STACY: I'm Tina Stacy.  
6 PETERS: Good morning.  
7 IRVING: Hi.  
8 BLOOM: Hi. And you represent?  
9 STACY: The Hilton Garden Inn.  
10 PETERS: Great.  
11 BLOOM: Thank you.

12 IRVING: On 24.  
13 BLOOM: Yes.  
14 BROWN: We would just like to say on behalf of the  
15 Hilton Garden Inn, we would like to recognize the  
16 involvement of the County Commissioners and the  
17 various Heart to Heart programs for our community.  
18 And to further support this effort, the Hilton Garden  
19 Inn would like to honor mothers with sons or  
20 daughters serving in Iraq or Afghanistan. We are  
21 having a Mother's Day Buffet which is this Sunday on  
22 Mother's Day from 11:00 a.m. to 3:00 p.m. where we  
23 are offering a complimentary buffet for mothers with  
24 sons or daughters in the military.  
25 PETERS: Great.

0057

1 BROWN: So--  
2 BLOOM: That's great.  
3 BROWN: We are also providing them with a phone  
4 card--  
5 IRVING: Uh-huh (affirmative).  
6 BROWN: --to be able to call their sons or daughters  
7 which is very important when they're--  
8 IRVING: It sure is.  
9 BROWN: --away from home so long. So, we ask that  
10 if, you know, anyone would like to make reservations,  
11 we would love to have their families to celebrate  
12 mothers. Just call the hotel. And it's 435-1777.  
13 IRVING: Would you say it just a little bit slower  
14 so the people that watch this--and there are quite a  
15 few--that they can get the number again?  
16 BROWN: Okay. It is the Hilton Garden Inn. And to  
17 make reservations, you can call 435-1777.  
18 IRVING: Great. And we will also have this on our  
19 website, so they have anything--they can contact.  
20 And Ben--I see that the Journal Gazette is still  
21 here. Maybe if you two pretty ladies would twist his  
22 arm on the way out, maybe he'll make sure that  
23 something gets put in the Journal. And we appreciate  
24 your community support.  
25 PETERS: Right.

0058

1 IRVING: This is just wonderful.  
2 STACY: Great. Thank you very much.

3 PETERS: Thanks so much for your efforts.  
4 BROWN: Thanks for having us.  
5 BLOOM: Thank you very much.  
6 BROWN: Thank you.  
7 IRVING: Good luck.  
8 BLOOM: Any other business--or--yeah, any other  
9 business this morning?  
10 BOEHM: Yes, please. My name is Vicki Boehm.  
11 BLOOM: Please come forward.  
12 IRVING: Good morning.  
13 BOEHM: Good morning.  
14 BLOOM: Good morning.  
15 BOEHM: My name is Vicki Boehm. And I'm here in  
16 reference to the Rothman Road sewer which, from what  
17 I've been hearing, is a done deal. And I just  
18 learned about this the week before last when I got a  
19 letter from the Allen County Assessor that my  
20 property was affected by this. And in the letter, it  
21 said that I could ask questions here. Now if this is  
22 a done deal, I can't answer--ask questions here.  
23 IRVING: Now--now, wait a minute.  
24 BLOOM: Wait a minute. Rothman Road--and the  
25 Assessor is sending you a bill?

0059

1 BOEHM: No. A Notice.  
2 BLOOM: They're notif--  
3 BOEHM: A Notice that they're going to put--  
4 BLOOM: --notifying you that you're--that--  
5 BOEHM: --they're going to put sewer in the back of  
6 my property.  
7 IRVING: These people here are for Sycamore Hills.  
8 BOEHM: I understand.  
9 IRVING: Okay. But--  
10 BOEHM: This is--  
11 IRVING: When did you receive the--the letter?  
12 BOEHM: The week before last.  
13 IRVING: Well, I don't even have anything before us  
14 on Rothman Road.  
15 BLOOM: Nuh-uh (negative). I don't either.  
16 ELSER: Did you happen to bring the letter with you?  
17 BOEHM: I didn't. I couldn't find it. I've been  
18 away from home for a while.  
19 BLOOM: Okay.

20 IRVING: Okay. If you could take a seat? John,  
21 could you by any chance call and let's find out where  
22 the--  
23 BLOOM: What this is.  
24 IRVING: --Rothman Road sewer project? I bet it's  
25 Drainage Board.

0060

1 BLOOM: I bet it's Drainage, yeah. Not this meeting,  
2 but a Drainage Board meeting.  
3 BOEHM: Well, I do know that the letter said if I had  
4 questions, I came here.  
5 IRVING: Okay.  
6 FISHERING: Was it from the County Assessor or from  
7 your Township Assessor, do you know?  
8 BOEHM: It was probably Township.  
9 IRVING: John, could go call the Surveyor's Office,  
10 please?  
11 BLOOM: Could--could we discuss this--if you'll go  
12 back there--  
13 BOEHM: Certainly.  
14 BLOOM: --and talk to our Assistant for a moment,  
15 please, and then he'll be able to help you. Thank  
16 you.  
17 IRVING: We did not vote on anything today that had  
18 anything to do at all with--  
19 BLOOM: No.  
20 IRVING: --Rothman Road.  
21 BLOOM: No.  
22 BOEHM: Well, not today.  
23 BLOOM: I bet--it's a drain. It's a drain.  
24 BOEHM: Well, they--they tell me it's an asset to my  
25 property and I already have City sewer and water, so

0061

1 how is this an asset to my property?  
2 BLOOM: Our--our Assistant will help you--  
3 BOEHM: Okay.  
4 BLOOM: --back here please. Thank you. Before we  
5 waive the second reading on any matter, they've  
6 pulled the Minutes from the meeting last week. Okay.  
7 Page number 49, lines 7 through 14:  
8 "BLOOM: Thank you. Is there anyone else  
9 to speak against the Vacation this  
10 morning? Anyone else to speak against

11 the Vacation? Hearing none, I'd like a  
12 motion to close the public hearing.  
13 PETERS: So moved.  
14 BLOOM: Second. All in favor, signify it  
15 by saying, "Aye."  
16 PETERS: Aye.  
17 BLOOM: Aye. I can at this time take  
18 some--well, I should have had other  
19 professional experience probably before  
20 we closed it. I--I think what I need to  
21 say is we have the Surveyor, we have the  
22 Highway Department, we've had  
23 professional engineers. They all signed  
24 off on this saying--now what was done 14  
25 years ago with--you know, without  
0062

1 documentation, I'm not saying that was  
2 right, but that was 14 years ago.  
3 Obviously, if it's not recorded, no one  
4 did know until they wanted to expand  
5 their own addition. But if the  
6 professional people that we rely on are  
7 saying that it's not going to cause a  
8 problem to do this--"  
9 PETERS: All you really needed to read was just this.  
10 BLOOM: Yeah, I know. But I wanted to tell them what  
11 I said afterwards.  
12 ELSER: What's that last page number?  
13 BLOOM: It's page--  
14 PETERS: Forty-nine [49].  
15 BLOOM: --forty-nine [49].  
16 PETERS: Or 13 down in the corner.  
17 BLOOM: Thank you.  
18 IRVING: Well, tell them you're on page 50 now.  
19 BLOOM: Now I'm on page 50.  
20 "BLOOM: But if the professional people  
21 that we rely on are saying that it's not  
22 going to cause a problem to do this--to  
23 expand this--I think one thing I'm  
24 hearing from especially Mrs. Giffin, is  
25 that there has been no communication  
0063

1 whatsoever. I would think if I were on



2 an Architectural Committee for a  
3 subdivision, I certainly would want to  
4 see the plans. I would not just want to  
5 be told, 'I'm building a porch back  
6 here.' If you're the Architectural  
7 Committee, you, I would think, would want  
8 to see the drawings, some kind of plans  
9 on this. But as far as Commissioner  
10 Peters and myself, and if Commissioner  
11 Irving were here, she would say the same  
12 thing, when we have professional  
13 opinions--and like I said, it wasn't  
14 right 14 years ago maybe to do what was  
15 done, especially not recorded--but if  
16 it's not going to cause any harm--I'm out  
17 there quite a lot. I have--I see back  
18 here Mike Fitch and Jeff Sorg from the  
19 Highway Department. Al Frisinger is  
20 here."  
21 We did close the hearing. But I explained--  
22 PETERS: Look here.  
23 BLOOM: What's this?  
24 PETERS: What you were doing here was you were saying  
25 this was just for our benefit--that the public

0064

1 hearing had already been closed and this--you were  
2 taking--  
3 BLOOM: Okay.  
4 PETERS: --Frisinger's testimony.  
5 BLOOM: At the bottom of this, we were taking  
6 Frisinger's testimony. And at the bottom of it--and  
7 it's cut off on page 50, "Am I saying, or somebody?  
8 Is this just for"--what did I say?  
9 PETERS: "Our benefit."  
10 BLOOM: "Our benefit"--or "This is just for our  
11 benefit." We wanted clarification from the County  
12 Surveyor who had already signed of saying this would  
13 not create a drainage problem. When I asked him to  
14 come forward--do you remember that?  
15 GIFFIN: Yes, ma'am.  
16 BLOOM: And he testified that this wouldn't have  
17 any--  
18 IRVING: That's Mrs. Giffin.

19 BLOOM: Mrs. Giffin.

20 IRVING: We need to have that monitored. So if you  
21 speak, we're going to have to have you come up here  
22 because--

23 BLOOM: Well, it's my fault because I asked her a  
24 question and she wasn't up here. We closed the  
25 hearing. Okay, here's--here's another clarification  
0065

1 on page 66, Michelle, "Here. I didn't give you the  
2 letter, just the"--"Do you? Okay, Kip." You said,  
3 Mr. Logan, "Just a point of clarification," and I  
4 said, "Yes." "Will this then,"

5 "LOGAN: Will this then be addressed  
6 again in a meeting a week from now?"

7 PETERS: It will be addressed. The real  
8 question is, will it be acted upon. It--  
9 it will show up on the agenda again,  
10 correct.

11 LOGAN: Very good.

12 BLOOM: And of course, you will need to  
13 know about this. So--

14 ELSER: It will be on the agenda.

15 PETERS: Yeah.

16 BLOOM: It will be on the agenda, but not  
17 if we're not going to--if we're going to  
18 act on it or not. And they need  
19 representation here"--

20 And then that's when you were telling me about that  
21 you work on Wednesday and could we change the  
22 meeting.

23 LOGAN: May I--may I approach the commissioners.

24 BLOOM: Absolutely. Please come forward.

25 IRVING: Just for a point of clarification. I did  
0066

1 read the Minutes, but are we accepting--are we  
2 opening the hearing and accepting new--

3 BLOOM: Actually, we're not.

4 IRVING: --new testimony?

5 BLOOM: Actually, we're not. So we really were going  
6 to talk about this after, but I'm not reopen--well, I  
7 haven't decided to do that. Is there a motion on the  
8 table that suggests that we reopen the hearing?  
9 We've already voted upon it.

10 IRVING: Well, that's what I'm asking. Are  
11 we--are--are you looking for a motion to reopen the  
12 hearing or not? Commissioner Peters, I know the both  
13 of you were here. I--  
14 PETERS: Well, Mr. Logan simply asked to address us--  
15 IRVING: Okay.  
16 PETERS: --and I think it's only fair that we give  
17 him that opportunity.  
18 BLOOM: Speak.  
19 LOGAN: Thank you. I just kind of wanted to relate  
20 what we thought transpired last week--  
21 BLOOM: Uh-huh (affirmative). I--  
22 LOGAN: --just so we try to get on the same page on  
23 this. I was here on behalf of Mr. Riebenack--  
24 BLOOM: Right.  
25 LOGAN: --who was out of town. The notice had come  
0067

1 on the day he was leaving for a trip to Wyoming and  
2 Montana. I visited with the City Planning  
3 Commission, tried to bring myself up to speed on what  
4 the issues were, walked the property. Mr. Larson  
5 showed me the property.  
6 BLOOM: No, County--County Planning.  
7 LOGAN: Yeah. Sorry about that. And I had requested  
8 another 30 to 60 days last week so that we might work  
9 with Mr. Minnick. And this was--while it was brought  
10 up last fall, the suddenness of this caught, I think,  
11 everybody by surprise. Mrs. Giffin didn't have  
12 couns--her own counsel here last week.  
13 BLOOM: Right.  
14 LOGAN: And so I--I thought the tone and tenor of the  
15 meeting was everybody needed more information, there  
16 needed to be better communication on this.  
17 BLOOM: Right.  
18 LOGAN: Mr. Minnick, late in the public hearing,  
19 said, "I want the neighbors to be comfortable with  
20 this." The whole sense that I had leaving the  
21 meeting was that this would be addressed again, there  
22 would be further discussion among the neighbors.  
23 Hopefully, something could be worked out with Mr.  
24 Minnick and the neighbors and that--and I must have  
25 misinterpreted, you know, what happened. But that's  
0068

1 what our--that's what my reading on it was. I  
2 communicated that to Mr. Riebenack who was out of  
3 town on a second trip since last Wednesday, and he  
4 and I have met for the first time this morning,  
5 although we've had several conversations. We  
6 expected to see Mr. Minnick here this morning. We  
7 thought there would be additional dialogue. I came  
8 to understand after the meeting, while I was speaking  
9 with Larry Weber from the County Surveyor's Office  
10 out in the hallway--Mrs. Giffin and Mr. Larson had  
11 conversation with Mr. Minnick. The tone and tenor of  
12 that conversation was, you know, "We need to kind of  
13 work together on this."

14 BLOOM: Right.

15 LOGAN: At least, that's what we thought. And so, we  
16 were somewhat surprised to come this morning before  
17 the Commissioners and--and have the matter decided  
18 upon. And so, my purpose here is simply to explain  
19 to you what our thinking was.

20 IRVING: Right.

21 LOGAN: And for you to do whatever you think is  
22 appropriate in light--in light of that.

23 BLOOM: The Vacation that we voted upon strictly  
24 says, from all the representation and documentation  
25 that we were presented, that there would be no

0069

1 drainage problem. The architectural situation  
2 between the neighbors is their decision.

3 RIEBENACK: May I say something, please?

4 BLOOM: Please come forward.

5 RIEBENACK: Thank you. Again, my name is Walter  
6 Riebenack. You mentioned the fact that 14 years ago  
7 that there was an easement vacation--

8 BLOOM: Yes. Not recorded.

9 RIEBENACK: --not recorded.

10 BLOOM: 1991, right.

11 RIEBENACK: I have a question and then I will tell  
12 you what my supposition is. My question is, did you  
13 check to see if the vacation easement that Mr.  
14 Minnick applied for this time matched the one of 14  
15 years ago. My supposition is that it is not the same  
16 easement. The easement vacation of 14 years ago, I  
17 believe, was done only to cure the problem where Mr.

18 Minnick's residence--of course, who didn't own the  
19 property then--  
20 BLOOM: Right.  
21 RIEBENACK: --Mr. Minnick's residence encroached on  
22 the easement, and that's all it was designed to do.  
23 Fix the problem, okay. I believe the easement  
24 vacation he is now applying for goes way beyond that.  
25 From my point of view also, and my wife's point of  
0070

1 view, and I believe, Mrs. Giffin's point of view,  
2 this is not an architectural control issue, okay?  
3 This is strictly a drainage easement problem. That  
4 easement runs across my wife's property.  
5 BLOOM: Right.  
6 RIEBENACK: It runs across Mrs. Giffin's problem, and  
7 it runs across Mr. Minnick's property, clearly  
8 designed to benefit the two adjoining lands. Okay?  
9 You vacate this easement, you take our property  
10 rights. That's the way I see it. Okay? You know  
11 you--you've had your--Mr. Minnick has known about  
12 this problem. And if you look at the surveys,  
13 they're dated in June of last year. He's had all  
14 this time to do something about this problem. And as  
15 Mr. Logan said, you know, I'm in the middle of a  
16 trip--middle of a trip--and I'm told by my assistant  
17 that, "Oh by the way, you got some registered mail."  
18 I said, "Go get it." And I was not--not able to get  
19 back here--

20 BLOOM: Right.

21 RIEBENACK: --for that time.

22 BLOOM: Right.

23 RIEBENACK: And I was relying on what my wife's  
24 counsel stated that, "Well, that's okay, we have a  
25 continuance for a week. So you can come to that

0071

1 hearing." And I made it a point to come back early  
2 from a trip to Pittsburgh, which I had to do to be  
3 here today. Okay? So--and I don't believe you have  
4 all of the facts surrounding this issue. I don't  
5 believe--and as Mrs. Giffin said, we have had no time  
6 whatsoever--

7 BLOOM: I know.

8 RIEBENACK: --to hire an engineer.

9 BLOOM: Oh, I know.

10 RIEBENACK: Okay, you've heard from Mr. Minnick's  
11 engineer. And--

12 BLOOM: But we've heard from six--

13 RIEBENACK: --and you heard from the County Surveyor.

14 BLOOM: And the Highway Department and six  
15 departments signed off--

16 RIEBENACK: That doesn't--

17 BLOOM: --on this.

18 RIEBENACK: --that doesn't interest me because  
19 Comcast--these are all private utilities. And the  
20 Highway Department--I mean, I don't know where the  
21 Highway Department even fits in this drainage  
22 easement. This is a whole drainage operation.

23 And--and it extends far beyond seven acres--far  
24 beyond seven acres.

25 BLOOM: What about the County Surveyor?

0072

1 RIEBENACK: The County Surveyor did not--

2 BLOOM: They take care of all the drains.

3 RIEBENACK: --the County Surveyor did not go out and  
4 look at this property until Mr. Logan brought it to  
5 his attention, and he had already approved it. And  
6 then he went out and figured, well, he better go out  
7 and take a look at it. Now that's just the facts.

8 Now, you know, I believe we have a right as adjoining  
9 property owners who are directly affected by this  
10 drainage easement--like I said, as far as I'm  
11 concerned, this is not an architectural control issue  
12 at all in front of this--this body right now. This  
13 is purely a drainage easement issue and it  
14 affects--directly, it affects--

15 BLOOM: The two homes.

16 RIEBENACK: --Mrs. Giffin, my property--

17 BLOOM: The two homes.

18 RIEBENACK: --or my wife's property--

19 BLOOM: Right.

20 RIEBENACK: --as well as the property in between  
21 which is Mr. Minnick. Okay? You vacate this  
22 easement and you affect our property rights. This is  
23 like an egress--ingress easement across one property  
24 to another. Who is the dominant property owner here  
25 that's getting served by this easement?

0073

1 BLOOM: I wish you--

2 RIEBENACK: It's Mrs. Giffin--

3 BLOOM: Yeah. The--

4 RIEBENACK: --and Mrs. Riebenack.

5 BLOOM: --testimony that we had when he--

6 IRVING: Did--did Mr. Frisinger--and I missed--I--I

7 don't remember from reading it.

8 BLOOM: Mr. Frisinger--

9 IRVING: Didn't--did our surveyor--not necessarily

10 him, but--or did Steve or one of his staff,

11 Larry--and usually they do not make a recommendation

12 without having someone that has gone out and viewed

13 it. Was that brought up?

14 ELSER: I don't think it indicated who went out and

15 did it.

16 BLOOM: Where's the Surveyor's testimony?

17 ELSER: It's towards the end of that group.

18 BLOOM: Okay, because the reason--and I can't speak

19 for--you know what I'm going to do? I'd like some

20 kind of a motion to re--I--I don't know how we're

21 going to retract all that we've done. But if we

22 could just open the discussion part of it

23 again--decide on--

24 FISHERING: Do notices again.

25 BLOOM: Huh?

0074

1 FISHERING: You'll have to do notices again if you

2 want to reopen the hearing.

3 BLOOM: So I can't do that today.

4 FISHERING: Well, you can't reopen the public hearing

5 today.

6 BLOOM: I can't reopen the public hearing without

7 doing notices. So I can't reopen the public hearing.

8 FISHERING: Not today.

9 PETERS: Right, but in the future.

10 BLOOM: Not today.

11 IRVING: While we're thinking about that, I also want

12 to add that the lady who was here earlier was in the

13 wrong meeting. And we got her delivered to the 10:00

14 meeting in the Omni Room for a City Utilities

15 meeting. So--

16 PETERS: Mr. Riebenack--

17 IRVING: --we got her taken care of.

18 PETERS: --it's--it's my understanding that your  
19 interest is truly in just making sure that your side  
20 is heard and that what you've--

21 BLOOM: Absolutely.

22 PETERS: --testified to up to this point is that you  
23 really haven't had that opportunity?

24 RIEBENACK: Absolutely.

25 PETERS: Let me say this, I believe that we can  
0075

1 reopen the public hearing if indeed we believe that  
2 it is in the best interest of the public. And, you  
3 know, I certainly am not in any great hurry to--to  
4 render a decision here. Again, with due respect, my  
5 understanding of what occurred last week is a little  
6 bit different than--than what I've heard under  
7 testimony today. And for that, I apologize. But I  
8 would--I would make a motion in this case, and it  
9 won't happen today, but make a motion that we do  
10 reopen the public hearing for additional testimony.

11 RIEBENACK: I'm sure that myself and Mrs. Giffin  
12 would--

13 BLOOM: We'd--

14 RIEBENACK: --truly appreciate that.

15 BLOOM: --we'd be happy to. But we can't do it  
16 today--

17 RIEBENACK: I understand that.

18 BLOOM: --our attorney says. Okay.

19 IRVING: I will second the motion.

20 BLOOM: Thank you. All in favor, signify it by  
21 saying--I don't know that we have to vote on  
22 that--signify it by saying, "Aye."

23 PETERS: Aye.

24 IRVING: Aye.

25 BLOOM: Aye.

0076

1 FISHERING: You need to rescind your prior approval.

2 BLOOM: And we need to--I need a motion to rescind my  
3 prior approval.

4 PETERS: Okay, since I made the motion, I will move  
5 to rescind the prior approval.

6 IRVING: And I will vote to rescind my second.

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



8 PETERS: Aye.  
9 IRVING: Aye.  
10 BLOOM: Aye.  
11 RIEBENACK: I want to thank you for that.  
12 BLOOM: You're welcome. We need--  
13 IRVING: We will notify you again. It will be at  
14 least a couple of more weeks.  
15 IRVING: I make a motion that we waive the second  
16 reading on any matters which it may deem necessary.  
17 PETERS: I'll second it.  
18 GIFFIN: Thank you very much.  
19 BLOOM: All in favor, signify it by saying, "Aye."  
20 PETERS: Aye.  
21 IRVING: Aye.  
22 BLOOM: Aye.  
23 IRVING: Do we have any other additional public  
24 comment?  
25 BLOOM: Hearing none, meeting adjourned.

0077

1 IRVING: Thank you.  
2 (Adjourned at 11:27 a.m.)

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1 1 STATE OF INDIANA )

) SS:

2 2 COUNTY OF ALLEN )

3 3

4 4 REPORTER'S CERTIFICATE

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

15 15 IN WITNESS WHEREOF, I have hereto affixed my  
16 16 hand and seal this 9th day of May, 2005.

17 17

18 18

\_\_\_\_\_  
Kimberlee M. Adams, Notary Public  
Residing in Allen County, Indiana

19 19

20 20

My Commission Expires:

21 21 December 2, 2011

22

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