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1 STATE OF INDIANA)
)SS:

2 COUNTY OF ALLEN)

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7 BOARD OF COMMISSIONERS
8 OF THE COUNTY OF ALLEN

9 RE: LEGISLATIVE SESSION OF
10 June 1, 2005

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DATE: June 1, 2005

15
16

TIME: 10:09 a.m.

17
18

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

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

- John McGauley Allen County Public
- 7 Information Office
- 8 Jerry Hoffmann Aboite Independent
- 9 Bill Hartman Allen County
- Highway Department
- 10
- G. William Fishering Allen County Counsel
- 11
- Michelle Wood Department of Planning
- 12 Services
- 13 Brian Dumford Director of Human Resources
- 14 Kimberlee Adams Rolf Reporting, Inc.
- 15 Dan Stockman Journal Gazette
- 16 Kevin Leininger News Sentinel

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0003

I N D E X

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3	Presentations by:	
4		
5	Michelle Wood	9
6	Bill Hartman	14
7	Brian Dumford	22

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Page

2 Agenda:

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4 1. Approval of the Minutes of 5-25-05 8

5 2. Public Hearing - Vacation Petition
373/05: Petition to vacate a portion of
6 the public right-of-way along the north side
of Brandon Way, adjacent to Lots 70,71, and
7 73 of Watersong, Section III residential
subdivision to allow for the development of
8 the adjacent lots. Additional right-of-way
will be dedicated on the south side of

9 Brandon Way 8

10 3. Adoption of Ozone Task Force
recommendations 11

11

12 4. Appointment to the Multiple Agency
Communications Partnership (MACP) 14

13 5. Approve agreement between Misner &
Associates and Allen County for
14 appraisal services required for the
Bass Road @ Yellow River Road and
15 Hadley Road Intersection, Project
#02-022 -- Total agreement \$15,950.00 14

16

17 6. Approve and award quotation bid for
2005 Concrete Pavement Repair
Package #2 - Northeast (Havenwood
18 Forest), Project #05-197 to
Benchmark Construction LLC - Total
19 award \$23,732.00. Engineer's
estimate was \$30,594.00 15

20

7. Approve Encroachment Report for

21 Parkview North Hospital required to
provide directional sign on Parkview

22 Plaza Drive/New Vision Drive/Parkview
North Campus/ Emergency on New Vision

23 Drive opposite Parkview Plaza Drive 15

24

(Agenda continues)

25

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1 (Agenda continued)

2

8. Approve Warranty Deeds required for

3 acquisition of additional right of
way required for the Monroeville Road

4 Bridge over Bohnke Ditch, Project
#00-031 from the following property

5 owners: 16

6 a) Parcel 3 - Paul and Deloris
Whittern

7 b) Parcel 4 - Barbara Elain
Salway-Bleeke.

8

9. Approve Warranty Deeds required for

9 acquisition of additional
right-of-way required for the Dupont

10 Road, from Pine Mills Road to Auburn
Road, Project STP-F340(1) and Project

11 #00-339 from the following property
owners: 16

12

a) Parcel 23 - Steven P. Bennet

13 (Lot #3 Reinig's Subdivision)

14 b) Parcel 24 - Steven P. Bennet

(Lots #4 and 5 Reinig's
15 Subdivision).

16 10. Approve Warranty Deed and Quitclaim

Deeds required for acquisition of

17 additional right of way for the
Dupont Road, from Pine Mills Road to

18 Auburn, Project STP-F340(1) and
Project #00-339 from the following

19 property owner: 17

20 a) Parcel 30 - Pine Valley
Community Association;

21 Warranty Deed

22 b) Parcel 2SA - Pine Valley
Community Association;

23 QuitClaim Deed for sign
interest only.

24

25 (Agenda continues)

0006

1 (Agenda continued)

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c) Parcel 6SA - Pine Valley

3 Community Association;
QuitClaim Deed for sign

4 interest only.

5 d) Parcel 8SA - Pine Valley

Community Association;

6 QuitClaim Deed for sign
interest only.

7

11. Approve Warranty Deed required for
8 additional right-of-way acquisition
on the Coldwater Road, from Union
9 Chapel Road to Pion Road, Phase I,
Project #03-120 from the following

10 property owner: 18

11 a) Parcel 18 - Keith and Tracy
Freeland

12

12. Approve Agreement between Engineering
13 Resources, Inc. and Allen County for
engineering services for the Wayne
14 Trace Bridge over Trier Ditch (Bridge
#402), Project #04-167 - Total

15 Agreement \$35,341.00 18

16 13. Approve Agreement between Janssen &
Spaans Engineering, Inc. and Allen
17 County for engineering services for
the Ellison Road Bridge over Graham
18 McCulloch Ditch (Bridge #228),
Project #04-070 - Total Agreement

19 \$55,800.00 19
20 14. Approve Change Order #1 for Berthaud
Road Bridge over Gar Creek, Project
21 #00-014 between R. L. McCoy, Inc. and
Allen County -- Total CO#1, \$8,210.04
22 Increase 19
23
24 (Agenda continues)
25
0007
1 (Agenda continued)
2
15. Approve Change Order #7 for
3 Maysville/Stellhorn Intersection
Improvements, Project #00-274
4 between Brooks Construction Co., Inc.
and Allen County -- Total CO#7,
5 \$49,969.95 Decrease 20
6 16. Approve and accept completion of
construction for the Stellhorn Road
7 Bridge over Koester Ditch, Project
#00-024 -- Primco, Inc. was the
8 contractor 20
9 17. Other Business 21
10 18. Approval to waive the 2nd Reading on
any matter approved today and for
11 which it may be deemed necessary for
the Legislative Session of June 1,
12 2005 21
13 19. Comments from the Public 21
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0008

1 BLOOM: Good morning, and welcome to the
2 Commissioners Legislative Session, June 1st, 2005.
3 And we will stand and celebrate our flag and a silent
4 moment, please.

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

8 BLOOM: First on the Agenda are the Minutes from May
9 25th, and since they were such lengthy ones last
10 week, I would like a deferral on those, please.

11 IRVING: I'll make a motion that we defer the Minutes
12 of last week.

13 BLOOM: Until they can be completed.

14 IRVING: After your record-long Commissioners Meeting
15 last--

16 BLOOM: Down in history.

17 IRVING: That's right.

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. Public Hearing, Vacation Petition
23 #373/05. Good morning.

24 WOOD: Good morning.

25 PETERS: Good morning.

0009

1 IRVING: Good morning.

2 WOOD: Michelle Wood. Good morning. Department of
3 Planning Services.

4 BLOOM: We--we're--we're opening the Public Hearing
5 for Vacation Petition #373/05. Michelle Wood will
6 act as staff this morning for the Public Hearing.

7 According to law, it may only be include--include
8 only those matters that have been advertised.

9 Michelle, has proper notice been published?

10 WOOD: Yes, it's been advertised in both Fort Wayne
11 newspapers.

12 BLOOM: Thank you. This Public Hearing is for the
13 purpose of taking testimony only. The Board will
14 discuss the merits of this proposal following the
15 Public Hearing, under normal circumstances, vote to
16 determine the outcome. We do hold the authority to
17 continue our discussion until a later meeting if we

18 believe it to be in the best interest of the public.
19 Staff recommendations, please.
20 WOOD: Based on the--the approval for the vacation of
21 this right-of-way from the Allen County Highway
22 Department, the Surveyor's Office, and utility
23 companies that might have interest in the
24 right-of-way, staff does recommend approval of this
25 vacation petition. And I can give you a background
0010

1 if you wish.
2 BLOOM: I've read these. The lots were too short and
3 we're simply allowing--
4 IRVING: Commissioner Bloom--
5 BLOOM: --how many feet?
6 IRVING: --yesterday, I was out there--
7 BLOOM: Five feet.
8 IRVING: --and looked at this too, and I think staff
9 recommendation--I don't care whether we go through
10 the history or not, but I think staff's
11 recommendation is proper on this.
12 BLOOM: Uh-huh (affirmative). It's just those lots.
13 IRVING: Right.
14 BLOOM: All right. Thank you.
15 WOOD: Uh-huh (affirmative).
16 BLOOM: We're opening the Public Hearing. Is there
17 anyone here speaking for the vacation? Anyone
18 speaking for the vacation? Anyone speaking against
19 the vacation? Anyone speaking against the vacation?
20 Is there anyone that wants to say anything? Oooo--
21 IRVING: Commissioner Bloom--
22 BLOOM: --motion to close.
23 IRVING: --Commissioner Bloom, I'll make a motion
24 that we close the Public Hearing on #373/05.
25 PETERS: I'll second it.

0011

1 BLOOM: All in favor, signify it by saying, "Aye."
2 PETERS: Aye.
3 IRVING: Aye.
4 BLOOM: Aye. And then we need to entertain a motion
5 for passage.
6 IRVING: I make a motion that we approve Vacation
7 Petition #373/05.
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.

13 IRVING: Now what did you do different today--

14 WOOD: Thank you.

15 IRVING: --that you didn't do last week?

16 WOOD: You've got some time left.

17 BLOOM: Thank you. Adoption of an Ozone Task Force

18 recommendation. This has been brought to me and here

19 it is. "The Ozone Task Force has asked the

20 Commissioners to adopt these recommendations as

21 policy for the County. It should be noted that many

22 of these steps only go into effect on ozone action

23 days. This only applies to County employees,

24 equipment, and vehicles. We are trying to lead by

25 example and present ideas to the general public so

0012

1 that they can have an impact on health issues and

2 ozone levels. The commitments by Allen County: all

3 non-emergency vehicles to the greatest extent

4 feasible should refuel after 6:00 on ozone action

5 days; purchase electric mowers to enable the mowing

6 of the downtown lawns; delay, where possible, the

7 mowing of right-of-ways; require drivers of

8 County-owned vehicles to walk inside instead of using

9 drive-thru windows at fastfood restaurants and banks;

10 encourage carpooling by employees on action days;

11 direct all departments with diesel-fueled equipment

12 to investigate the installation of retrofit packages

13 to lower emissions on older vehicles and equipment;

14 post action days signage at the service center,

15 highway barns, power plant, and City-County Building;

16 continue to disseminate education and awareness

17 information about the ozone and air quality to County

18 employees and citizens; continue to explore new

19 technology and adopt all appropriate ozone reduction

20 practices." This is the recommendation from the

21 Ozone--

22 IRVING: Task Force.

23 BLOOM: --Committee. And we need to adopt these

24 steps on ozone action days.

25 IRVING: Commissioner Bloom, I would like to also add

0013

1 to this if--if we could that the general public--I
2 know the media is going to put some of these that are
3 appropriate out for the general public to consider
4 too during the summer months into early fall. We do
5 have ozone days. The second part of this that I
6 would like to add is if the public would help us, we
7 have put grave steps in because we were at a
8 detainment one time last year in one of the spots.
9 If you read the newspaper articles last week or two
10 weeks ago, there was a concern of an economic
11 development project that was going to locate
12 elsewhere because we were not in attainment. And as
13 much as all of us are dedicated to economic
14 development and bringing new industry in here, it is
15 very important that we make sure that the ozone
16 levels stay below so we can make attainment from this
17 year. So by saying that, unless Commissioner Peters
18 would like to add anything, I'll make a motion that
19 we not only accept these for our employees, but
20 hopefully the whole community would take a--an active
21 interest, especially in the mowing and filling up
22 your gas, and--and walking into drive-in places
23 versus sitting at the drive-up windows.
24 PETERS: I'll second the adoption of the Ozone Task
25 Force recommendation.

0014

1 BLOOM: All in favor, signify it by saying, "Aye."
2 PETERS: Aye.
3 IRVING: Aye.
4 BLOOM: Aye. Appointment to the Multiple Agency
5 Communications Partnership, better known as MACP.
6 ELSER: The name before you today would be a
7 reappointment and that would be Linda Bloom. This
8 would take effect immediately today and go through
9 May 31st, 2008.
10 PETERS: I'd make a motion of the appointment of
11 Linda Bloom to the Multiple Agency Communications
12 Partnership.
13 IRVING: I'll second that motion.
14 BLOOM: All in favor, signify it by saying, "Aye."
15 PETERS: Aye.
16 IRVING: Aye.

17 BLOOM: Aye. Approve agreement between Misner &
18 Associates and Allen County for appraisal services
19 required for Bass Road at Yellow River Road and
20 Hadley Road Intersection, Project #02-022. Total
21 agreement, \$15,950.00. Good morning, Bill.

22 HARTMAN: Good morning.

23 IRVING: Good morning, Mr. Hartman, how are you?

24 HARTMAN: Good.

25 PETERS: Good morning.

0015

1 HARTMAN: I'm Bill Hartman, Allen County Highway,
2 sitting in for Mike Fitch.

3 BLOOM: Any questions here? I could use a motion.

4 IRVING: I make a motion that we approve the Misner &
5 Associates appraisal service for the Bass Road
6 project.

7 PETERS: I'll second that.

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

9 PETERS: Aye.

10 IRVING: Aye.

11 BLOOM: Aye. Approve and award quotation bid for
12 2005 Concrete Pavement Repair Package #2 at--in
13 Havenwood Forest to Benchmark Construction. Total
14 award, \$23,732.00.

15 IRVING: I make a motion that we approve.

16 PETERS: I'll second that.

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

18 PETERS: Aye.

19 IRVING: Aye.

20 BLOOM: Aye. Approve Encroachment Report for
21 Parkview North Hospital required to provide
22 directional sign on Parkview Plaza Drive/New Vision
23 Drive/Parkview North Campus/Emergency on New Vision
24 Drive opposite Parkview Plaza Drive. Well, that will
25 confuse anybody, won't it?

0016

1 PETERS: Yeah, but the signs will straighten it out?

2 BLOOM: Uh-huh (affirmative).

3 IRVING: Yeah.

4 BLOOM: Is that right?

5 PETERS: I'll approve the Encroachment Report for
6 Parkview North Hospital.

7 IRVING: I'll second it.

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 acquisition of additional right-of-way required for

13 the Monroeville Road Bridge over Bohnke Ditch,

14 Parcels 3 and 4.

15 IRVING: So moved.

16 PETERS: I'll second it.

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

18 PETERS: Aye.

19 IRVING: Aye.

20 BLOOM: Aye. Approve Warranty Deeds required for

21 acquisition of additional right-of-way required for

22 the Dupont Road, from Pine Mills Road to Auburn Road,

23 Parcels 30--or 23 and 24.

24 PETERS: I'll make a motion that we approve those

25 Warranty Deeds.

0017

1 IRVING: I'll second the motion.

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

3 PETERS: Aye.

4 IRVING: Aye.

5 BLOOM: Aye. Approve Warranty Deed and Quitclaim

6 Deeds required for acquisition of additional

7 right-of-way from Dupont Road, from Pine Mills to

8 Auburn, Parcels 30, 2SA, 6SA, and 8SA.

9 PETERS: I make a motion to approve those Warranty

10 Deeds.

11 IRVING: I'll second the motion.

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

13 PETERS: Aye.

14 IRVING: Aye.

15 BLOOM: Aye.

16 IRVING: Mr. Hartman, what does--I've never seen "SA"

17 after a parcel number. What does that stand for, do

18 you know?

19 HARTMAN: It's--

20 IRVING: Okay.

21 HARTMAN: --it's just a continuation. The thing we

22 might add, though, these are the last parcels in the

23 Dupont Road project. So all the right-of-way is now

24 acquired with this--

25 IRVING: Great.

0018

1 HARTMAN: --with these approvals.

2 IRVING: Great.

3 HARTMAN: So--

4 IRVING: I've just never seen that notation before--

5 BLOOM: I haven't either.

6 IRVING: --a parcel number.

7 BLOOM: Approve Warranty Deed required for additional

8 right-of-way acquisition on Coldwater Road, from

9 Union Chapel to Pion, Phase I. And this is Parcel

10 18.

11 PETERS: I make a motion to approve that Warranty

12 Deed.

13 IRVING: Second.

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

15 PETERS: Aye.

16 IRVING: Aye.

17 BLOOM: Aye. Approve Agreement between Engineering

18 Resources, Inc. and Allen County for engineering

19 services for the Wayne Trace Bridge over Trier Ditch

20 Bridge #402, Total, \$35,341.00.

21 IRVING: I make a motion we approve.

22 PETERS: I'll second it.

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

24 PETERS: Aye.

25 IRVING: Aye.

0019

1 BLOOM: Aye. Approve Agreement between Janssen &

2 Spaans Engineering, Inc. and Allen County for

3 engineering services for the Ellison Road Bridge over

4 Graham McCulloch Ditch, Bridge #228.

5 PETERS: I make a motion to approve the Agreement

6 between Janssen & Spaans Engineering and Allen

7 County.

8 IRVING: I'll second the motion.

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

10 PETERS: Aye.

11 IRVING: Aye.

12 BLOOM: Aye.

13 IRVING: Is this a new engineering company,

14 Commissioner Bloom?

15 BLOOM: Janssen & Spaans, no, we have used them in

16 the past. We've also used some of their engineers.
17 IRVING: Okay.
18 BLOOM: One particular engineer has moved to this
19 company--
20 IRVING: Okay.
21 BLOOM: --and so we've--
22 IRVING: Okay.
23 BLOOM: --decided to use them.
24 IRVING: Okay.
25 BLOOM: Approve Change Order #1 for Berthaud Road
0020

1 Bridge over Gar Creek, Project #00-014 between R. L.
2 McCoy, Inc. and Allen County, Total CO#1, \$8,210.04.
3 IRVING: I make a motion we approve.
4 PETERS: I'll second that.
5 BLOOM: All in favor, signify it by saying, "Aye."
6 PETERS: Aye.
7 IRVING: Aye.
8 BLOOM: Aye. Approve Change Order #7 for
9 Maysville/Stellhorn Intersection Improvements,
10 Project #00-274 between Brooks Construction and Allen
11 County, Change Order #7, a decrease of \$49,969.95.
12 PETERS: Well, I'll make a motion to approve that
13 decrease.
14 IRVING: I'll second the motion.
15 BLOOM: All in favor, signify it by saying, "Aye."
16 PETERS: Aye.
17 IRVING: Aye.
18 BLOOM: Aye. Approve and accept completion of
19 construction for the Stellhorn Road Bridge over
20 Koester Ditch, Project #00-024. Primco was this
21 contractor.
22 PETERS: I'll so move the approve and acceptance of
23 completion of construction for the Stellhorn Road
24 Bridge.
25 IRVING: I'll second it.

0021
1 BLOOM: All in favor, signify it by saying, "Aye."
2 PETERS: Aye.
3 IRVING: Aye.
4 BLOOM: Aye. Any other business, Bill?
5 HARTMAN: We're in business. Thank you very much.
6 BLOOM: Okay.

7 IRVING: Great.
8 BLOOM: Any other business, Susan?
9 ELSER: I have no other business.
10 BLOOM: Okay.
11 IRVING: I make a motion that we waive the second
12 readings on any matters that were voted on today that
13 may deem necessary.
14 PETERS: I'll second that.
15 BLOOM: All in favor, signify it by saying, "Aye."
16 PETERS: Aye.
17 IRVING: Aye.
18 BLOOM: Aye. Are there any comments from the public
19 this morning?
20 IRVING: Yes, Commissioner Bloom and--
21 BLOOM: You're not the public.
22 IRVING: --well, do I have to go down there then?
23 BLOOM: No, stay right here.
24 IRVING: Brian--
25 DUMFORD: Yes.

0022

1 IRVING: --why don't you come up for one second here?
2 Do you want to introduce yourself?
3 DUMFORD: I am Brian Dumford, Director of Human
4 Resources.
5 IRVING: Earlier today, we saw Brian walking around
6 the office and the building with his tassel and his
7 graduation cap. He deemed not to wear his gown. And
8 I would like to say congratulations to Mr. Dumford in
9 getting his Masters Degree as of last night.
10 DUMFORD: As of last night, yes.
11 IRVING: And--
12 PETERS: Congratulations.
13 BLOOM: Congratulations--
14 DUMFORD: Thank you very much.
15 BLOOM: --Brian.
16 IRVING: --and tell you how proud we are of you.
17 BLOOM: You bet we are, Brian.
18 DUMFORD: Thank you.
19 IRVING: Okay. Is there anything that now with your
20 new wisdom, you'd like to add?
21 DUMFORD: Nope.
22 IRVING: A man of few words. Thank you, Brian--
23 DUMFORD: Thank you.

24 BLOOM: Thank you.

25 IRVING: --and congratulations again.

0023

1 PETERS: Yep.

2 BLOOM: Any other comments from the public this
3 morning? Hearing none, meeting adjourned. Thank
4 you.

5 (Adjourned at 10:26 a.m.)

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1 1 STATE OF INDIANA)
) SS:

2 2 COUNTY OF ALLEN)

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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 18, 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 23rd day of May, 2005.

17 17

18 18

Kimberlee M. Adams, Notary Public

19 19 Residing in Allen County, Indiana

20 20

My Commission Expires:

21 21 December 2, 2011

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