

0001

1 STATE OF INDIANA        )  
                          )SS:

2 COUNTY OF ALLEN        )

3  
4  
5  
6

7        BOARD OF COMMISSIONERS  
8        OF THE COUNTY OF ALLEN

9        RE: LEGISLATIVE SESSION OF  
10        July 27, 2005

11  
12  
13  
14

DATE:     July 27, 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

21  
22

REPORTER: Kimberlee M. Adams

23  
24  
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  
11 G.W. Fishing Allen County Counsel  
12  
13 Mike Fitch Director, Allen County  
14 Highway Department  
15 Randy Brown General Manager, Allen  
16 County Memorial Coliseum  
17  
18 Garnett Mills Assistant General Manager,  
19 Allen County Memorial  
20 Coliseum  
21  
22 Mac Parker Allen County Memorial  
23 Coliseum, Board of Trustees  
24 Jack Lehman Allen County Memorial  
25 Coliseum, Board of Trustees  
0003  
1 Jerry Dehner Allen County Memorial  
2 Coliseum, Board of Trustees  
3 Mark Pope Allen County Memorial  
4 Coliseum, Board of Trustees  
5  
6 C.J. Steigmeyer Coliseum Manager of Finance  
7  
8 Bill Smallwood Chief Deputy, Allen County  
9 Sheriff's Department  
10 Tony Burrus Director, Safety and  
11 Environmental Services  
12

1 ALSO PRESENT:

2  
3 Elizabeth Clester Director of Medical  
4 Services, Allen County  
5 Confinement Center  
6 J. Hoffman Aboite Independent  
7 Kimberlee M. Adams Rolf Reporting, Inc.  
8 Cindy Larson News Sentinel  
9 Kevin Leninger News Sentinel

9 Ben Lanka Journal Gazette

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
0004  
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

I N D E X

Page

Presentations by:

Randy Brown	7
Mac Parker	8
Jack Lehman	9
Bill Fishering	15
Bill Smallwood	16
Elizabeth Clester	16
Mike Fitch	20
Tony Burrus	36

18  
19  
20  
21  
22  
23  
24  
25  
0005

1  
Page

2 Agenda:

3

1. Approval of the Minutes of 7-20-05 7

4

2. Presentation to Jack Lehman, member,  
5 Allen County War Memorial Coliseum Board  
of Trustees 7

6

3. Approval of Addendum #1 to contract with  
7 Border Energy, Inc 15

8

4. Bid Award for the Courthouse Voice  
Evacuation System 36

9

5. Approval of contract with Pro Resources  
10 Medical Staffing for temporary medical  
staffing services at the Allen County

11

Confinement Center 16

12

6. Approve sidewalks/ramps investigation and  
ADA compliance for Allen County proposal

13

between A & Z Engineering, Inc. and Allen  
County for a not to exceed fee of

14

\$30,000.00 20

15

7. Approve and award Bid Reference #24-05,  
Construction of Coldwater Road - Phase I,

16

from Union Chapel Road to Pion Road,  
Project #03-120 to Wayne Asphalt and

17

Construction Co., Inc.; Total contract  
award, \$488,388.48 (Engineer's estimate

18

\$538,525.50) 31

19

8. Approve agreement for right of way buying  
services between ROW Jones, Inc. and

20

Allen County for Coldwater Road - Phase

II, from Pion Road to Twin Eagles

21 Addition including the Coldwater Road and  
Gump Road intersection, Project #04-254;  
22 Total agreement \$27,500.00 for  
approximately 38 parcels 32

23  
24

(Agenda continues)

25  
0006

1 (Agenda continued)

2  
3 9. Approve Warranty Deed required for  
additional right of way on the Maysville  
4 Road Bridge over Koester Ditch, Project  
#02-338 from:

5 a) Parcel 4 - R & B Enterprises 32

6 10. Approval to waive the 2nd Reading on any  
matter approved today for which it may be  
7 deemed necessary for the Legislative  
Session of July 27, 2005 37

8  
11. Comments from the Public 38

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

0007  
1 BLOOM: Good morning and welcome to the Commissioners  
2 Legislative Session. First we are going to

3 commemorate our country and a silent prayer please.

4 (At this time, the Pledge of Allegiance was

5 recited in unison, and a moment of silence

6 was recognized by all.)

7 BLOOM: Thank you. Approval of the Minutes of July

8 20th.

9 PETERS: I make a motion to approve the Minutes of

10 July 20th.

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. Now we have a presentation this morning

16 for one of our illustrious members of the Coliseum

17 Advisory Board that we have had for how many years?

18 IRVING: Trustees.

19 BLOOM: A trustee. For how many years?

20 BROWN: From day one.

21 BLOOM: From day one.

22 BROWN: The Board of Trustees, but--

23 IRVING: Well, introduce yourselves first.

24 BROWN: I'm Randy Brown. I'm the General Manager of

25 the Coliseum. With me is Mac Parker, President of

0008

1 the Coliseum Board of Trustees along with--we have a

2 number of other trustees with us today, Jack Lehman,

3 Mark Pope, Jerry Dehner, and a couple of our staff

4 members, Garnett Mills, Assistant General Manager and

5 C.J. Steigmeyer, our Manager of Finance and

6 Administration. And I will happily turn the floor

7 over to Mr. Parker.

8 PARKER: It's my privilege to present this plaque to

9 Jack Lehman for his distinguished service as

10 President of the Board of Trustees. Actually Jack

11 has rendered service to the Board for over 25 years.

12 BLOOM: That's what I--

13 PARKER: Twenty-six [26], I think to be--to be

14 exact--during which time he served various times as

15 President. Randy tells me totaling nine years. And

16 during his most recent service, of course, was the

17 Coliseum expansion, and Jack was very involved in

18 that, particularly the financing. His--his

19 experience as a banker lended a great deal of help.

20 And I'll also say, he was involved with construction.  
21 On at least one or two occasions, Jack and I went out  
22 and climbed up a number of ladders in order to get to  
23 the top and look at the--the heating and air  
24 conditioning up there. And we wouldn't of done that  
25 except that we were led by a real squirrel who

0009

1 climbed up those ladders. Jerry Dehner ran up those  
2 ladders just like a squirrel would, and so--

3 BLOOM: Oh, I'm--I'm sure.

4 IRVING: Yes, he does.

5 PARKER: --well Jack and I--Jack and I wouldn't have  
6 done it except Jerry kept leading us on and so--

7 PETERS: Do you have pictures?

8 BLOOM: Videos.

9 BROWN: Yes, we do, actually.

10 IRVING: Yes, we do. We do.

11 PARKER: Jack--Jack was recently inducted into the  
12 Fort Wayne Business Hall of Fame, another example of  
13 his outstanding business career. And certainly the  
14 Coliseum has benefited greatly by his service--

15 BLOOM: Absolutely.

16 PARKER: --over a period of time. And Jack, thank  
17 God, you got here.

18 LEHMAN: I got here.

19 PARKER: Here's a special proclamation presented to  
20 you for your outstanding work and dedication to the  
21 Allen County War Memorial Coliseum. Thank you.

22 LEHMAN: Thank you. It's been a privilege to serve  
23 the Coliseum, and I am indeed proud of what we have  
24 in Allen County Coliseum. It's a great facility and  
25 it's a great benefit for all the citizens of Fort

0010

1 Wayne and Allen County and the whole surrounding  
2 area. Thank you very much.

3 IRVING: Thank you.

4 BLOOM: Yes, it is.

5 IRVING: Thank you.

6 PETERS: You've done a great job. You've been a  
7 tremendous asset to us.

8 LEHMAN: Thank you.

9 IRVING: And thank you for your dedication. Before  
10 you get off the stage, Randy, I want to tell you

11 personally how thrilled I was to see you the other  
12 night at Commissioners' Night Out last Wednesday when  
13 we were in Monroeville. And the people had some very  
14 interesting questions for you, and you gave them a  
15 little bit of an insight of the Memorial Coliseum  
16 that maybe they hadn't seen before. So thank you  
17 very much for attending the meeting and--

18 BLOOM: We appreciate that.

19 BROWN: My pleasure.

20 IRVING: --and being there to answer some questions  
21 and tell a little bit about the pride of Allen  
22 County.

23 BROWN: I'm planning on attending, I believe,  
24 tomorrow night in New Haven.

25 BLOOM: New Haven is tomorrow night.

0011

1 BROWN: Yeah, talking about the Coliseum is my  
2 favor--favorite subject, favorite thing to do. And  
3 the more we can inform and educate the public of--of  
4 what we do, and frankly how successful we are, I  
5 think it just helps our overall cause. And our  
6 community is our strongest asset for inviting and  
7 attracting other events such as the Gold Wing  
8 convention to town. So if anyone has an idea of a  
9 piece of business we should pursue or an opportunity,  
10 you know, that's--that's information we need to have  
11 and we will follow up on it.

12 IRVING: Well, Commissioner Bloom kind of embarrassed  
13 me the other day.

14 BLOOM: Fancy that.

15 IRVING: We were with some people from Grand Rapids  
16 who--it was there--

17 BLOOM: Oh, I did do it.

18 IRVING: --yes.

19 BLOOM: I remember.

20 IRVING: She--I've never known her--

21 BLOOM: They were behind us.

22 IRVING: They were behind us. I've never heard her--

23 BLOOM: With their children.

24 IRVING: --heard her spew off so many fact about how  
25 our new Coliseum that has had the roof raised on it

0012

1 and the additional seating, how we've beaten them in



2 every category. And I was standing there going--

3 BLOOM: I said--

4 IRVING: --"I hope you never go to Grand Rapids,  
5 Linda."

6 BLOOM: --I said that they--we used to be competitive  
7 with them, and now there wasn't any competitiveness  
8 left because we had surpassed them in every category  
9 that--and even though their population was twice the  
10 population of Allen County, that you couldn't get any  
11 better than what we did, and they better take note.

12 I mean, and I've never seen them before. It was  
13 the--and they were so cute, young couple with two  
14 young ones, and they went, "Really? Really?" Like,  
15 "Who the heck are you?"

16 PETERS: Commissioner Irving, I just want to know how  
17 you responded when she referred to Mr. Brown as the  
18 Mayor of the Coliseum?

19 BLOOM: Okay, guys. Did you read all that?

20 BROWN: One last tidbit.

21 BLOOM: Yes.

22 BROWN: One of our industry publications, Venues  
23 Today, did a summary in the first six months of the  
24 year, actually from November through, I believe, the  
25 end of May. And in our classification, which is up

0013

1 to 15,000 seats, and once again, we're ranked in the  
2 top 20 facilities in the country. So--

3 BLOOM: Was it higher than Grand Rapids?

4 BROWN: I'm not sure. I don't want to misstate--

5 BLOOM: Oh, I--oh, I hope.

6 BROWN: --because I remember that--that--

7 BLOOM: I certainly hope it was.

8 BROWN: I'm--I'm sure in some category, we are.

9 BLOOM: I--I'm sure hoping so.

10 BROWN: But we continue to perform. And starting  
11 Monday, the ice floor replacement project begins.

12 IRVING: Great.

13 BLOOM: Good.

14 BROWN: We opened our bids yesterday on the parking  
15 lot renovation, and we came in right on our  
16 construction bid, so that--that's very positive news.

17 IRVING: Great.

18 BLOOM: Very good.

19 BROWN: We'll probably see you next week on that.

20 BLOOM: Yes, you will.

21 BROWN: But it's been busy with events. Now we're  
22 going to get busy with renovations, construction  
23 projects, and just improvements that our community  
24 will see this fall.

25 PETERS: Great.

0014

1 IRVING: Keep up the good work.

2 BROWN: And thank you for inviting us to be here this  
3 morning for--

4 IRVING: Any time.

5 BROWN: --this presentation for Mr. Lehman. We're  
6 grateful for that.

7 IRVING: Thank you for coming.

8 BROWN: Thank you.

9 BLOOM: Thank you. Are you going to stay for our  
10 meeting?

11 BROWN: You know it's tempting, but maybe we'll  
12 commence outside and talk about the future business.

13 IRVING: That's great.

14 PARKER: I would--I would like to say one thing  
15 before we--I walked across the Courthouse green, and  
16 the flowers and the grass and everything in there is  
17 beautiful.

18 IRVING: Great.

19 PARKER: Very outstanding. I don't know who is  
20 responsible for the section--

21 BLOOM: Vegetation.

22 PARKER: --of Main Street out here, if that's the  
23 City, but--

24 BLOOM: That's the City.

25 PARKER: --both of them together is very nice.

0015

1 BLOOM: Thank you.

2 PARKER: Even the--even the palm tree looks good.

3 BLOOM: Bye. Approval of Addendum #1 contract with  
4 Border Energy, Inc. Border Energy.

5 IRVING: I--I have not seen that.

6 BLOOM: Oh.

7 IRVING: I thought you were leaving with the Coliseum  
8 Board members.

9 FISHERING: No, no, Bruce Little made me come and

10 make this presentation, then I'll leave with the  
11 others. Border Energy is a group that's providing so  
12 called natural gas and some other services for us  
13 over a period of three years. This amendment  
14 adds--and it was done in coordination with--or  
15 conjunction with the City of Fort Wayne and we  
16 basically followed their contract--this amendment  
17 merely adds a non-appropriations clause. It is a  
18 three year contract and it does need to have a  
19 non-appropriations clause to provide that should the  
20 Council not elect to appropriate money for the  
21 contract next year, it would terminate. That is the  
22 just--or gist of this particular amendment.  
23 IRVING: I make a motion we approve Addendum #1 on  
24 Border Energy, Inc.  
25 PETERS: I'll second that.

0016

1 BLOOM: All in favor, signify it by saying, "Aye."  
2 PETERS: Aye.  
3 IRVING: Aye.  
4 BLOOM: Aye. Thank you, Bill.  
5 IRVING: Thank you.  
6 BLOOM: Do you have anything else?  
7 FISHERING: I don't believe I have anything else.  
8 BLOOM: Okay. Approval of the contract with Pro  
9 Resources Medical Staffing for temporary medical  
10 staffing services at the Confinement Center.  
11 SMALLWOOD: Good morning.  
12 BLOOM: Good morning.  
13 SMALLWOOD: Good morning.  
14 IRVING: Good morning.  
15 SMALLWOOD: I'm Bill Smallwood, Chief Deputy of the  
16 Allen County Sheriff's Department and this is our new  
17 Director of Medical Services at the Jail, Elizabeth  
18 Clester.  
19 CLESTER: Good morning.  
20 PETERS: Welcome aboard.  
21 BLOOM: And your name?  
22 CLESTER: Thank you.  
23 BLOOM: And your name?  
24 CLESTER: Elizabeth Clester.  
25 BLOOM: Very nice to meet you.

0017

1 IRVING: Nice to meet you, Elizabeth.  
2 CLESTER: Nice meeting you.  
3 BLOOM: So we have--what's temporary medical  
4 staffing?  
5 SMALLWOOD: At the present time, they're having a  
6 hard time finding a nurse.  
7 BLOOM: That's--  
8 SMALLWOOD: We've had the ap--  
9 BLOOM: --what I thought.  
10 SMALLWOOD: --had the applications out for quite a  
11 while. And there's one on disability right now. So  
12 we want to go to a temporary service to have nurses  
13 come in, QMAs, and so forth--  
14 CLESTER: To supplement.  
15 SMALLWOOD: --to supplement while they're off. And  
16 Elizabeth.  
17 BLOOM: Because we have 24 hours, right?  
18 SMALLWOOD: Right, right, 24 hour, seven day a week.  
19 She's--  
20 IRVING: Is this in your line item? You have the  
21 money?  
22 SMALLWOOD: It's in con--it's going to be a  
23 contractual. And what we're going to do, we're going  
24 to move part of their salaries that--  
25 BLOOM: Right.

0018

1 SMALLWOOD: --aren't--that they aren't using into  
2 contractual.  
3 IRVING: And how long are we going to be doing this?  
4 SMALLWOOD: We'd like to have it open-ended as long  
5 as the salary stays the same. But what's agreed  
6 upon, we'd like to keep it open-ended so we can do  
7 this maybe forever if we have to, you know.  
8 IRVING: But if you hire a full-time nurse--  
9 SMALLWOOD: Yeah, right, we're not going to use them  
10 then. As soon as that position is filled--  
11 IRVING: Okay. That's what I'm asking.  
12 SMALLWOOD: Right, exactly, right.  
13 IRVING: Okay, okay. I make a motion we approve.  
14 PETERS: And I will second that.  
15 BLOOM: All in favor, signify it by saying, "Aye."  
16 PETERS: Aye.  
17 IRVING: Aye.

18 BLOOM: Aye.  
19 SMALLWOOD: Okay, thank you.  
20 BLOOM: Thank you.  
21 CLESTER: Thank you very much.  
22 IRVING: Thank you. Good luck.  
23 BLOOM: It's been a pleasure to meet you.  
24 CLESTER: Thank you.  
25 SMALLWOOD: She needs good luck too.

0019

1 IRVING: No. You know, I was over at the Jail not  
2 too long ago and I stopped in and saw the medical  
3 staff which I usually try to do. And they have a  
4 very, very tough job, but--  
5 BLOOM: Boy, you're not kidding.  
6 IRVING: --the sense among the nurses are that  
7 they're a good team. And it's a tough situation, but  
8 we need good people like you. So good luck, and if  
9 you have any problems or anything, right there is the  
10 man.

11 CLESTER: I know a phone number.

12 IRVING: Okay, thank you.

13 BLOOM: Good.

14 SMALLWOOD: Thank you.

15 BLOOM: Bye-bye.

16 IRVING: But do you have his cell number is what I  
17 want to know though? Just kidding.

18 SMALLWOOD: No.

19 CLESTER: I do.

20 BLOOM: She says, "I do." Approve sidewalk/ramp  
21 investigation and ADA compliance for Allen County  
22 proposal between A & Z Engineering and Allen County  
23 not to exceed \$30,000.00. There's been a lot of  
24 controversy about this. Not that we don't need to be  
25 compliant with ADA and everything, but the fees that

0020

1 were categorized, we all had question about. You've  
2 been asked some of them I think.

3 FITCH: Okay.

4 BLOOM: Is there any possible way that this can be  
5 done internally? And with the budgets as such, is  
6 there any way that we can start doing some of this in  
7 house?

8 FITCH: Okay. Mike Fitch, Allen County Highway

9 Department. We met with Brian Dumford and my staff a  
10 month ago and discussed the agreement with the  
11 Justice Department, and we discussed the scope of  
12 work that the Highway Department would have to  
13 complete in order to meet the requirements in the  
14 agreement.

15 BLOOM: Okay.

16 FITCH: It was determined at that time, there's two  
17 things that--manpower-wise, in order to get this  
18 accomplished, our goal was to accomplish it this  
19 year. By the end of the year, have--have all the  
20 data collected and have the information so we could  
21 start putting the estimates together on how much it  
22 was going to cost us to--to repair all the ramps. At  
23 that time, our construction people said because of  
24 all the construction--

25 BLOOM: Projects.

0021

1 FITCH: --projects going on--

2 BLOOM: Yeah.

3 FITCH: --that we had just a few people that could  
4 actually put part-time on this. This was not  
5 something we could just take somebody full-time and  
6 put them on this. And it was decided if we added  
7 some assistance from a consultant, that we could  
8 finish it this year. They're--they're involvement is  
9 more of overseeing. They are going to help us with  
10 the data collection. But they're more involved in  
11 after the data is collected, to put the cost  
12 estimates together and put a report together.  
13 Without they're assistance, it would take--take  
14 longer than--than normal. This \$30,000.00 here, this  
15 was a--just a estimate initially. We didn't really  
16 know what the full amount of the workload is going to  
17 be. I got some recent estimates here that this--this  
18 fee would probably not exceed \$15,000.00 instead of  
19 30 [\$30,000.00]. So again, we're refining this as we  
20 go. This is something new. We have to go out and  
21 essentially collect all data on all sidewalk ramps  
22 since 1992. This will allow us to complete this  
23 study. We'll have it done and we'll know--we have  
24 three years to complete and upgrade all the ramps.  
25 And I figured the soon as--the sooner we get the

0022

1 information in a report, then we can look at how much  
2 we have to budget over the next three years.

3 IRVING: Mike, I--and I'm probably the one that has  
4 stirred the pot a little bit on this one. Does it  
5 need to be done? Yes. Do we need to be ADA  
6 compliant? Yes. The problem I that I had was number  
7 one--could I have the contract for one moment?

8 BLOOM: Certainly.

9 IRVING: I--I am a little miffed at us paying for the  
10 use of a cellular phone per their monthly charges.  
11 It is under Fee Structure and Deliverables. First of  
12 all, if A & Z Company, if they are going to have one  
13 project inspector on this, the County has such a good  
14 cell phone agreement, that I would even consider--and  
15 I haven't talked to my partners on this at all--of  
16 giving them a County cell phone to be monitored.  
17 And--because we have 8,000 minutes of Verizon minutes  
18 and we--we are close, but we don't use them all. But  
19 for me, to be paying an extra \$29.99 plus x-amount of  
20 minutes for them to be corresponding with you, if  
21 they're on our Verizon phone and they're talking to  
22 you or any of our staffers on Verizon, there is no  
23 charge to that. So I--I have a little problem with  
24 that. The other problem that I have is, "An  
25 inspector will be paid \$37.00 an hour"--which you

0023

1 know, you would have to be the judge whether that's a  
2 good amount or not--but then it said, "and will be  
3 compensated for any other expenses such as mileage at  
4 a rate of 40.5 cents per mile." Even though that is  
5 the standard rate, I would definitely want logging  
6 done. I do not feel as if it is the County's  
7 responsibility to pay from this gentleman's home to  
8 the work site when they would be going--having to go  
9 to work too. Now, it's just too open-ended. And  
10 with our financial restraints that we have now--

11 BLOOM: Uh-huh (affirmative).

12 IRVING: --I feel like--

13 FITCH: Sure.

14 IRVING: --like this can be cleaned up.

15 FITCH: Right.

16 IRVING: And that's why--

17 FITCH: And we can do that.  
18 IRVING: --I have asked that this be deferred because  
19 if I have to vote on this contract the way it sits  
20 right now, under Fee Structure and Deliverables, I  
21 would have to vote against it.  
22 FITCH: Okay. Now I'll explain, we--this is--in five  
23 years, I think this is the first contract we've had  
24 that's an hourly rate contract.  
25 BLOOM: Yeah.

0024

1 FITCH: Most of all our contracts, 99.9%, are--  
2 BLOOM: Yeah.  
3 FITCH: --are lump sum--  
4 IRVING: Right.  
5 FITCH: --based on a scope of work. In the meeting  
6 that we had with our staff, we don't have a number on  
7 the number of ramps. We didn't know the magnitude of  
8 this project. So we thought the best way to handle  
9 it would be an hourly, not to exceed, contract.  
10 IRVING: Okay.  
11 FITCH: We can go back and ask them to prepare a lump  
12 sum contract.  
13 BLOOM: But--  
14 FITCH: But I have the same--  
15 IRVING: No--  
16 BLOOM: --could they do it at 15--  
17 FITCH: --I have the same--same questions you have.  
18 IRVING: Now I--I'm not--  
19 FITCH: I prefer lump sum contracts myself.  
20 IRVING: At \$37.00 an hour, I mean, I don't have a  
21 problem with that, I don't think, because I have  
22 to--you are my professional. I know, I've seen that.  
23 But I am under no circumstances going to pay for  
24 their cell phone usage. And--  
25 FITCH: Okay.

0025

1 IRVING: I--I want to be able to have some type of  
2 a--of a system that we can monitor their mileage  
3 because it's not different than all of our  
4 employees--  
5 FITCH: Right.  
6 IRVING: --I mean.  
7 FITCH: Right.



8 IRVING: We don't get paid to go to work. I mean,  
9 that--that--you have to go to work--

10 FITCH: Right.

11 IRVING: --anyways. You have to go to lunch. And I  
12 feel a little inept of saying, okay, you're going to  
13 drive from your house at Cedar Creek to 14 to  
14 reporting to the office, and that's 15 miles or  
15 whatever. And then you're going to go from, you  
16 know, 14 to you know, Adams Center Road--

17 FITCH: Right.

18 IRVING: --and then you're going to go to lunch here,  
19 or whatever. I think that we need to set strong  
20 parameters on some type of a monitoring system.

21 FITCH: Right.

22 IRVING: And I--I don't know--

23 FITCH: I agree.

24 IRVING: --how the other two feel, but--

25 FITCH: Yeah.

0026

1 BLOOM: Mike knows.

2 IRVING: --we do have--

3 FITCH: Yeah. Hourly rate contracts are more  
4 difficult--

5 IRVING: --have extra--

6 BLOOM: Mike knows.

7 FITCH: --to administer.

8 BLOOM: Yeah.

9 FITCH: I agree. That's why we--

10 IRVING: And--right.

11 BLOOM: And we don't--

12 FITCH: --basically don't like to use them.

13 BLOOM: --usually do.

14 IRVING: And the cell phone, you know, they should  
15 only be using a cell phone to call and ask the  
16 Highway Department questions. It should not be to  
17 call them with and their other associates.

18 FITCH: Right, right.

19 IRVING: I mean, that should be part--

20 FITCH: Right.

21 IRVING: --of an hourly rate.

22 FITCH: Right.

23 IRVING: I don't have a problem because we can  
24 monitor every single phone call that goes on that

25 bill, and--but I mean, why should I pay for it for

0027

1 them to call you, to call Mr. Hartman--

2 FITCH: Right.

3 IRVING: --to call Mike Eckert.

4 BLOOM: So in other words--

5 IRVING: It's all free anyway.

6 FITCH: Right.

7 BLOOM: --so in other words, if they would give us a  
8 set amount of money and a designated time schedule--

9 FITCH: Right.

10 BLOOM: --we'd be okay?

11 FITCH: Right.

12 PETERS: Well, let me--

13 FITCH: Yeah, I think--

14 PETERS: --let me take that a step further though.

15 FITCH: --I think with the information--

16 IRVING: No, I don't know if I agree with that  
17 either.

18 FITCH: --I'd say this is a--for me, it's been a  
19 learning experience because most of the projects the  
20 Highway works on, we know from experience, we've done  
21 it over and over again. We know exactly what--almost  
22 exactly what it's going to cost. This is an  
23 investigation, you know, of existing system. And so,  
24 we felt this was the appropriate way to--to do it on  
25 an hourly basis.

0028

1 PETERS: Well Mike, let me take Commissioner Irving's  
2 concerns a step further and that is to ask whether or  
3 not--and you've answered it in part--but whether or  
4 not this contract is even necessary when we've got  
5 somebody over there who has got seven engineers that  
6 have--have the potential to oversee this particular  
7 issue. I guess first question would be, it--this is  
8 separate and independent from the recent settlement  
9 with the Department of Justice, right?

10 IRVING: Yes.

11 FITCH: This is a part of that.

12 IRVING: Yes.

13 FITCH: That's, yeah, in response to that agreement.

14 PETERS: Okay. This is a part of that?

15 IRVING: Yeah.

16 FITCH: Right.

17 PETERS: So they have given us, what, three years to  
18 resolve those issues. And I agree with Commissioner  
19 Irving in that we can't turn our back to ADA issues.  
20 But if we're paying \$30,000.00 or even \$15,000.00  
21 just so we can get this done today when we have a  
22 little bit longer period of time in which to  
23 accomplish this, then I don't know that that's the  
24 best expenditure of this money. I mean, what makes  
25 this a priority perhaps over some of the other issues

0029

1 and might there be a savings of \$15,000.00 to  
2 \$30,000.00 by doing it in house, not necessarily  
3 today, but over a period of time.

4 FITCH: Okay. One--when we sit down, and I'd say,  
5 discussed this on when it had to be done. We have  
6 roughly six months to complete the actual inventory  
7 and have a report completed. With all the  
8 construction going on--

9 BLOOM: Yeah.

10 FITCH: --we didn't feel pulling people off the  
11 construction projects would be advisable at this  
12 time. During the wintertime is when the construction  
13 season slows down, but then you have inclement  
14 weather and snow, and you can't do this work when you  
15 have snow on the ground.

16 PETERS: Right.

17 FITCH: So it's then we push it off until the spring  
18 of next year. So you're pushing the, you know--five  
19 to six months, you know, you're--you're going to  
20 have--well, you're going to have to do this all in a  
21 short period of time. And hopefully, you know, you  
22 have a dry spring.

23 PETERS: Well, where does the--

24 FITCH: So it just seemed like now was the time to do  
25 it.

0030

1 IRVING: But where did--

2 FITCH: And the amount of money, I thought, was a  
3 reasonable amount.

4 IRVING: --where did you come up--first of all, we  
5 have four years to complete it.

6 FITCH: Well, we have--

7 IRVING: But where in the contract--

8 BLOOM: But this first report?

9 IRVING: Well, but the first report, my understanding  
10 is, the first report is just a continuing monitoring  
11 system. I'm going to make a motion that we should  
12 defer this because I really want to look into this.  
13 The Department of Justice--in fact, Linda, you and I  
14 just got back from there last night--the Department  
15 of Justice did not want to add any un-due cost to  
16 come up to standards. They're trying to work within  
17 our timeframe. That's why we got an extra year to do  
18 it. That's why we're doing it in sections. Maybe  
19 what we need to look at is to divide our community  
20 into, you know, eight different segments and over a  
21 quarter period of time, a four month or three month  
22 period of time, that quadrant needs to be done, and  
23 then this next quadrant, and with a consistent  
24 reporting basis.

25 FITCH: Okay.

0031

1 IRVING: In that way, versus having it all done  
2 because I--I agree with both Commissioner Bloom and  
3 Commissioner Peters that for \$30,000.00 if we can do  
4 it in staff, \$30,000.00 can make quite a few repairs  
5 for ADA too. I don't know. I'm going to make a  
6 motion we defer this. Let's--I'm not saying by  
7 deferring it whether we'll bring it back next week,  
8 whether we agree or disagree with it--

9 FITCH: Okay.

10 IRVING: --but let's try and--let's look at the  
11 contract, let's talk to the Department of Justice,  
12 let's figure out exactly if we can--we can work with  
13 them on a timeline and do it maybe more in--in  
14 quadrants versus one complete study all at once. So  
15 that's my motion is to defer.

16 PETERS: I'll second that motion.

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

18 PETERS: Aye.

19 IRVING: Aye.

20 BLOOM: Aye. While you're here, I'm going to finish  
21 yours, even though I left one off up there. Approve  
22 and award Bid Reference #24-05, Construction of  
23 Coldwater Road - Phase I, from Union Chapel to Pion.

24 Estimate--estimate on this was \$538,000.00. It came  
25 in at \$488,388.00.

0032

1 IRVING: Super.  
2 BLOOM: This is good. The contract will be with  
3 Wayne Asphalt. They were the low bidder.  
4 IRVING: I make a motion we approve Bid Reference  
5 #24-05--  
6 PETERS: I'll second it.  
7 IRVING: --on Project #03-120.  
8 PETERS: And I'll second that.  
9 BLOOM: All in favor, signify it by saying, "Aye."  
10 PETERS: Aye.  
11 IRVING: Aye.  
12 BLOOM: Aye. Approve agreement for right of way  
13 buying services between ROW Jones, and Allen County  
14 for Coldwater Road - Phase II, from Pion Road to Twin  
15 Eagles including the Coldwater and Gump intersection.  
16 Total agreement \$27,500.00 for 38 parcels.  
17 PETERS: I'll make a motion to approve all the  
18 agreement for right of way buying services between  
19 ROW Jones, Inc. and Allen County for Coldwater Road,  
20 Phase II.  
21 IRVING: Second.  
22 BLOOM: All in favor, signify it by saying, "Aye."  
23 PETERS: Aye.  
24 IRVING: Aye.  
25 BLOOM: Aye. Approve Warranty Deed for right of way

0033

1 on Maysville Road over Koester Ditch, Parcel 4.  
2 PETERS: I make a motion to approve Warranty Deed  
3 required for additional right of way on the Maysville  
4 Road Bridge over Koester Ditch, Parcel 4.  
5 IRVING: I'll second that motion.  
6 BLOOM: All in favor, signify it by saying, "Aye."  
7 PETERS: Aye.  
8 IRVING: Aye.  
9 BLOOM: Aye. Anything else this morning?  
10 FITCH: No, that's all I have.  
11 BLOOM: Thank you.  
12 FITCH: Thank you very much.  
13 PETERS: Thanks.  
14 FITCH: Have a good day.

15 IRVING: I think you--  
16 BLOOM: I missed a--a Bid Award--  
17 IRVING: No, Commissioner Irving--I mean,  
18 Commissioner Bloom--  
19 BLOOM: I'm Bloom.  
20 IRVING: --I'm sorry. I--I have a conflict of  
21 interest on the Pion Road to Gump Road project.

22 BLOOM: Oh.  
23 IRVING: A portion of that property is owned by my  
24 husband's company. And I apologize. That's why I  
25 was frantically going through here. Item

0034

1 number--Parcel number 63, I have a conflict of  
2 interest.  
3 BLOOM: So I would like to have another motion on--  
4 PETERS: Which one is that?  
5 BLOOM: I'm guessing it's number eight. Yes, it is.  
6 The agreement for right of way buying services  
7 between ROW Jones, Inc. and Allen County, Phase II  
8 from Pion to Twin Eagles including the Coldwater and  
9 Gump intersection, Commissioner Irving has a  
10 conflict. She's withdrawing her second and her vote.  
11 And I'd like a new motion, please.

12 PETERS: Well, you probably need a motion to, I would  
13 think, to--

14 ELSER: Rescind.

15 PETERS: --yeah, rescind--

16 BLOOM: Rescind.

17 PETERS: --the entire thing.

18 BLOOM: All right.

19 PETERS: And if that was her motion, then I will  
20 second.

21 IRVING: No, you motioned--you made the motion and I  
22 seconded--

23 PETERS: Okay.

24 IRVING: --on that one. Didn't he?

25 PETERS: So I will make a motion to--

0035

1 BLOOM: Rescind.

2 PETERS: --rescind the--

3 BLOOM: Prior.

4 PETERS: --the appro--the approval for the agreement  
5 for right of way buying services between ROW Jones,

6 Inc. and Allen County for Coldwater Road.

7 BLOOM: I'll second that. All in favor, signify it

8 by saying, "Aye."

9 PETERS: Aye.

10 BLOOM: Aye.

11 PETERS: Okay, now I would make a motion to approve

12 the agreement for the right of way buying services

13 between ROW Jones, Inc. and Allen County for

14 Coldwater Road.

15 BLOOM: And I'll second that motion. All in favor,

16 signify it by saying, "Aye."

17 PETERS: Aye.

18 IRVING: Aye.

19 BLOOM: Aye.

20 IRVING: Oh, I just did it again, didn't I? Can I

21 leave the room? I'm just too used to doing it.

22 BLOOM: The motion was made by Commissioner Peters

23 and seconded by Commissioner Bloom, and only the two

24 commissioners are voting on the right of way for

25 Phase II and intersection of Coldwater and Gump. And

0036

1 that it Commissioner Peters and Commissioner Bloom.

2 Okay, any other business this morning? Oh, Tony, Bid

3 Award for the Courthouse Voice--

4 BURRUS: Evacuation.

5 BLOOM: --Evacuation system.

6 BURRUS: Yes.

7 BLOOM: Good morning.

8 BURRUS: Good morning.

9 BLOOM: You thought I forgot, and I did.

10 IRVING: Tony, I'm not saying a word. So you'll

11 breeze right through this one, won't you?

12 BURRUS: I'm just trying to get to an ozone meeting.

13 I would like to make--I present to you the proposal

14 for All Star Communications. We had two bids,

15 AS--yeah, ASG. However, our evaluation is that we'll

16 go with All Star Communications. This voice

17 evacuation system is being paid for by Homeland

18 Security Grant, and this would be comparable--

19 BLOOM: Total cost?

20 BURRUS: Total cost, \$39,500.23.

21 IRVING: Does this come out of Homeland Security

22 money?

23 BURRUS: It comes out of Homeland Security.

24 BLOOM: Yeah.

25 IRVING: I make a motion to approve.

0037

1 PETERS: I'll second it.

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

3 PETERS: Aye.

4 IRVING: Aye.

5 BLOOM: Aye. It's only going to be on the

6 Courthouse, right?

7 BURRUS: Correct. We have worked with both  
8 proposers, our vendors. There will be nothing in the

9 common area, or more or less, the historical area of

10 the Courthouse. This will be in the offices in the

11 suspended ceilings and on the catwalks or the

12 mechanical areas. So we--we will still provide

13 coverage, but we will not infringe or impede upon the

14 historical nature of the Courthouse.

15 IRVING: Great.

16 BLOOM: That's very good.

17 IRVING: Thank you.

18 BURRUS: Okay.

19 BLOOM: Thank you.

20 IRVING: Good to see you, Tony. I make a motion that

21 we waive the second reading on any matters that were

22 voted on today.

23 PETERS: I'll second that.

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

25 PETERS: Aye.

0038

1 IRVING: Aye.

2 BLOOM: Aye. Any comments from the public this

3 morning? Hearing none, meeting adjourned.

4 (Adjourned at 10:38 a.m.)

5

6

7

8

9

10

11

12

13



14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
0039

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 July 27, 2005 in the Allen County  
11 11 Commissioner's Courtroom, Room 200, City-County  
12 12 Building, 1 East Main Street, Fort Wayne, Allen  
13 13 County, Indiana; that I am not related to, employed  
14 14 by or interested in any of the parties to this cause  
15 15 of action.

16 16 IN WITNESS WHEREOF, I have hereto affixed my  
17 17 hand and seal this 2nd day of August, 2005.

18 18  
19 19

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

20 20  
21 21

My Commission Expires:

22 22 December 2, 2011

23  
24  
25