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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 August 17, 2005

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DATE: August 17, 2005

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TIME: 9:03 a.m.

17
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LOCATION: Room 200
 Commissioners Courtroom
 City-County Building
 1 East Main Street
 Fort Wayne, Indiana 46802

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22

REPORTER: Kimberlee M. Adams

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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 Mary Hitchens Allen County Public
 Information Office

6

- John McGauley Allen County Public
7 Information Office
- 8 G.W. Fishering Allen County Counsel
- 9 Mike Fitch Director, Allen County
 Highway Department
- 10
- Brian Dumford Director, Human Resources
- 11
- Michelle Wood Department of Planning
12 Services
- 13 Kurt Deffenbaugh WOWO
- 14 Pam Finlayson Election Board
- 15 Ron Smith GAI
- 16 Kimberlee M. Adams Rolf Reporting, Inc.
- 17 Cindy Larson News Sentinel
- 18 Ben Lanka Journal Gazette
- 19
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6	Brian Dumford	7
7	Mike Fitch	14

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6 MicroVote Corporation and Allen County
7 for purchase of an Infinity Voting System 6

8 3. Approve Agreement between Diamond
9 Security, Inc. and Allen County for
10 after-hours and holiday security service
11 for the City-County Building - DEFER 7

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13 Employment with Allen County Government 7

14 5. Approve Change Order #1 for Knouse Road
15 Bridge over Wann Ditch, Project #00-019
16 and Springfield Center Road Bridge over
17 Wann Ditch, Project #00-023, Bid
18 Reference #51-04 between R. L. McCoy,
19 Inc. and Allen County - Total Change
20 Order #1 = \$44,405.61 Increase (Total
21 Knouse Road \$14,371.95 Increase; Total
22 Springfield Center Road \$30,033.66
23 Increase) 14

24 6. Approve Change Order #3 for Homestead
25 Road and Ernst Road Intersection
26 Improvements, Project #03-189, Bid
27 Reference #19-04 between Brooks
28 Construction Co., Inc. and Allen County.
29 Total Change Order #3 = \$37,624.50
30 Decrease 15

20

7. Approve Warranty Deeds required for
21 additional right of way acquisitions for
the Monroeville Road Bridge over Bohnke
22 Ditch, Project #00-031 from the
following: 18

- 23 a) Parcel 1 - Linda Stephenson
- b) Parcel 2 - Michael K. Musselman
- 24 II and Amy L. Musselman

25 (Agenda continues)

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1 (Agenda continued)

2 8. Approve traffic posting change for:
Brenton Glens Drive @ Bass Road -- Post
3 STOP 19

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5 10. Other Business 19

a) Results of Website Poll on Time Zone
6 change

7 11. Approval to waive the 2nd Reading on any
matter approved today and for which it
8 may be deemed necessary for the
Legislative Session of August 17, 2005 23

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12. Comments from the Public 23

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0006

1 BLOOM: Good morning and welcome to the Commissioners

2 Legislative Session of August 17th. We are going to
3 take a moment to honor our country and a silent
4 moment.

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.

9 IRVING: Thank you.

10 BLOOM: Approval of the Minutes of August 10th.

11 PETERS: I make a motion to approve the Minutes of
12 August 10th.

13 IRVING: And I'll second that.

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

15 PETERS: Aye.

16 IRVING: Aye.

17 BLOOM: Aye. Approval of an Agreement between
18 MicroVote Corp. and Allen County for purchase of
19 Infinity Voting System. Good morning.

20 FINLAYSON: Good morning. I'm Pam Finlayson,
21 Director of Elections for Allen County. We're just
22 bringing before you today the final contract with
23 MicroVote Corporation. This is the final step. When
24 this is completed, I--we can apply for the HAVA funds
25 from the State.

0007

1 BLOOM: Great. Great.

2 PETERS: I make a motion--

3 BLOOM: Any questions?

4 PETERS: No. I make a motion on the approval of the
5 Agreement between MicroVote and Allen County for the
6 purchasing of the Infinity Voting System.

7 IRVING: Second.

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

9 PETERS: Aye.

10 IRVING: Aye.

11 BLOOM: Aye.

12 FINLAYSON: Thank you.

13 BLOOM: Thank you. Good job. Number 3 is an
14 Agreement that I would like some more information.
15 Could we defer that, please?

16 PETERS: I make a motion to defer.

17 IRVING: I'll second that motion.

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

19 PETERS: Aye.
20 IRVING: Aye.
21 BLOOM: Aye. Adoption of Citizenship Requirements
22 for Employment with Allen County Government. Good
23 morning.
24 DUMFORD: Good morning.
25 IRVING: Good morning.

0008

1 DUMFORD: Brian Dumford, Director of Human Resources.
2 What I have before you is a written policy that will
3 give guidance to our department heads and elected
4 officials adopting our handbook as to citizenship
5 requirements and documents that they need to look for
6 when interviewing applicants. As the community
7 becomes more and more diverse, and we have, you know,
8 lots of different people applying for jobs, we
9 thought it would be appropriate to give our
10 department heads guidance as to who is legally
11 eligible to be hired. The only people that we're
12 saying we're not going to hire is people in the
13 country illegally. So that's what this policy is.
14 We'll include it in the next update of the handbook
15 and also pass it out now if you--if you approve it.

16 PETERS: Most of this is already mandated by federal
17 law, correct?

18 DUMFORD: Exactly. It's just--

19 PETERS: And what you're doing is just creating a
20 communications tool that allows our department heads
21 and elected officials to understand--

22 BLOOM: Right.

23 PETERS: --that federal law.

24 BLOOM: Right.

25 DUMFORD: Exactly.

0009

1 PETERS: Yeah.

2 IRVING: So that means if you have--just so I
3 understand this--so that means if you have two
4 applicants, one is a U.S. citizen with the correct
5 background that we're asking for, a qualified
6 candidate, and you have someone here that is a
7 non-U.S. citizen, here on a green card or--

8 DUMFORD: We're saying that--

9 IRVING: --that--

10 DUMFORD: --we would give preference to the U.S.

11 citizen over the non-citizen.

12 IRVING: Okay.

13 DUMFORD: But that it's not illegal to--to hire the

14 non-citizen. The policy does state that the

15 preference will be given to U.S. citizens or people

16 becoming U.S. citizens, in the process of that, of

17 becoming U.S. citizens. So we'll still--there is

18 still a--a tier that--that we'll look for, but it

19 will also help with student visas and other work

20 permits, and things like that.

21 IRVING: Do--and I apologize. I didn't have this in

22 my packet. I just have a couple of questions.

23 DUMFORD: Sure.

24 IRVING: Does that mean if you are in the United

25 States and you are a non-citizen, does that mean that

0010

1 you pay taxes, as far as your wage tax, you'd still

2 have social security withheld, you'd still pay your

3 county, your state--

4 DUMFORD: That's--

5 IRVING: --and your federal taxes? They still have

6 to put W-2s, they still have the IRS--everything is

7 exactly the same?

8 FISHERING: Uh-huh (affirmative).

9 IRVING: Bill, answer--

10 FISHERING: Yes.

11 IRVING: --yes or no. Yes. So what is the advantage

12 for a non-U.S. citizen to becoming a citizen if they

13 have all the rights of a citizen?

14 FISHERING: Because a non-U.S. citizen has to be here

15 on a work permit which expires, which means they have

16 to leave the country and come back.

17 IRVING: Okay, so I--I--

18 FISHERING: Like a visa.

19 BLOOM: Yeah.

20 IRVING: --I did not have this in my packet. I did

21 not get a chance to read it. And I know that we did

22 have a question that came up six months ago about

23 this. So if we hire an individual on a work visa,

24 okay, or a work permit, and then they have to leave

25 the country and go back home because it expires, then

0011

1 as far as longevity goes, when they then come back to
2 the United States again because most of them go home
3 and then they get another one to come back, what does
4 that do for their longevity at returning to a job
5 within county government?

6 FISHERING: Well, assuming you allow them to return
7 and they weren't gone more than the amount of time
8 they were allowed, they would pick up their old
9 longevity. They would lose the period of time that
10 they were absent like any employee who leaves our
11 employment.

12 BLOOM: But it's like six months or something?

13 FISHERING: I don't know.

14 DUMFORD: I'm not familiar with that.

15 PETERS: In other words--

16 BLOOM: Upon return?

17 PETERS: --they'd fall under the County's policy?

18 BLOOM: Remember?

19 FISHERING: It would fall under the general County
20 policy.

21 DUMFORD: Uh-huh (affirmative).

22 IRVING: I will make a motion to approve this, but I
23 would like for HR Department to also have something
24 to attach to this that would address that issue.

25 DUMFORD: Okay. We can do that.

0012

1 FISHERING: What issue?

2 IRVING: So--what do you--what do you mean?

3 BLOOM: Really?

4 PETERS: I think all you've got to do is attach the
5 policy--

6 BLOOM: I think so too.

7 IRVING: --to address that issue.

8 FISHERING: What issue?

9 IRVING: The issue if we have a citizen, if we have
10 somebody that is here on a green card, and they have
11 to leave the country in order to resecure another
12 green card, do we have to hold their job for them?
13 Do you know that?

14 FISHERING: No, we don't. Yes, we do not have to
15 hold their job for them.

16 IRVING: But if they are able to take their vacation
17 time, their holiday time--

18 BLOOM: Exactly.
19 IRVING: --and then--
20 FISHERING: Yes.
21 IRVING: --two weeks non-paid, then they can come
22 right back into their slot?
23 FISHERING: I'm not sure all get two weeks non-paid,
24 but yes. To be on an unpaid leave of absence has to
25 have the approval of their department head.

0013

1 PETERS: Yeah, we've got--we've got--
2 BLOOM: What are we missing?
3 PETERS: --policies right now--
4 BLOOM: Yeah.
5 PETERS: --that regulate exactly--
6 BLOOM: Yeah, we do.
7 IRVING: Right.
8 PETERS: --how we treat those employees who leave the
9 employ of the County. These people would be treated
10 no different than anybody else?
11 BLOOM: Exactly, because they would still have a
12 renewed visa and come back within the timeframe.
13 PETERS: And if they're not back within the
14 timeframe, then there's no obligation on the part of
15 the department head or the elected official to rehire
16 them--
17 BLOOM: Exactly.
18 PETERS: --or reinstate them.
19 IRVING: Do they have the ability to file a lawsuit
20 against us if they don't agree?
21 FISHERING: Everybody has the ability.
22 BLOOM: Not funny.
23 IRVING: Okay, I made a motion to approve.
24 PETERS: I'll second.
25 BLOOM: All in favor, signify it by saying, "Aye."

0014

1 PETERS: Aye.
2 IRVING: Aye.
3 BLOOM: Aye.
4 DUMFORD: Thank you very much.
5 BLOOM: Thank you. Approve Change Order #1 for
6 Knouse Road Bridge over Wann Ditch, Project #00-019,
7 and Springfield Center Road Bridge over Wann Ditch,
8 Project #00-023, Bid Reference #51-04 between McCoy,

9 and Allen County. Change Order #1, \$44,405.61, on
10 the two bridges. Good morning.
11 FITCH: Good morning.
12 PETERS: Good morning.
13 IRVING: Good morning.
14 FITCH: Mike Fitch, Allen County Highway. These
15 structures are nearing completion. This change order
16 covers numerous items. The two bridges were bid as a
17 package, so R.L. McCoy is doing both structures.
18 That's why they're both combined into one--one change
19 order. It's one contract. Any questions?
20 BLOOM: I have none.
21 PETERS: Then I make a motion on the change orders
22 for Knouse Road Bridge over Wann Ditch--
23 IRVING: Second.
24 PETERS: --and the connected one.
25 IRVING: I'll second. Yes.

0015

1 BLOOM: All in favor, signify it by saying, "Aye."
2 PETERS: Aye.
3 IRVING: Aye.
4 BLOOM: Aye. Approve Change Order #3 for Homestead
5 and Ernst Intersection Improvements, 30--between
6 Brooks and Allen County, \$37,624.50 decrease. That
7 one--is that because of the less amount of work being
8 done?
9 FITCH: Yes. We're--there was some additional excess
10 quantities in the contract that were also--during
11 construction made some changes to save some costs in
12 the project. We have another project that's going to
13 be taking place south of this project to eliminate a
14 sharp curve on Homestead.
15 BLOOM: Right.
16 FITCH: And we decided not to do some of that work
17 now because that--that project is pending--bidding
18 here shortly. So instead of, you know, spending it
19 and tearing the road out, we decided not to do that
20 work and we'll do it as part of the other project.
21 BLOOM: But hasn't the--I think you've told me
22 this--the intersection at Ernst and Homestead
23 changed? We're not doing a traffic light now?
24 FITCH: Right. Initially, the school system had
25 requested a full traffic--

0016

1 BLOOM: Right.

2 FITCH: --signal.

3 BLOOM: Right.

4 FITCH: We had installed a four-way stop last fall.

5 And they sent a letter indicating that they felt the
6 four-way stop was doing a good job of controlling of
7 traffic. We have--

8 BLOOM: For now, anyway, huh?

9 FITCH: --we've made a decision that because of the
10 hill just south of the intersection that we would put
11 a four-way flasher above the intersection just for
12 additional safety on Homestead. So we've--that was
13 about a \$14,000.00 expenditure that--that we felt we
14 needed to--to put there in addition to the four-way
15 stop.

16 BLOOM: But now we're doing curve repair, the--
17 straightening that too?

18 FITCH: Pardon?

19 BLOOM: The curve?

20 FITCH: Yeah. The curve--

21 BLOOM: Right, yeah. We're going to continue with
22 that.

23 FITCH: Yes, that's--

24 BLOOM: We're going to close that road again?

25 FITCH: Yes, it will be closed for a short period of

0017

1 time.

2 BLOOM: Short?

3 FITCH: Short period of time, yeah.

4 BLOOM: Good.

5 FITCH: The--most of the traffic is coming from the
6 south, so--and there is a, you know, a short detour--

7 BLOOM: I know.

8 FITCH: --around Ernst. So it's--

9 BLOOM: I know.

10 FITCH: These things happen.

11 BLOOM: People do not like the inconvenience--

12 FITCH: Right.

13 BLOOM: --of these repairs. But they have to have
14 it.

15 FITCH: Right.

16 BLOOM: I don't like the Jefferson right now. But we

17 switch lanes--
18 FITCH: Yeah.
19 BLOOM: --things are getting more done, and--
20 FITCH: Yeah, that project is right on schedule.
21 BLOOM: I know it.
22 FITCH: As a matter of fact, we're--I think we'll
23 probably be a week or so--
24 IRVING: You can come stay with me.
25 FITCH: --ahead of schedule. So--
0018
1 PETERS: Great.
2 BLOOM: I can?
3 FITCH: --it's working.
4 PETERS: Keep--
5 IRVING: You can come stay with me--
6 PETERS: --keep it up.
7 IRVING: --and you won't have to go West Jefferson.
8 FITCH: And really, I've--at least, I personally,
9 I've not received any calls from--
10 BLOOM: I haven't either.
11 FITCH: --you know, citizens. I mean, it's gone very
12 smoothly.
13 PETERS: I have.
14 BLOOM: Have you? Well--
15 IRVING: Because we send them all to you, Nelson.
16 FITCH: Yeah. Send them to me.
17 PETERS: Pick on the new guy. I like those
18 decreases, and as such would make a motion to approve
19 Change Order #3 for Homestead and Ernst Road
20 Intersection.
21 IRVING: I'll second that.
22 BLOOM: All in favor, signify it by saying, "Aye."
23 PETERS: Aye.
24 IRVING: Aye.
25 BLOOM: Aye. Approve Warranty Deeds for additional
0019
1 right of way for Monroe--for Monroeville Road Bridge
2 over Bohnke Ditch, Parcels 1 and 2.
3 IRVING: So moved.
4 PETERS: I'll second it.
5 BLOOM: All in favor, signify it by saying, "Aye."
6 PETERS: Aye.
7 IRVING: Aye.

8 BLOOM: Aye. Approve traffic posting change for
9 Brenton Glens Drive at Bass Road, a STOP sign.
10 IRVING: So moved.
11 PETERS: I'll second it.
12 BLOOM: All in favor, signify it by saying, "Aye."
13 PETERS: Aye.
14 IRVING: Aye.
15 BLOOM: Aye. Plat for signature, Watersong II.
16 We'll do that after the meeting. Thank you.
17 FITCH: Thank you.
18 BLOOM: Is that it, Mike?
19 FITCH: That's it. Thank you.
20 BLOOM: Thank you very much. Any other business,
21 Susan?
22 HITCHENS: No, I have no other business.
23 BLOOM: Thank you.
24 IRVING: That's Mary down there.
25 BLOOM: Oh, Mary.

0020

1 IRVING: We do have one other--
2 BLOOM: I didn't even look.
3 IRVING: Let me introduce you to your five-year
4 employee Mary.
5 HITCHENS: That's me.
6 BLOOM: Hi, Mary.
7 HITCHENS: I'm not usually here though. Susan is ill
8 today.
9 BLOOM: Okay.
10 IRVING: Now the whole world knows Susan is ill
11 today. We conducted from August 7th through last
12 Sunday, a poll on time zone. And it was done on our
13 website. We also had a public meeting a week ago
14 Monday which I think was on the 8th.
15 BLOOM: We did.
16 IRVING: And this is how the vote totals have gone.
17 All together on our website, we had 8,155 voters.
18 These are all Allen County voters. They were names,
19 addresses because our website did not accept any
20 outside zip codes and/or outside Fort Wayne cities.
21 But you--New Haven was accepted and Monroeville--
22 BLOOM: Sure.
23 IRVING: --Zanesville, these types of things--
24 PETERS: Within Allen County.

25 IRVING: --and part of Churubusco.

0021

1 BLOOM: Allen County, yes.

2 IRVING: The grand total was 8,155. Eastern Standard
3 Time had--Eastern Time Zone has 5,332 and Central
4 Time Zone had 2,823. We also had 23 people that
5 testified at our meeting last Monday. Out of those,
6 16 of those were for the Eastern Time Zone, 7 were
7 for the Central Time Zone. So looking at those
8 figures, we had 65.4% for the Eastern Time Zone, and
9 34.6% for the Central Time Zone. According to the
10 legislation, if we wish to stay on the Eastern Time
11 Zone, we have to do nothing further. If we were
12 going to go to Central, then we would send a letter
13 before September 16th to the Department of
14 Transportation.

15 PETERS: It's interesting to see that the comments in
16 the public hearing tracked almost exactly number-wise
17 with the number that we got across the internet,
18 about two to one.

19 IRVING: Commissioner Peters and Commissioner Bloom,
20 I know that--that you get tired of me talking about
21 the web, and our investment in the web, and our
22 continued expansion of the web because--

23 BLOOM: No, we don't.

24 IRVING: --you know, I'm like--

25 BLOOM: No, we don't.

0022

1 IRVING: --always obsessed with doing things on the
2 web to try and get government out there 24/7. I
3 am--I'm very pleased with the first poll that we have
4 had that we had over 8100 citizens of our community
5 that logged on and webbed and searched our web
6 hopefully. I'm also very pleased that there were "no
7 glitches" from when we kicked it off until we closed.
8 The same thing with the Treasurer's Office with the
9 tax bills, which will be a huge kick off when the
10 next tax bills go off in the fall. We did not have
11 any glitches on that. Knock on wood. So I--I feel
12 real comfortable that the investment that we have
13 made within--with our website are really starting to
14 pay off. And I hope that we continue to use this
15 site as doing more polling and seeing what does the

16 community think about different things.
 17 PETERS: Well, and I think if we can set them up like
 18 we did this one. Although this wasn't scientific,
 19 this was probably as close to scientific as we could
 20 have made it because we threw out the duplications,
 21 as you already alluded to--
 22 IRVING: Right.
 23 PETERS: --threw out the non-County residents, and so
 24 we were able to track fairly well with those
 25 individuals who chose to respond to that poll. And I
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1 think it was--it--it is good. And if it can continue
 2 to assist us in making decisions, or in this case,
 3 not making decisions, then I think we're--we're a leg
 4 up on the rest of the state.
 5 IRVING: Uh-huh (affirmative). Okay. With that, I'd
 6 like to make a motion that we waive the second
 7 reading of anything that was approved today.
 8 PETERS: I'll second that.
 9 BLOOM: All in favor, signify it by saying, "Aye."
 10 PETERS: Aye.
 11 IRVING: Aye.
 12 BLOOM: Aye. Any comments from the public this
 13 morning? Any comments from the public? Hearing
 14 none, meeting adjourned. Thank you.
 15 IRVING: Thank you.

16 (Adjourned at 9:21 a.m.)
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1 STATE OF INDIANA)
) SS:
 2 COUNTY OF ALLEN)
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4 REPORTER'S CERTIFICATE

5 I, Kimberlee M. Adams, a Notary Public in and

6 for the State of Indiana, County of Allen, do hereby
7 certify that the above and foregoing is a true and
8 accurate transcript of the Board of Commissioners of
9 the County of Allen, Legislative Session, held before
10 me on August 17, 2005 in the Allen County
11 Commissioner's Courtroom, Room 200, City-County
12 Building, 1 East Main Street, Fort Wayne, Allen
13 County, Indiana; that I am not related to, employed
14 by or interested in any of the parties to this cause
15 of action.

16 IN WITNESS WHEREOF, I have hereto affixed my
17 hand and seal this 22nd day of August, 2005.

18
19 _____
20 Kimberlee M. Adams, Notary Public
21 Residing in Allen County, Indiana

22 My Commission Expires:
December 2, 2011