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1 STATE OF INDIANA)
)SS:

2 COUNTY OF ALLEN)

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BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN

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RE: LEGISLATIVE SESSION OF
September 21, 2005

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DATE: September 21, 2005

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TIME: 10:07 a.m.

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

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REPORTER: Kimberlee M. Adams

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1 PRESENT:

2 Marla K. Irving Allen County Commissioner

3 Nelson Peters Allen County Commissioner

4 Susan Elser Allen County Board of
 Commissioners Office

5

John McGauley Allen County Public

6 Information Office
7 Mary Hitchens Public Information Office
8 Laura Maser Assistant Allen County
Attorney

9
10 Michael Fitch Director, Allen County
Highway Department
11 Patrick Rew Department of Planning
Services

12
13 Ron Smith GAI

14 Edwin J. Rousseau Allen County Resident

15 Kimberlee M. Adams Rolf Reporting, Inc.

16 Cindy Larson News Sentinel

17 Kevin Leininger News Sentinel

18 Ben Lanka Journal Gazette

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I N D E X

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3 Presentations by:

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5 Laura Maser 6

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7 Mike Fitch 9

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2 Agenda:

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- 4 1. Approval of the Minutes of 9-14-05 6
- 5 2. Resolution authorizing one (1)
- 6 Commissioner to sign official documents
- 7 relating to the sale of property at 520
- 8 Mildred Avenue 6
- 9 3. Appointment to Allen County Community
- 10 Corrections Advisory Board 8
- 11 4. Approve and award Bid Reference #32-05,
- 12 Construction of the Vicksburg Pike Storm
- 13 Sewer, Project #05-266 to Fleming
- 14 Excavating, Inc. for \$102,294.50 8
- 15 5. Approve Warranty Deeds required for
- 16 additional right of way acquisitions on
- 17 the Coldwater Road, from Pion Road to
- Gump Road - Phase II, Project #04-254
- from the following: 10
 - a) Parcel 18 - Glenn L. and Mary M. McComb
 - b) Parcel 32 - David C. and Velma J. Bell
 - c) Parcel 53 - Richard A. And Betty

L. Schuhler

18

d) Parcel 65 - Michael and Rebecca

19 A. Byerley

20 6. Approve weight limit posting change for
the Rorick Road Bridge over Lomont Ditch,

21 Jefferson Township, Section 12 & 13: 10

22 a) Remove 9 Ton Weight Limit -- No
posting required, new timber

23 bridge installed by R. L.
McCoy, Inc.

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25 (Agenda continues)

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1 (Agenda continued)

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7. Plats for Signature: 11

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Fiddlers Creek, Section II; Villas of

4 Fiddlers Creek, Section I; Quail Creek,
Section 1

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8. Other Business 11

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Appointments to a selection committee for
7 the Riverhaven Planning Grant.

8 9. Approval to waive the 2nd Reading on any
matter approved today and for which it

9 may be deemed necessary for the
Legislative Session of September 21, 2005 13

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10. Comments from the Public 14

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1 IRVING: Good morning and welcome to the
2 Commissioners Legislative Session. Today is
3 September 21st at 10:00 in the morning. Before we
4 start, we'd like to have the Pledge of Allegiance and
5 a moment of silence. And Commissioner Peters, would
6 you like to lead us in the pledge?

7 PETERS: I'd be happy too. Thank you.

8 (At this time, the Pledge of Allegiance was
9 recited in unison, and a moment of silence
10 was recognized by all.)

11 IRVING: Thank you very much. Approval of the
12 Minutes of the September 14th meeting.

13 PETERS: I make a motion to approve the Minutes of
14 September 14th, 2005.

15 IRVING: I will second that motion. All in favor,
16 say, "Aye."

17 PETERS: Aye.

18 IRVING: Aye. Second on our agenda is a resolution
19 authorizing one Commissioner to sign official
20 documents relating to the sale of the property at 520
21 Mildred Avenue. Good morning, Laura.

22 PETERS: Good morning.

23 MASER: Good morning, Commissioners.

24 IRVING: Would you like to introduce yourself,
25 please?

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1 MASER: Thank you. My name is Laura Maser. I'm with
2 Beers, Mallers, Backs, and Salin. And with your
3 permission, I will tell you what this resolution is
4 all about.

5 IRVING: We'd love to hear it.

6 MASER: Thank you. There is presently going on a
7 process to sell a certain property at 520 Mildred
8 Avenue which had been owned by the Commissioners but
9 was subsumed in the lease hold interest for the
10 Juvenile Justice Center. So what was once a very
11 simple process to sell a small piece of real estate
12 is now part of a bond issue, and so certain

13 documentation will need to be executed by an
14 authorized Commissioner to release that property from
15 the bond lease hold, therefore allowing it to be
16 sold. So what you have before you today is a
17 resolution that is required by the lease which is
18 part of the bond issue for the Juvenile Justice
19 Center. This resolution just simply states that the
20 Commissioners are desirous of selling the property at
21 520 Mildred Avenue and that in order to effect the
22 sale of this property, there will need to be a
23 certificate signed by an authorized County executive,
24 as well as some other documents to sell the property.
25 And this resolution, there really just gives

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1 authority of the Commission to Marla Irving to
2 execute those necessary documents for the sale of the
3 property.

4 PETERS: I make a motion to approve the resolution to
5 authorizing one Commissioner to sign official
6 documents relating to the sale of the property at 520
7 Mildred Avenue.

8 IRVING: I'll second that motion. All in favor, say,
9 "Aye."

10 PETERS: Aye.

11 IRVING: Aye. Motion carried.

12 MASER: Thank you.

13 IRVING: It must be because I'm--I get writer's cramp
14 easiest, I don't know. Appointment to the Allen
15 County Community Corrections Board.

16 ELSER: The name before you today is Dr. Mark Keen.
17 He would be replacing Claron Hanefeld. And this
18 appointment would run currently through April 30th,
19 2006.

20 PETERS: I make a motion to appoint Dr. Keen to the
21 Allen County Community Corrections Board.

22 IRVING: I'll second that motion. All in favor, say,
23 "Aye."

24 PETERS: Aye.

25 IRVING: Aye. Motion carried. Approve and award Bit

0009

1 Reference #32-05, construction of the Vicksburg Pike
2 Storm Sewer, that's Storm Sewer Project #05-266 to
3 Fleming Excavating, Incorporated for \$102,294.50.

4 Good morning, Mike.
5 FITCH: Good morning.
6 PETERS: Good morning.
7 FITCH: Mike Fitch, Allen County Highway Department.
8 This project is an economic development project in
9 connection with C & M FinePak. The funds will be
10 paid out of the TIF district for the industrial park.
11 We got bids from five contractors. Fleming was the
12 low bid at \$102,294.50, and the Highway Department
13 recommends awarding it to Fleming.
14 PETERS: I make a motion to approve and award Bid
15 Reference #32-05 on construction of Vicksburg Pike
16 Storm Sewer to Fleming Excavating.
17 IRVING: I'll second that motion. All in favor, say,
18 "Aye."
19 PETERS: Aye.
20 IRVING: Aye. Just for the record, the engineering
21 estimate for this project was \$137,904.25. So we did
22 pretty good on that bid.
23 PETERS: Uh-huh (affirmative).
24 FITCH: Yes. We did.
25 IRVING: Way to go, Mike.

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1 FITCH: Yes.
2 IRVING: Great. Okay. Next is approve Warranty
3 Deeds required for additional right of way of
4 acquisition on the Coldwater Road from Pion Road to
5 Gump Road, Phase II, Project #04-254 from the
6 following: Parcel 18, Parcel 32, Parcel 53, and
7 Parcel 65.
8 PETERS: I make a motion to approve the Warranty
9 Deeds required for the additional right of way of
10 acquisitions on the Coldwater Road from Pion Road to
11 Gump Road, Phase II, Project #04-254.
12 IRVING: I'll second that motion. All in favor, say,
13 "Aye."
14 PETERS: Aye.
15 IRVING: Aye. Motion carried. Approve weight limit
16 posting change for the Rorick Road Bridge over Lomont
17 Ditch, Jefferson Township, Section 12 and 13. Remove
18 the nine ton weight limit. No posting required
19 because the new timber bridge installed by R. L.
20 McCoy--

21 FITCH: Yes.
22 IRVING: --is finished.
23 FITCH: Yes.
24 IRVING: Way to go, Mike.
25 FITCH: It's finished, yes. That's all I have today.

0011

1 IRVING: Okay.
2 PETERS: I want to approve the weight limit posting
3 change for the Ror--I make a motion to approve the
4 weight limit posting change for the Rorick Road
5 Bridge over Lomont Ditch, Jefferson Township, Section
6 12 and 13.
7 IRVING: I will second that motion. All in favor,
8 say, "Aye."
9 PETERS: Aye.
10 IRVING: Aye.
11 FITCH: Okay, thank you.
12 IRVING: Motion carried.
13 PETERS: Thank you.
14 IRVING: That's it?
15 FITCH: Yep, that's it. Short agenda today.
16 IRVING: Oh, my gosh. Okay, this is going to be a
17 record flat meeting today, Commissioner Peters.
18 PETERS: It works for me.
19 IRVING: We have a plat signature, the Fiddlers
20 Creek, Section II, Villas of Fiddlers Creek, Section
21 I, and Quail Creek, Section I. We'll be glad to do
22 that after the meeting. Thank you very much,
23 Patrick. Any other business?
24 ELSER: We have one other item. We have appointments
25 to a selection committee for the Riverhaven Planning

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1 Grant. The names before you for that selection
2 committee to choose an engineering firm are Tony
3 Burrus, Kaylene Smith, and Paul Powers.
4 PETERS: And this is the grant that's looking for the
5 provision of sewer and water out in Riverhaven. With
6 that, I would make a motion to approve the
7 appointments to a selection committee for the
8 Riverhaven Planning Grant of Tony Burrus, Kaylene
9 Smith, and Paul Powers.
10 IRVING: Before I second that, I'd like to ask a
11 question. Were the people that were picked on this,

12 are we inviting by what is proposed in the Grant, or
13 do we just need a selection of three, do we know?
14 PETERS: Lin Wilson has been working on--on those
15 selections.
16 IRVING: Okay.
17 PETERS: And I've got to believe that they were done
18 pursuant to State statute.
19 IRVING: Okay. I--I didn't know if there was
20 anything in the Grant that--once in a while you have
21 to have appointments of certain qualifications.
22 PETERS: Right.
23 IRVING: Okay, well, I'll second that motion. All in
24 favor, say, "Aye."
25 PETERS: Aye.

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1 IRVING: Aye. Motion carried. Do we have any other
2 business? Any other business?
3 ELSER: I have no other business.
4 PETERS: I would make a motion to approve to waive
5 the second reading of any matter approved today and
6 for which it may be deemed necessary for the
7 Legislative Session of September 21st, 2005.
8 IRVING: I will second that motion. All in favor,
9 say, "Aye."
10 PETERS: Aye.
11 IRVING: Aye. Motion carried. Do we have any
12 comments from the public today? Any comments from
13 the public? Hearing none, we're adjourned. Have a
14 nice week. Thank you.

(Adjourned at 10:15 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 September 14, 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 23rd day of September, 2005.

18

19

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

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My Commission Expires:
22 December 2, 2011