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1 STATE OF INDIANA )  
 )SS:

2 COUNTY OF ALLEN )

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7 BOARD OF COMMISSIONERS  
OF THE COUNTY OF ALLEN

8  
9 RE: LEGISLATIVE SESSION OF  
10 OCTOBER 5, 2005

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14

DATE: October 5, 2005

15

TIME: 10:04 a.m.

16

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

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REPORTER: Rhonda M. Mullholand

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1 PRESENT:  
2 Linda K. Bloom Allen County Commissioner  
3 Marla J. Irving Allen County Commissioner  
4 Nelson Peters Allen County Commissioner

5  
6 Susan Elser Allen County Board of  
Commissioners' Office

7 Mary Hitchens Allen County Public  
Information Department

8

John McGauley Allen County Public  
Information Department

9

10 G. William Fishering Allen County Counsel

11

William Hartman Allen County Highway  
Department

12

13

Cindy Larson News-Sentinel

14

Ben Lanka Journal-Gazette

15

Rhonda M. Mullholand Rolf Reporting, Inc.

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Presentations by:

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5 William Hartman ..... 8-13, 15

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Agenda:

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- 1. Approval of minutes of 09/28/05  
Legislative Session ..... 7

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- 2. Selection of Engineering firm for the  
Riverhaven Water & Sanitary Sewer  
Utility Plan ..... 7

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- 3. Change Order:  
Allen County Juvenile Center  
CO#002 ThyssenKrupp Elevator  
Contract Reduction  
(\$8,393.00)

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- ..... 8
- 4. Approve and accept completion of  
contract for Rorick Road Bridge over  
Lomont Ditch, Project #01-253, Bid  
Reference #04-05. Installation of  
a new timber bridge by R.L. McCoy, Inc.  
-- Final cost of construction contract  
\$111,967.85 ..... 8

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- 5. Approve Change Order #1 & Final  
between Primco, Inc. and Allen County  
for the construction of the Moeller  
Road Bridge over Trier Ditch,  
Project #00-030, Bid Reference  
#09-05 -- \$18,346.29 DECREASE ..... 9

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- 6. Approve Change Order #1 between Wayne Asphalt & Construction Co., Inc. and Allen County for the construction of Coldwater Road - Phase I, between Union Chapel Road and Pion Road, Project #03-120, Bid Reference #24-05 -- \$5,445.00 INCREASE ..... 10

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- 1 7. Approve letter to INDOT and American Consulting Engineers, Inc. indicating approval of consultant selection of American Consulting Engineers, Inc. to complete the preliminary engineering phase of the Bass Road Project, from Scott Road to Hillegas Road ..... 11

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- 8. Approve letter to INDOT and A&Z Engineering indicating approval of consultant selection of A&Z Engineering, Inc. to complete the preliminary engineering phase of the Flutter Road Project, from St. Joe Road to Schwartz Road..... 12

9

- 9. Approve right of way engineering services agreement between DLZ Indiana, LLC and Allen County for Maplecrest Road, from Lake Avenue to SR930 [County/State Project STP-9902 (045)] -- Total Agreement \$119,700.00 (County Share 20% = \$23,940.00; State Share 80% = \$95,760.00) ..... 13

13

- 10. Approve State-Local Agency Right of Way Agreement between INDOT and Allen County for Maplecrest Road, from Lake Avenue to SR930, Project STP-9902(045), DES#0201084 ..... 13

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- 11. Approve Warranty Deed required for right of way acquisition on Homestead Road Curve Relocation, Project #04-209 from:

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a) Parcel 2 - Stephen and Beverly Raymer  
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1 12. Approve Warranty Deeds required for right  
of way acquisitions on the Coldwater  
2 Road - Phase II, from Pion Road to Gump  
Road, Project #04-254 from:

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a) Parcel 27 - Thomas and Mary Bosserman  
4 b) Parcel 28 - Edward and Julia Scott  
..... 15

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6 13. Other Business ..... 15

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14. Approval to waive the 2nd Reading on any  
8 matter approved today and for which it  
may be deemed necessary for the Legislative  
9 Session of October 5, 2005 ..... 16

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15. Comments from the Public ..... 16

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1 BLOOM: Good morning and welcome to the

2 Commissioners' Legislative Session, October 5th.  
3 First, we're going to honor our country, and a silent  
4 moment, please.

5 (At this time, the Pledge of Allegiance  
6 is recited, followed by a moment of  
7 silence.)

8 BLOOM: Thank you. Approval of the minutes of  
9 September 28th.

10 PETERS: I make a motion to approve the minutes of  
11 September 28th.

12 IRVING: Second.

13 BLOOM: All in favor signify by saying "aye."

14 IRVING: Aye.

15 PETERS: Aye.

16 BLOOM: Aye. Selection of engineering firm for the  
17 Riverhaven Water and Sanitary Sewer Utility Plan.

18 PETERS: This is a situation that's being awarded to  
19 DLZ. The other bidder was Major Engineering, out of  
20 Indianapolis, but it was felt by the group that  
21 interviewed them that they had limited experience in  
22 what it was that we were looking for.

23 IRVING: I make a motion we approve DLZ for the  
24 Riverhaven Water and Sewer Utility Plan.

25 PETERS: I'll second it.

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1 BLOOM: All in favor signify by saying "aye."

2 PETERS: Aye.

3 IRVING: Aye.

4 BLOOM: Aye. Change Order on the Juvenile Center,  
5 ThyssenKrupp Elevator, for a reduction. Commissioner  
6 Irving.

7 IRVING: Yes. There was a reduction done in the  
8 scope of the work, and I have approved these, and I  
9 will make a motion that we accept the \$8,393.00.

10 PETERS: I'll second it.

11 BLOOM: All in favor signify by saying "aye."

12 IRVING: Aye.

13 PETERS: Aye,

14 BLOOM: Aye. Approve and accept completion of  
15 contract for Rorick Road Bridge over Lomont Ditch.  
16 New timber bridge, R.L. McCoy. Final construction  
17 contract \$111,967.85. Good morning.

18 HARTMAN: Good morning, I'm Bill Hartman.

19 PETERS: Good morning.  
20 HARTMAN: Good morning.  
21 IRVING: Good morning.  
22 HARTMAN: Good morning. I'm Bill Hartman, with the  
23 County Highway Department, sitting in for Mike Fitch.  
24 BLOOM: This is the completion contract, and I've  
25 reviewed this, it's fine.

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1 PETERS: No, it's actually a decrease, is it not?  
2 IRVING: No. I--  
3 HARTMAN: This one's a \$5,000.00 increase. Yeah.  
4 PETERS: What--what am I missing?  
5 BLOOM: This was the--  
6 PETERS: Okay.  
7 IRVING: --I make a motion that we approve the final  
8 cost of construction, for \$111,967.85.  
9 PETERS: I'll second it.  
10 BLOOM: All in favor signify by saying "aye."  
11 IRVING: Aye.  
12 PETERS: Aye.  
13 BLOOM: Aye. Approve Change Order #1 between Primco  
14 and Allen County for Moeller Road Bridge over Trier  
15 Ditch. There is a decrease, and isn't this great,  
16 \$18,346.29. The bridge is open?  
17 HARTMAN: Yes.  
18 BLOOM: This is good. New Haven's gonna be so--so  
19 happy.  
20 IRVING: I make a motion that we accept the decrease  
21 in the Change Order #1 on \$18,346.29 for Project 00-  
22 030.  
23 PETERS: I'll second it.  
24 BLOOM: All in favor signify by saying "aye."  
25 PETERS: Aye.

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1 IRVING: Aye.  
2 BLOOM: Aye. Approve Change Order #1 between Wayne  
3 Asphalt & Construction, Inc. and Allen County for the  
4 construction of Coldwater Road, Phase I, between  
5 Union Chapel and Pion Road, \$5,445.00 increase.  
6 IRVING: Why are we having an increase on this, Bill?  
7 Is it--  
8 HARTMAN: What happens is, we base our specifications  
9 on INDOT's specifications. Their description of

10 right of way clearing only includes the construction  
11 limits for the project. Well, INDOT, a lot of the  
12 times, has limited access, and they don't deal with  
13 utilities quite as much as we do. We need--we have  
14 to clear the entire right of way in order for the  
15 utilities to be able to move, because our assigned  
16 position for them is to the outside edges of the  
17 right of way. This was something that we should have  
18 had in our specs, that--that the right of way was to  
19 be cleared, right of way line to right of way line, a  
20 special provision--

21 IRVING: Uh-huh (affirmative).

22 HARTMAN: --that didn't get in the--in, and so we  
23 have additional trees that need to be cleared, which  
24 causes extra cost.

25 IRVING: But, this is within the--the percentage that  
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1 we need to be, is that correct?

2 HARTMAN: Oh, yeah. Yeah.

3 IRVING: Yeah. Okay, I make a motion that we approve  
4 an increase of \$5,445.00 for Project #03-120.

5 PETERS: I'll second it.

6 BLOOM: All in favor signify by saying "aye."

7 IRVING: Aye.

8 PETERS: Aye.

9 BLOOM: Aye. Approve the letter to INDOT and  
10 American Consulting Engineers indicating approval of  
11 consultant selection to complete the preliminary  
12 engineering phase of the Bass Road Project, from  
13 Scott to Hillegas.

14 PETERS: And, can I--can I ask a stupid question?

15 BLOOM: Nothing's stupid.

16 PETERS: New guy question. So, I'm still entitled to  
17 a few of them. How do we get to the--what happens in  
18 the selection process, how do we get to American  
19 Consulting, what--what do we do, what's the process?

20 HARTMAN: We send out requests for proposals for a  
21 number of companies that are listed here. They all  
22 send us proposals. We go through the proposals with  
23 their qualifications, past work history, and then  
24 make a determination, based on their experience, as  
25 to who we want to design the project, then make a

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1 recommendation to you folks, and then--and then you  
2 make the approval.

3 PETERS: Okay. Appreciate that.

4 IRVING: I make a motion we approve the letter to  
5 INDOT and American Consulting on the Scott Road to  
6 Hillegas Road project.

7 PETERS: I'll second it.

8 BLOOM: All in favor signify by saying "aye."

9 IRVING: Aye.

10 PETERS: Aye.

11 BLOOM: Aye. Approve letter to INDOT and A&Z  
12 Engineering indicating approval of consultant  
13 selection to A&Z Engineering for preliminary  
14 engineering phase of Flutter Road, from St. Joe Road  
15 to Schwartz Road. The same procedure, Nelson.

16 PETERS: I was just gonna ask that very question.

17 HARTMAN: Yeah, this is--yeah, the exact--just a  
18 different project. It's the same procedure.

19 BLOOM: This is Flutter, from St. Joe Road to  
20 Schwartz Road.

21 PETERS: Okay, I make a motion that we approve the  
22 letter to INDOT and A&Z Engineering for the  
23 engineering phase of the Flutter Road Project, from  
24 St. Joe Road to Schwartz Road.

25 IRVING: Second it.

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1 BLOOM: All in favor signify by saying "aye."

2 IRVING: Aye.

3 PETERS: Aye.

4 BLOOM: Aye. Approve right of way engineering  
5 services agreement between DLZ Indiana, LLC and Allen  
6 County for Maplecrest Road, from Lake Avenue to 930.  
7 The total agreement is \$119,700.00. The County's  
8 share is \$23,940.00. The State will have 80% of this  
9 cost, \$95,760.00.

10 IRVING: Commissioner Bloom, I will gladly make a  
11 motion to accept any project that the State is paying  
12 80% on. So, I make a motion that we accept the  
13 Maplecrest Road, from Lake Avenue to State Road 930.

14 PETERS: I'll second it.

15 BLOOM: All in favor signify by saying "aye."

16 IRVING: Aye.

17 PETERS: Aye.

18 BLOOM: Aye. As I said yesterday, a lot of these  
19 projects could never be started, let alone completed,  
20 if we weren't getting State and Federal money.

21 PETERS: Uh-huh (affirmative).

22 BLOOM: Approve State-Local Agency Right of Way  
23 Agreement between INDOT and Allen County for  
24 Maplecrest, from Lake Avenue to State Road 930.

25 PETERS: I make a motion that we approve the State

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1 Local Agency Right of Way Agreement between INDOT and  
2 Allen County for Maplecrest Road, from Lake Avenue to  
3 State Road 930.

4 IRVING: I'll second that.

5 BLOOM: All in favor signify by saying "aye."

6 IRVING: Aye.

7 PETERS: Aye.

8 BLOOM: Aye.

9 IRVING: Commissioner Bloom, before you continue,  
10 maybe this would be just a time to add, you know, we-  
11 -we talk all the time about our tax money that goes  
12 to the Federal government and the State, and our  
13 return, and our percentage of return. And, I think  
14 through the progressive actions of the Highway  
15 Department and Commissioner Bloom, that you've been  
16 able to bring that money back into our community at a  
17 steady rising increase. And, I think that's very  
18 important for our television audience to understand,  
19 this is your tax dollars, that you paid in, that are  
20 coming back to our community. And, only through the  
21 aggressiveness of--through your leadership, and the  
22 Highway Department, have we been able to continue to  
23 secure more money.

24 BLOOM: Thank you.

25 IRVING: And--well, not everybody understands. When

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1 we say 80%, the State is--they don't understand that  
2 this is money that's from our area, that's gone to  
3 the State, and we're getting it back.

4 BLOOM: Finally.

5 IRVING: Yeah.

6 PETERS: Uh-huh (affirmative).

7 BLOOM: Northeast Indiana is picking up on the  
8 dollars, that's for sure. Approve Warranty Deed

9 required for right of way acquisition on Homestead  
10 Road Curve Relocation, parcel 2. That's it on this  
11 one, parcel 2.

12 IRVING: So moved.

13 PETERS: Second.

14 BLOOM: All in favor signify by saying "aye."

15 IRVING: Aye.

16 PETERS: Aye.

17 BLOOM: Aye. Approve warranty deeds required for  
18 right of way acquisitions on Coldwater Road, Phase  
19 II, from Pion to Gump, parcels 27 and 28.

20 IRVING: So moved.

21 PETERS: I'll second that.

22 BLOOM: All in favor signify by saying "aye."

23 PETERS: Aye.

24 IRVING: Aye.

25 BLOOM: Aye. Any other business this morning, Susan?

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1 ELSER: We have no other business documents, but I  
2 would like to remind you that next week's legislative  
3 session will be on Thursday, October 13th, at 12:00  
4 noon, instead of the regular Wednesday time.

5 BLOOM: Thank you.

6 IRVING: Thank you.

7 PETERS: I'd make a motion to approve to waive the  
8 2nd reading on any matter approved today and for  
9 which it may be deemed necessary for the Legislative  
10 Session of October 5th, 2005.

11 IRVING: I will second that motion.

12 BLOOM: All in favor signify by saying "aye."

13 IRVING: Aye.

14 PETERS: Aye.

15 BLOOM: Aye. Any comments from the public this  
16 morning? (No comments.) Hearing none, meeting  
17 adjourned. Thank you.

18 IRVING: Thank you.

19 (Adjourned 10:14 a.m.)

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1 STATE OF INDIANA )

) SS:

2 COUNTY OF ALLEN )

3 REPORTER'S CERTIFICATE

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

15 IN WITNESS WHEREOF, I have hereto affixed my  
16 hand and seal this 5th day of October, 2005.

17

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\_\_\_\_\_  
Rhonda M. Mullholand, Notary Public

19 Residing in Allen County, Indiana

20

My Commission Expires:

21 June 21, 2009

22