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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 November 2, 2005

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DATE: November 2, 2005

15
16

TIME: 10:14 a.m.

17
18

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

3 Marla J. Irving Allen County Commissioner
4 Nelson Peters Allen County Commissioner
5 Susan Elser Allen County Board of
 Commissioners Office

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6 Mary Hitchens Allen County Public
7 Information Office
8 John McGauley Allen County Public
9 Information Office
10 Mike Fitch Director, Allen County
11 Highway Department
12 Jeff Sorg Allen County
13 Highway Department
14 James Herman Allen County Sheriff
15 G. William Fishering Allen County Counsel
16 Bill Smallwood Chief Deputy, Allen County
17 Sheriff's Department
18 Michelle Wood Department of Planning
19 Services
20 Dan Freck Allen County Superintendent
21 of Buildings and Grounds
22 Pat Crick Allen County Recorder
23 Tom Niezer Attorney
24 Jeanne Nicolet Allen County Election Board
25 Ron Harmeyer News Center 15 (WANE-TV)
26 Ron Neumeyer WPTA-TV
27 Jennifer Cross WANE-TV
28 Kimberlee M. Adams Rolf Reporting, Inc.

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1 ALSO PRESENT:

2
3 Cindy Larson News Sentinel
4 Ben Lanka Journal Gazette

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5	Pat Crick	24
6	Jeanne Nicolet	26
7	Sheriff Jim Herman	30
8	Dan Freck	35
9	Mike Fitch	41
10	Jeff Sorg	53

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2	Agenda:	

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1. Approval of the Minutes of 10-26-05 11

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2. Rezoning Petition 15558/05: Petition to

5 rezone property and approve a primary
plat and development plan for a 210-lot

6 single family residential subdivision.

The 130.64 acre site is located on the

7 west side between the 8200 and 8800

blocks of Hanauer Road and on the south

8 side between the 3000 and 3100 blocks of

Wallen Road. Present zoning is I-

9 1(P)/Planned Light Industrial. Proposed

zoning is RSP-1/Planned Single-Family

10 Residential 11

11 3. Rezoning Petition 1559/05: Petition to

rezone property and approve a primary

12 plat and development plan of a 7-lot

single family subdivision for attached

13 villaminiums. The 2.69 acre site is

located on the east side between the 100

14 and 1000 blocks of West Hamilton Road,

approximately 1,250 feet north of its

15 intersection with State Road 14. Present

zoning is A-1/Agricultural, RSP-1/Planned

16 Single-Family Residential. The proposed

zoning is RSP-3/Planned Multiple-Family

17 Residential 14

18 4. Rezoning Petition 1562/05: Petition to

rezone property to allow for a regional

19 shopping center, including approximately

196,000 square feet of retail space and

20 five outlots. The 23.42 acre site is

located on the west side between the 9800

21 and 10200 blocks of Lima Road,

approximately 1,000 feet to the west.

22 Present zoning is A-1/Agricultural and

RS-1/Suburban Residential. Proposed

23 zoning is C-2D/Regional Shopping Center 17

24

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- 1 (Agenda continued)
- 2 5. Addition to the Indiana Code: Title 12
(Financial) Article 134 (Non-Reverting
- 3 Identification Security Protection Fund) 24
- 4 6. Repeal of Section (b) of Title 11
(Election Board) Article 2 (Order
- 5 Establishing Precincts) Chapter 2
(Precinct Description) 26
- 6
- 7 7. Approval of Purchase Agreement for
property at 4031 Merchant Drive for the
Allen County Sheriff's Department 29
- 8
- 9 8. Agreement between Allen County and NIPSCO
for Commercial and Industrial
Interruptible Sales Service under Rate
- 10 334A 35
- 11 9. Approve Supplemental Agreement #1 between
Allen County and American Consulting,
- 12 Inc. for Right-of-Way Engineering for
Zubrick Road Improvements and Industrial
- 13 Park Roads in Allen County 41
- 14 10. Approve and accept completion of contract
for Bid Ref #20-05, 2005 HMA Resurface
- 15 Package #1 - E & B Paving, Inc. was the
prime contractor. Final cost,
- 16 \$405,257.62. The streets resurfaced were
as follows: 41
- 17
- 18 A) Project #05-098, Yoder Rd, From
Coverdale Rd. to Branstrator Rd.
- 19 B) Project #05-099, Spencerville Rd.
from SR37 to Harlan Elementary
School
- 20 C) Project #05-100, Auburn Rd., From
Ft. Wayne City Limits to Union
- 21 Chapel Rd.
- 22 D) Project #05-101, Gump Rd., Allen
County School to Huntertown Corp.
Limits
- 23 E) Sycamore Hills Addition
- 24 a) Project #05-085, Wildcat Cove
from Sycamore Hills Drive to End

25 (Agenda continues)

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1 (Agenda continued)

- 2 b) Project #05-086, Carnouste
Lane, from Sycamore Hills Drive
- 3 to End
- 4 c) Project #05-087, Prestwick
Lane from Carnouste Lane to End
- 5 d) Project #05-088, Turnberry
Lane from W. Sycamore Hills Drive
to End
- 6 e) Project #05-089, Turnberry
Place from Turnberry to End
- 7 f) Project #05-090, Turnberry
Court from Turnberry Place
to End
- 8 g) Project #05-091, Braemer Dr.
from Sycamore Hills Pkwy
to Covington Rd.
- 9 h) Project #05-092, Rothbury
Court from Braemer Drive to
10 End
- 11 i) Project #05-093, Blairmore
12 Court from Braemer Drive to
End
- 13 j) Project #05-094, Sunningdale
14 Court from Braemer Drive
to End
- 15 k) Project #05-095, Haddington
16 Court from Braemer Drive to
End
- 17 l) Project #05-097, Sycamore
Lakes Court From Braemer
Drive to End
- 18 F) Oak Borough Addition
- 19 a) Project #05-079, Oak Borough
Run
- 20 b) Project #05-080, Smugglers
Cove from Oak Borough Run to
End
- 21 c) Project #05-081, Hialeah Land
from Oak Borough Run to
End

22 d) Project #05-082, Oak Glen
Trail from Oak Borough Run to
23 Castle Creek Dr
24

25 (Agenda continues)
0008

1 (Agenda continued)

2 e) Project #05-083, Kings Mill
Place from Oak Glen Trail
3 to End

4 f) Project #05-084, Castle Creek
Drive from Copper Hill
Run to End
5

11. Approve Change Order #1 and Final for Bid
6 Ref #05-05, Furnish and install Traffic
Pavement Markings for 2005, Project #04-
7 027 between Allen County and Three Rivers
Barricade & Equipment Co., Inc. Total CO
8 #1, \$65,705,14 Increase 43

9 12. Approve Quit Claim Deed between The Board
of Commissioners of the County of Allen
10 and The Lakes of Liberty Mills Community
Association, Inc. for part of Middle
11 Grove Road 46

12 13. Approve Amendment to Grant of Easement
for Parkview Plaza Drive between Allen
13 County and American Electric Power
Service Corporation 47
14

14. Approve Warranty Deeds conveying
15 additional right of way on Amber Road,
Project #01-339 to Allen County from: 48
16

a) Parcel 2-Robert C. and Barbara E.
17 Franzino

b) Parcel 3-Norman E. and Therese
18 Joy Burkett

c) Parcel 4-Thomas A. and Leslie V.
19 Remenschneider

20 15. Approve various Warranty Deeds, Trustees
Deed, and Quit Claim Deed conveying
21 additional right of way on Coldwater

- Road, Phase II, Project #04-254 to Allen
22 County from: 48
23 a) Parcel 25-Constance M. DeVeney,
Warranty Deed
24
25 (Agenda continues)
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2 b) Parcel 30-John D. and Marlise K.
Fletter, Warranty Deed
3 c) Parcel 54-Paul H. and Olive Ann
Gerard, Warranty Deed
4 d) Parcel 55-Paul H. and Olive Ann
Gerard, Warranty Deed
5 e) Parcel 56-Michael Family
Revocable Living Trust, dated
6 November 14, 2003, Trustees Deed
f) Parcel 56-Kay N. and Betty L.
7 Michael, Quit Claim Deed
g) Parcel 59-Richard A. Arambula,
8 Warranty Deed
h) Parcel 62-Dennis Gene and Sharon
9 E. Norton, Warranty Deed
i) Parcel 62-Gary P. and Kimberly D.
10 Lester, Warranty Deed
j) Parcel 62-Sharon E. Norton, Quit
11 Claim Deed
k) Parcel 62-Lincoln S. Meinzen,
12 Warranty Deed
13 16. Approve Warranty Deed conveying
additional right of way on Maysville Road
14 Bridge over Koester Ditch, Project
#02-338 to Allen County from: 50
15
a) Parcel 1-Ronald J. and Kathryn A.
16 Clements
17 17. Approve Trustee's Deed conveying
additional right of way on Homestead Road
18 Curve Relocation, Project #04-209 to
Allen County from: 50
19
a) Parcel 1-The Suzanne M. Ginty
20 Revocable Living Trust dated May

23, 2002

21
18) Approve and award Bid ref #33-05, Four
22 (4) or newer production model Tandem Axle
Dump Trucks for use by the Allen County
23 Highway Department. Cost - \$433,965.92
(108,491.48 per truck) 51

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25 (Agenda continues)

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20. Approval to waive the 2nd Reading on any
4 matter approved today and for which it
may be deemed necessary for the
5 Legislative Session of November 2, 2005 55

6 13. Comments from the Public 55

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1 IRVING: Good morning and welcome to our Legislative
2 Session, Wednesday, November 2nd. First on the
3 Agenda, Commissioner Peters, would you like to lead
4 us in the--

5 PETERS: I would.

6 IRVING: --Pledge and--

7 PETERS: Thank you.

8 IRVING: --a moment of silence.

9 (At this time, the Pledge of Allegiance was

10 recited in unison, and a moment of silence

11 was recognized by all.)

12 IRVING: Thank you. First on the Agenda is Approval

13 of the Minutes of October 26th, 2005.

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

15 October 26th, 2005.

16 IRVING: I'll second that motion. All in favor say,

17 "Aye."

18 PETERS: Aye.

19 IRVING: Aye. Motion carried. This morning, we have

20 a few Rezoning Petitions. The first one is Rezoning

21 Petition 1558/05. And we're rezoning the property

22 and primary plat development for a 210-lot single

23 family resident division, 130 plus acres, the west

24 side between 8200 and 8800 block of Hanauer Road and

25 the south side between 3000 and 3100 blocks of Wallen

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1 Road.

2 WOOD: Good morning, Commissioners.

3 PETERS: Good morning.

4 IRVING: Good morning.

5 WOOD: The first petition in front of you is called

6 Hanauer Acres, Petition 1558. And this is actually

7 the Hanauer Farm, and as you're aware, Hanauer Road

8 runs along the east side of this property. It is on

9 the south side of Wallen Road. There--there is an

10 existing farmstead there where Mrs. Hanauer does

11 still live, and--but they--the family has decided to

12 develop this into a single family subdivision. It's

13 currently I-1(P), and so they would be requesting

14 RSP-1/Planned Single Family Residential at a density

15 of 1.61 units per acre, which is a little less than

16 what we normally see. To the east is the City of

17 Fort Wayne, and it is fully developed and residential

18 development. And to the north and to the west,

19 there's a variety of meets and bounds of residential

20 development. And in the southwest corner you'll see

21 Colonial Oaks, the golf course, that makes up the

22 full southwest corner of this development. It is 210
23 lots, and it is your typical single family
24 subdivision. They are not requesting any waivers
25 from side yards or for sidewalks. They do propose
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1 sidewalks on both sides of all streets. There is an
2 I & M power line that runs through the site. They
3 have taken those lots out of that easement so it
4 would--does not come into play with the platted--the
5 platted lots. And recreation space has been
6 provided, and five detention ponds, and other common
7 area blocks. The Planning Commission did recommend
8 unanimously a do-pass on this rezoning proposal and
9 approved the plat and development plan at 1.61 units
10 per acre. And I can answer any questions.

11 IRVING: Commissioner Peters?

12 PETERS: Well, having sat on the the Planning
13 Commission hearings, most of my questions were
14 answered.

15 WOOD: Okay, great.

16 IRVING: I'll entertain a motion.

17 PETERS: I make a motion for Rezoning Petition
18 1558/05.

19 IRVING: With a density of 2.6?

20 WOOD: One point six one [1.61].

21 IRVING: Oh, I'm one ahead, aren't I? Density of
22 1.61?

23 WOOD: That's correct.

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

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1 PETERS: Aye.

2 IRVING: Aye. Motion carried. Now we'll get to
3 Petition 1559. It is the primary plat and
4 development plan for a 7-lot single family
5 subdivision, 2.69 acres. The 100 and 1000 blocks of
6 West Hamilton Road. Present zoning is A-1 to go to
7 RSP-1/Planned Single-Family Resident to a proposed
8 RSP-3/Planned Multiple-Family Residence.

9 WOOD: Okay. Very good. For 1559/05, this is the
10 Villas of Chestnut Cove. And you recently approved
11 Lakes of Chestnut Cove across--excuse me, Lakes of
12 Chestnut Hills, on the west side of West Hamilton

13 Road. And that was a--that land was already zoned

14 RSP-3--

15 PETERS: Right.

16 WOOD: --Planned Multiple Family. That subdivision

17 is a combination of single family, detached,

18 traditional. And they are proposing some attached

19 units in that subdivision. On the east side of the

20 road, this petition, it's a very narrow piece of

21 ground between West Hamilton Road and Chestnut Hills,

22 the existing subdivision.

23 IRVING: Uh-huh (affirmative).

24 WOOD: It's the same developer for all of these

25 subdivisions, and they--they have an opportunity to

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1 use this ground, to rezone it to RSP-3 and put in

2 a--kind of a unique for this area type of

3 development. They are actually lots, seven lots, so

4 each homeowner would own their lot, but they are

5 attached units. So we call it single family because

6 it truly isn't a multi-family development like an

7 apartment where there's one ownership and

8 renter--renters. It is single family, however they

9 are attached. There are two units attached, then

10 three, and then two. The way Staff looked at this

11 was really more through a single family type of

12 development standard--design standard than--than a

13 multi-family since they aren't apartments. They do

14 meet the recreation space requirements. But they

15 would need some waivers from the RSP-3 development

16 standards to make this work. And we--we actually

17 have another project coming up soon that we'll talk

18 more about this. But with--with the waivers for side

19 yards and rear yard, it really does become more like

20 a single family development even though some of the

21 units are attached. And this development will also

22 allow the developer to complete some road

23 improvements on West Hamilton Road for the entrance

24 of Chestnut Hills. With the purchase of this ground,

25 they can finish the decel--accel/decel lanes and kind

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1 of clean up that whole area. And all of Chestnut

2 Hills, Section 16, did agree to vacate a portion of

3 their property to add to this. And you might recall,

4 that was last month that we did that vacation. So
5 all total, we have 2.69 acres and that leaves us with
6 a density of 2.6 units per acre. And the Planning
7 Commission did unanimously approve the development
8 plan and forward a do-pass recommendation.

9 PETERS: Michelle, you mentioned the waivers, they
10 escaped me right out of the gate.

11 WOOD: Okay.

12 PETERS: What were they?

13 WOOD: Well, with--with a typical RSP-3 apartment
14 style development, because each owner doesn't--each
15 renter doesn't have their own lawn space, there are
16 different--

17 PETERS: Right, right.

18 WOOD: --recreation--

19 PETERS: Yeah.

20 WOOD: --space needs.

21 PETERS: Right.

22 WOOD: It's more of an overall--it's a--it's a
23 number, 45% of the overall site. In this situation,
24 each unit does have its own lot, and they do have
25 recreation space surrounding the development. So we
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1 needed to--it's still a waiver from the RSP-3
2 standards, but we looked at it like a single family,
3 and they do meet all of those requirements--

4 PETERS: Uh-huh (affirmative).

5 WOOD: --for space. Also some of the setbacks.

6 Between an apartment building, there's a larger
7 setback between units--between--

8 PETERS: Right.

9 WOOD: --and the entire building. Here, the Planning
10 Commission waived those down to a typical single
11 family villa type where they have--I believe,
12 each--between each one is 15 feet. So seven and
13 seven, that's like a typical subdivision.

14 IRVING: Okay.

15 WOOD: So while they didn't require the waiver, we
16 still feel like it meets the single family
17 requirements for setbacks and recreation space.

18 IRVING: Good.

19 PETERS: I'd make a motion on Rezoning Petition
20 1559/05.

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

23 PETERS: Aye.

24 IRVING: Aye. Motion carried. I think we're on our
25 last one then. Rezoning Petition 1562, allow for a
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1 regional shopping center, 196,000 square feet of
2 retail space and five outlots. Present zoning is
3 A-1/Agricultural and RS-1, and we're proposing a
4 C-2D/Regional Shopping Center, and this is located on
5 Lima Road.

6 WOOD: That is correct. It's on the west side of
7 Lima Road and it's south of Dupont Road. At the
8 corner of Lima and Dupont is the--the Lima Commons
9 development that was recently approved for the
10 Wal-Mart store. And this property is just south of
11 that. It is proposed to go to C-2D. It--rather than
12 having such a large anchor, like the Wal-Mart, this
13 is a smaller anchor. At this point, it's--it's less
14 than 90,000 square feet. However, the C-2D would
15 allow them to expand into the attached. It wouldn't
16 necessarily allow them to add more square footage
17 overall. But if they were to take over some of the
18 attached--

19 IRVING: Uh-huh (affirmative).

20 WOOD: --buildings that are shown on the plan, it
21 would allow that to happen. But as it's submitted to
22 Staff, it is one anchor, around 90,000 square feet,
23 and then it has five attached buildings and then five
24 outlots along Lima Road. So it's set up very
25 similarly to the Wal-Mart property. There

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1 is--the--the access for this is the existing entrance
2 off of Lima Road that is on the Wal-Mart property.
3 And then they are showing a secondary access further
4 south along Lima Road in between the outlots. This
5 will likely be a right in, right out because of the
6 configuration of State Road 3. And they--the only
7 waivers really necessary for this project were for
8 the outlots, and those are very typical waivers that
9 Staff actually recommends for shopping centers.
10 Because of how the ordinance views those lots, they
11 have a double front yard. So the Planning Commission

12 did approve those waivers to reduce the front and
13 rear yard setback on the outlots. They have
14 submitted signage for the project, very typical
15 shopping center signage and signage for the outlots.
16 They have detention on the west side of the site,
17 which is actually adjacent to the proposed detention
18 for the Wal-Mart property. And one--one item that
19 didn't come up at the hearing is the access off of
20 Lima Road and that shared access drive. Staff is
21 asking that Thompson Thrift, the applicant, and
22 Wal-Mart work together on their access points on this
23 shared drive. And at this point, we don't have a
24 definite agreement between the two, but we know that
25 they are working on it. And so before a secondary is
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1 submitted and approved, Staff would like to see
2 the--those access points worked out.
3 IRVING: I have heard through the grapevine, since
4 this is kind of my area of town, that negotiations
5 with Wal-Mart are a little on the--oh, what do I want
6 to say?
7 PETERS: Edge.
8 IRVING: Yeah, edge. That's a good idea. And what
9 would that do to this development if Wal-Mart does
10 not sign the paperwork and do the concessions that
11 they were asked to do?
12 WOOD: The way that it has been proposed--the way it
13 has been submitted to Staff, these are share--this is
14 a shared entrance.
15 IRVING: Okay.
16 WOOD: It does fall on Wal-Mart's property.
17 IRVING: Okay.
18 WOOD: So that does put the property to the south in
19 a position where we need to work together. Staff--
20 IRVING: Shocking.
21 WOOD: --Staff feels we, from the very beginning,
22 have made it very clear that--
23 PETERS: Uh-huh (affirmative).
24 WOOD: --for a shopping center, just one access
25 coming in--

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1 IRVING: Right.
2 WOOD: --off of that drive is not sufficient for--for

3 a safe circulation pattern--

4 IRVING: Uh-huh (affirmative).

5 WOOD: --throughout the devel--the two developments.

6 And the Wal-Mart crew is aware of this, and they have

7 actually submitted a secondary development plan that

8 has been deferred. Staff's hope in deferring that

9 would be to give them time to work with the

10 Thompson-Thrift property to--to come to an agreement.

11 If they are not able to come to some kind of

12 agreement that Staff feels--and we are working with

13 the Highway Department as well, I'd like to say, to

14 help us review those circulation plans--then we would

15 not accept a secondary development plan from the

16 Thompson-Thrift property. At--at--if it's approved

17 today, they're through the primary step. But we

18 would not take a secondary development plan. And the

19 Wal-Mart plan is still in deferral. So, we're kind

20 of at, more or less, the same place where we are

21 asking them to come together. And if--if some other

22 method can--can be designed, some other way to work

23 out the circulation issues, we have put into the

24 findings that it should be reviewed by our Executive

25 Committee of the Planning Commission, not just by

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1 Staff--

2 IRVING: Okay.

3 WOOD: --because we do feel strongly that a minimum

4 of two cross access points between the two

5 developments are needed. And if they come up with a

6 design that's different than that, we would be happy

7 to look at it, but we would like it to go in front of

8 the Executive Committee because we've made this point

9 clear in both hearings.

10 IRVING: Is this box big enough for a Kohl's--wasn't

11 it?

12 WOOD: I believe it would be big enough for a Kohl's,

13 yes.

14 IRVING: Okay.

15 WOOD: We--we do not know a--

16 IRVING: Okay.

17 WOOD: --actual tenant at this point, but yes, it

18 should fit a Kohl's.

19 PETERS: Are you aware of any plans, eminent plans,

20 to annex those two sites?

21 WOOD: I have heard through the grapevine that an
22 annexation may be in--not in the works, but has been
23 talked about. It hasn't been specifically spoken or
24 talked about with Staff. I don't know if it would be
25 a voluntary annexation. To be honest, I--I just

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1 heard about it. We really haven't discussed it.

2 IRVING: Well, we're really hearing a lot in the
3 grapevine today, aren't we?

4 PETERS: Uh-huh (affirmative). The grapevine is
5 good.

6 IRVING: Commissioner Peters, how do you feel about
7 this?

8 PETERS: Oh, I think--I think it's a good program and
9 I recommend approval to rezone Petition 1562/05.

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

12 PETERS: Aye.

13 IRVING: Aye. Motion carried.

14 WOOD: Thank you very much.

15 IRVING: Before you run away--

16 ELSER: I think we were waiting until next week on
17 your Code. I can't remember. Did--did you want to
18 do that today or next week?

19 WOOD: On the--the Code Amendment?

20 ELSER: Yes.

21 IRVING: Right.

22 WOOD: We would like to do that next week.

23 IRVING: Okay.

24 WOOD: We need to work on the format.

25 IRVING: Okay, because I had it on my original

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1 and--and--

2 WOOD: Yeah.

3 IRVING: --we were assuming that that was to be voted
4 on today.

5 WOOD: And Ms. Bowman will probably be here to--I
6 will be out of town, but she'll be here to present
7 that to you.

8 ELSER: That's why it's not on there.

9 WOOD: And she'll do a great job.

10 IRVING: Okay, okay.

11 WOOD: Thank you.

12 IRVING: We appreciate it very much, so we'll look
13 forward to that next week then.

14 WOOD: Thank you.

15 IRVING: Next on our Agenda, Addition to the Indiana
16 Code: Title 12 (Financial) Article 134 (Non-Reverting
17 Identification Security Protection Fund).

18 CRICK: Good morning.

19 IRVING: Good morning. How are you?

20 CRICK: I'm okay. How are you?

21 PETERS: Good morning. By the way, congratulations.

22 For those who don't know, Pat Crick was voted
23 Recorder of the Year at the recent Association of
24 Indiana Counties get together.

25 CRICK: Thank you.

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1 IRVING: Way to go.

2 CRICK: I didn't cry, but a few tears ran down my
3 cheek because I was surprised. Thank you.

4 IRVING: Well-deserving.

5 CRICK: Thank you. This ordinance establishes a
6 Non-Reverting Identification Security Protection Fund
7 to be administered by the County Recorder. It will
8 go--it's effective January 1st, 2006 and it will end
9 January--or December 31st, 2011. When a person comes
10 in to record a document, they will have an
11 affirmation slip with them and it will cost \$2.00 to
12 record that plus, you know, whatever their normal fee
13 is. And that goes into the fund. It does not revert
14 to the Allen County General Fund later, and it is to
15 be used only for purchase upgrade implement or
16 maintain redacting technology in the office. So
17 we're trying to get the social security numbers off
18 these documents. Now we can't touch the microfilm,
19 but from '96 on, we can take them off.

20 IRVING: Good.

21 PETERS: Pat, one of the things I know that you and I
22 discussed is my concern that once we implement a tax
23 or a user fee or what-have-you, it never goes away.

24 It stays and stays and stays. But you assured me
25 that this was different. How so?

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1 CRICK: December 31st, 2011 is when it ends.

2 PETERS: Okay, so this will sunset--

3 CRICK: It will--yes.

4 PETERS: --at the end of 2011? The idea being that
5 we've gotten to where we want to be with eliminating
6 social security numbers--

7 CRICK: Right.

8 PETERS: --on the appropriate documentation.

9 CRICK: Right.

10 PETERS: Okay, great. I would make a motion then
11 that we add, what we refer to as Ordinance
12 11-2-05-31, Non-Reverting Identification Security
13 Protection Code to our Book of Ordinances.

14 IRVING: Okay, I'll second that motion. All in
15 favor, say, "Aye."

16 PETERS: Aye.

17 IRVING: Motion carried.

18 CRICK: Thank you.

19 IRVING: Thank you. Congratulations again.

20 CRICK: Thanks.

21 IRVING: Next is the repeal of Section (b) of Title
22 11 (Election Board) Article 2, Chapter 2. Well, good
23 morning.

24 NICOLET: Good morning.

25 IRVING: Always glad to see the Election Board here.

0027

1 NICOLET: Thank you. Okay.

2 IRVING: Do you want to introduce yourself first?

3 NICOLET: Yes. I'm Jeanne Nicolet from the Allen
4 County Election Board. What has happened is we've
5 run into a deadline. We had 12 precincts that we
6 were going to combine into six--

7 IRVING: Uh-huh (affirmative).

8 NICOLET: --with the approval of the Indiana Election
9 Division Commission. And in order to get this done
10 in time for the--the new Indiana voter registration
11 system, which is to be implemented in Allen County on
12 November 28th, there's not enough time to get this
13 done, so therefore we would like to rescind it and we
14 will resubmit it with our next changes.

15 IRVING: So this will not be effective for the 2006
16 election period then?

17 NICOLET: That is correct.

18 IRVING: How much hardship is that going to cause?

19 NICOLET: None as far as money, but it will cause us
20 some extra paperwork, but it's do-able.
21 IRVING: And we have enough voting machines to cover
22 that precinct?
23 NICOLET: Yes. But what we'll do is we'll actually
24 combine them as far as precinct workers.
25 IRVING: Okay.

0028

1 NICOLET: And then just keep separate totals. The
2 only thing it will really do is increase the number
3 of voting--of reporting precincts from 190--from 193
4 to 199. I'm sorry, it's from 293 to 299. So have
5 a--we'll have an additional six precincts reporting
6 in.
7 IRVING: Okay. And this is--all got our i's dotted
8 and our t's crossed, right?
9 NICOLET: Yes, we do, for our file.
10 PETERS: So, we had, through our previous action,
11 taken the number of precincts down to 293--
12 IRVING: Right.
13 PETERS: --correct?
14 NICOLET: That is correct.
15 PETERS: And we did that how, by pulling in people
16 from other precincts?
17 IRVING: Annexation.
18 NICOLET: That is correct.
19 PETERS: Okay.
20 NICOLET: We were able to combine a lot of precincts
21 because the total number of registered voters were
22 under the 1200 limit set by the State. These
23 particular precincts, these 12, had I combined them,
24 the number would have been over the State limit.
25 PETERS: Oh--

0029

1 NICOLET: Therefore, they needed--
2 PETERS: --I'm with you.
3 NICOLET: --additional approval.
4 IRVING: Right.
5 NICOLET: And we do not have time--
6 PETERS: Right.
7 NICOLET: --to get the approval--
8 PETERS: Okay.
9 NICOLET: --and still get our map to the people who

10 need to do it to get on to the statewide voter
11 registration system.
12 PETERS: I gotcha.
13 IRVING: Right.
14 PETERS: Okay.
15 NICOLET: It's just a timing matter.
16 PETERS: Right. I'd make a motion then to repeal
17 Section (b) of Title 11, Article 2, Chapter 2.
18 IRVING: I will second that motion. All in favor,
19 say, "Aye."
20 PETERS: Aye.
21 IRVING: Aye.
22 NICOLET: Thank you.
23 IRVING: Thank you very much. Approval of Purchase
24 Agreement for the property at 4031 Merchant Drive for
25 the Allen County Sheriff's Department.

0030

1 HERMAN: Good morning.
2 IRVING: Good morning.
3 PETERS: Good morning.
4 HERMAN: I'm Sheriff Jim Herman.
5 IRVING: Are you a happy Sheriff Jim Herman?
6 HERMAN: Yes.
7 IRVING: Okay.
8 HERMAN: Yes, I am. This Agreement, Purchase
9 Agreement, for the property at 4031 Merchant Drive is
10 a building that we are looking at as a--the possible
11 replacement for our 4B. And we would like to--to
12 have you approve this purchase agreement. I think
13 there's a couple of contingencies. One is the
14 approval of Council, I guess, and the other is based
15 on the appraisal of the property. This basically
16 would--would keep this property open to us until we
17 can get some of those questions answered.
18 IRVING: Do you have anything you'd like to say or
19 sing a song to us or anything because you said, "It
20 can't be done"?
21 HERMAN: I--I will reserve--I will reserve that for
22 the--the opening day.
23 PETERS: That's right.
24 IRVING: So that means that when we have our
25 ribbon-cutting on our new building that you will sing

0031

1 me a song?

2 HERMAN: Yes.

3 IRVING: Good.

4 PETERS: I want to be there.

5 IRVING: Do we have that on written form and on tape
6 that the Sheriff is going to sing? I get to pick the
7 song then too, okay?

8 HERMAN: There are very few people who want to hear
9 me sing. I'm just happy that you're one of them.

10 IRVING: No, this is--this is positive. I know that
11 we--we learned our lessons and we've taken some hard
12 knocks over the--the--the North American Van Lines
13 building. I know it was a devastating blow to all of
14 us, and--but I feel real positive. It's--it's a good
15 area, it's a good building. It's centrally located.
16 It wasn't easy finding someplace so close to not--not
17 only new 30 [Highway 30]--

18 HERMAN: Right.

19 IRVING: --but also to 69 [I-69]--

20 HERMAN: It's very--

21 IRVING: --469 [I-469]--

22 HERMAN: --close to the same--

23 IRVING: Yeah.

24 HERMAN: --location.

25 IRVING: That's right.

0032

1 HERMAN: It's very close to the same size.

2 IRVING: Right.

3 HERMAN: And it is a building that is going to take
4 very little tear down. It's going to be mainly new
5 construction on the rehab, so--

6 PETERS: Right.

7 IRVING: So that means we're going to save money from
8 our original remodeling costs?

9 HERMAN: Well--

10 IRVING: Is that what I heard you say?

11 HERMAN: No, that's not what you heard me say.

12 IRVING: Oh, okay.

13 HERMAN: This building does not have some of the
14 things that that building had in it, so that--that
15 most of what's in this building will have to be new.

16 The HVAC being one of the big--

17 IRVING: I know.

18 HERMAN: --items--big ticket items.
19 PETERS: We are--let me just clarify what
20 Commissioner Irving said, and I know she'd want me to
21 do this. We are, in fact, delighted that Sweetwater
22 Sound is in the North American Van Lines building--
23 IRVING: Oh, yes.
24 PETERS: --because that certainly enhances what we're
25 trying to do from an economic development perspective
0033

1 around here. But needless to say, we felt sort of an
2 individual loss when--when--when that building went,
3 but are glad that--that--that we're able to look
4 forward in a fairly expeditious manner to what we
5 think this building will do for us. And I think once
6 all the numbers fall into place, I think we will, in
7 fact, find some savings over what we were looking at
8 in the North American Van Lines building. So--

9 HERMAN: I certainly hope so.

10 PETERS: --I'm happy we've been able to stumble
11 across this and look forward to continuing to work
12 with you to--to make this project a success.

13 HERMAN: And I want to thank you too, Commissioners,
14 for your--for your help in this project. It's--when
15 that other building fell through, I thought we were
16 going to start from square one and we have been able
17 to find something in the same area.

18 IRVING: Uh-huh (affirmative).

19 HERMAN: We may be able to use some of the same plans
20 that we--that we had for the other building and that
21 will save us a little time there.

22 IRVING: Uh-huh (affirmative).

23 HERMAN: So, yeah, I'm excited. I hope we can--I
24 hope we can make this thing work.

25 PETERS: Yeah, there--there are still a few steps to
0034

1 go through.

2 HERMAN: Certainly.

3 PETERS: There's no question about that, and we need
4 to make sure that we do get all of our ducks in a row
5 before all is said and done. But I am--I'm
6 comfortable and I'm confident in the direction that
7 this whole project is heading.

8 IRVING: Commissioner Peters, I'm not sure that we

9 should tell the Sheriff that we "stumbled" across
10 this. I think it was probably the whole plan that
11 we've had and we just wanted to add a few more gray
12 hairs to him.

13 PETERS: Yeah.

14 IRVING: We knew this all along, Sheriff.

15 PETERS: Yeah, I think we succeeded, didn't we?

16 IRVING: We just wanted to, you know--no, I--I--the
17 efforts that have gone into this have been
18 cooperative, and I feel--I feel real good about what
19 we're doing and the route that we're taking. And
20 hopefully, we're going to hear Jim Herman sing real
21 soon.

22 PETERS: Uh-huh (affirmative). Looking forward to
23 it.

24 HERMAN: It will be a first.

25 PETERS: And with that, before anybody else changes
0035

1 their mind, I would--

2 IRVING: I've sat next to you in church.

3 PETERS: --I would make a motion for approval of the
4 Purchase Agreement for the property at 4031 Merchant
5 Drive for the Allen County Sheriff's Department.

6 IRVING: And I will gladly second that motion. All
7 in favor, say, "Aye."

8 PETERS: Aye.

9 IRVING: Aye. Motion carried.

10 HERMAN: Thank you very much.

11 IRVING: Thank you, Sheriff. Get those remodeling
12 numbers to us ASAP.

13 HERMAN: I'm going out there at 3:30 this afternoon--

14 IRVING: Okay.

15 HERMAN: --to get that started.

16 IRVING: Fantastic.

17 HERMAN: Thank you.

18 IRVING: Thank you, Sheriff. Agreement between Allen
19 County and NIPSCO for Commercial Industrial Sales
20 Service under Rate 334A. This is our interruption
21 that we have an Agreement, and we save lots of money
22 on this. We're glad to do it.

23 PETERS: What are we looking at?

24 IRVING: Good morning, Dan. How are you?

25 FRECK: Real good. Dan Freck, Director of Buildings

0036

1 and Grounds. What you have before you is just a
2 special rate agreement that we have had in place
3 since November of 2002.

4 IRVING: Uh-huh (affirmative).

5 FRECK: Just basically a renewal that allows us to be
6 able to, as an option, go to fuel oil if you choose
7 to go that route in this building. It saves us a
8 little bit on gas. We can go to fuel oil if and when
9 NIPSCO might develop a problem. And it's just a
10 backup system that we've had in this building--

11 IRVING: Right.

12 FRECK: --since the building was built. So it's
13 a--it's a good rate. We do save some money.

14 Depending on the economy, how it goes from
15 year-to-year, but we can average sometimes right
16 around \$18,000.00 a year. So--

17 IRVING: That's great.

18 PETERS: If there were a need to move to that backup
19 system sometime, any idea what the difference in the
20 cost would be over an equal period of time?

21 FRECK: Right now when I called NIPSCO and was
22 talking to them yesterday, on a year-to-year basis,
23 it would pretty well be just about a wash--

24 PETERS: Okay.

25 FRECK: --on equal. However, we have had--seen fuel

0037

1 oil and diesel as it says quite expensive right now,
2 so gas is the way to go. And we--we go to fuel from
3 time to time just to exercise the pumps, make sure
4 everything is running smooth in case we do have a
5 problem.

6 PETERS: Would this be the kind of agreement where if
7 one form became cheaper over a matter of a couple of
8 months than another, that we could actually switch--

9 FRECK: Yes.

10 PETERS: --back and forth based on whatever was
11 cheaper?

12 IRVING: Uh-huh (affirmative).

13 FRECK: Yes, we do that from time to time.

14 PETERS: Okay, that's great.

15 FRECK: We actually exercise this program the latter
16 part of March, first part of April when we don't have

17 such a--a big demand for natural gas. And then of
18 course in the summertime, we very seldom use hardly
19 any--

20 IRVING: Uh-huh (affirmative).

21 FRECK: --gas because the boilers are down and--

22 PETERS: Right.

23 FRECK: --being inspected, so we kind of run it this
24 way just to circulate the fuel and to keep everything
25 up and running proper for you.

0038

1 IRVING: I think more important than that, and of
2 course with the price of fuel and everything, that
3 that is important, but I think more important is that
4 it gives NIPSCO an opportunity that if they are
5 running short, that they would not have to cut any
6 residential either or--

7 PETERS: Uh-huh (affirmative). That's a good point.

8 IRVING: --we wouldn't have to worry about it not
9 being available. And really, basically, that's how
10 it first started--

11 FRECK: Yes.

12 IRVING: --back in 2002. We had the tank replaced--

13 FRECK: Right.

14 IRVING: --and we had the agreement set up with
15 NIPSCO because if there is a storm that somehow fuel
16 lines--just a lot of different emergency type things
17 that could come up and/or fuel prices.

18 PETERS: Uh-huh (affirmative).

19 FRECK: Plus this--

20 IRVING: And this--this gives a chance for--to take a
21 public building off of the pressure of NIPSCO to be
22 able to provide for more residential customers--

23 PETERS: Makes sense.

24 IRVING: --especially in cold weather. So I--even if
25 there was not a profit on it, if it was still break

0039

1 even, it's something that community-wise, I think
2 that we felt very strong in 2002 that--that
3 residential customers, if there is a shortage should
4 have warmth versus--

5 PETERS: Makes sense.

6 IRVING: --a public building--

7 FRECK: Correct.

8 IRVING: --like this if we have an--a natural way.
9 And it's great and I know I can hear, there, when you
10 start them up--

11 FRECK: Yeah.
12 IRVING: --and test them. And I think that's a good
13 idea--

14 FRECK: Yeah.
15 IRVING: --because it's--it's a good backup system.
16 But if we don't test it--

17 FRECK: Correct.
18 IRVING: --then we could run into a problem when we
19 need it.

20 FRECK: Plus it keeps this building running--
21 IRVING: Uh-huh (affirmative).

22 FRECK: --regardless if we had that problem--
23 IRVING: Right.

24 FRECK: --where some of the other buildings in the
25 surrounding area would have to basically shut down.

0040

1 PETERS: Right.

2 FRECK: We can still--still operate--

3 PETERS: Keep going.

4 FRECK: --at a normal rate.

5 PETERS: Good, good. Well, I'm glad to hear it.

6 FRECK: Okay.

7 PETERS: And with that, I make a motion for approval
8 of the Agreement between Allen County and NIPSCO for
9 Commercial and Industrial Interruptible Sales Service
10 under Rate 334A.

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

13 PETERS: Aye.

14 IRVING: Aye. Motion carried.

15 FRECK: Thank you.

16 IRVING: Thanks, Dan. Do you have anything else
17 today?

18 FRECK: No, that's it, ma'am.

19 IRVING: Okay. Approval of Supplemental Agreement #1
20 between Allen County and American Consulting,
21 Incorporated for right of way engineering for the new
22 Zubrick Road improvements and Industrial Park Roads
23 in Allen County. I'll entertain a motion. You've
24 had a chance to look at it?

25 PETERS: Yep. I make a motion for approval of
0041

1 Supplemental Agreement #1 between Allen County and
2 American Consulting, Incorporated for right of way
3 engineering for the new Zubrick Road improvements.

4 IRVING: I'll second the motion. All in favor, say,
5 "Aye."

6 PETERS: Aye.

7 IRVING: Aye. Motion carried. Good morning, Mike.

8 FITCH: Good morning.

9 IRVING: How are you this morning?

10 FITCH: Mike Fitch, Allen County Highway.

11 IRVING: Great.

12 PETERS: Good morning.

13 IRVING: Approval and acceptance of Bid Reference
14 #20-05, 2005 HMA Resurfacing Package #1 with E & B
15 Paving, Incorporated was the prime contractor. Final
16 cost, \$405,257.62. And the streets re--resurfaced
17 were--do you want to read all of those, Susan?

18 ELSER: Sure.

19 IRVING: Or do you want me to do it? I can do it.

20 ELSER: I can do it.

21 IRVING: Okay.

22 ELSER: Yoder Road from Coverdale Road to Branstrator
23 Road; Spencerville Road from State Road 37 to Harlan
24 Elementary School; Auburn Road from Fort Wayne City
25 Limits to Union Chapel Road; Gump Road from Allen

0042

1 County School to Huntertown Corporation Limits. In
2 the Sycamore Hills Addition: Wildcat Cove from
3 Sycamore Hills Drive to End; Carnouste Lane from
4 Sycamore Hills Drive to End; Prestwick Lane from
5 Carnouste Lane to End; Turnberry Lane from West
6 Sycamore Hills Drive to End; Turnberry Place from
7 Turnberry to End; Turnberry Court from Turnberry
8 Place to End; Braemer Court (sic, Drive) from
9 Sycamore Hills Parkway to Covington Road; Rothbury
10 Court from Braemer Drive to End; Blairmore Court from
11 Braemer Drive to End; Sunningdale Court from Braemer
12 Drive to End; Haddington Court from Braemer Drive to
13 End; Sycamore Lakes Court from Braemer Drive to End.
14 And in the Oak Borough Addition: Oak Borough Run from
15 Covington Road to End; Smugglers Cove from Oak

16 Borough Run to End; Hialeah Land from Oak Borough Run
17 to End; Oak Glen Trail from Oak Borough Run to Castle
18 Creek Drive; Kings Mill Place from Oak Glen Trail to
19 End; and Castle Creek Drive from Copper Hill Run to
20 End.

21 PETERS: Oh, my. I would make a motion for the
22 approval and acceptance of completion of contract for
23 Bid Reference #20-05 for Resurface Package #1 by
24 E & B Paving, Inc.

25 IRVING: I'll second that motion. All in favor, say,
0043

1 "Aye."

2 PETERS: Aye.

3 IRVING: Aye. Motion carried. Approve Change
4 Order #1 and Final Bid Reference #05-05 for Furnish
5 and Install Traffic Pavement Markings for 2005,
6 Project #04-027 between Allen County and Three Rivers
7 Barricade & Equipment. Total is \$65,705.14 increase.
8 Change Order #1.

9 FITCH: While our staff was computing the mileage,
10 they realized after they received the quotes this
11 year that they had forgotten that the application--
12 they apply traffic markings twice a year--

13 IRVING: Uh-huh (affirmative).

14 FITCH: --and forgot to multiply it times two.

15 PETERS: Oh, boy.

16 FITCH: So the size of this, it is not an increase,
17 it's the quantities should have been doubled in the
18 contract.

19 IRVING: How--

20 FITCH: For two applications.

21 IRVING: --what kind of a stop measure--did you have
22 it doubled for like \$65,000.00 more you had budgeted
23 for that and then you just--

24 FITCH: No, this was--

25 IRVING: --found out your bids were that less?

0044

1 FITCH: --this is still under our--the amount, total
2 amount, that we had budgeted for striping.

3 IRVING: You just had--you just put the bid out
4 wrong?

5 FITCH: Yes, the quantities were half of what they
6 should have been, okay?

7 PETERS: And you say we do that twice a year?
8 FITCH: Yeah, the striping is put down in the spring
9 and then again in the fall.
10 PETERS: And obviously, that's necessary otherwise we
11 wouldn't do it.

12 FITCH: Several years ago when they changed from an
13 environmentally more friendly product--

14 PETERS: Yeah.

15 FITCH: It's a water-born. We do not get the life--

16 PETERS: A paint base, is what you're--

17 FITCH: --we do not get the life in our paint

18 markings that we used to. We used to--one

19 application used to last pretty much one year. But

20 we found that--we did that the first year and we got

21 a lot of complaints about people, you know, saying

22 our striping is so faint that we can't--we can't see

23 it. And so, we decided to make double applications.

24 PETERS: Now environmentally unfriendly would become
25 unfriendly because it would rain, it would--

0045

1 FITCH: There were--

2 PETERS: --come off and--

3 FITCH: --there were materials that the paint were

4 made out of--I don't know all of the, you know--well,

5 they used to put lead in paint. That was one of

6 the--

7 PETERS: Right.

8 FITCH: --things they took out of the paint. And

9 there's other things that were added to the paint

10 that would make it last longer. Well, they--they

11 banned those from being used in paint, so it's

12 primarily a waterbased paint now. And so you just

13 don't get the--

14 IRVING: Right. They don't get the--

15 PETERS: The life.

16 FITCH: --the longevity out of the material.

17 PETERS: Interesting.

18 FITCH: Until they come up with something better--we

19 can go to a thermoplastic which is a rubber-type

20 material. It lasts a long time, but it's like four

21 or five times the cost.

22 IRVING: The cost.

23 FITCH: And in those cases, sometimes the snowplows--

24 IRVING: Peel it right off.
25 FITCH: --it--it's a raise on the pavement, sometimes
0046
1 it will peel it off.
2 PETERS: Uh-huh (affirmative).
3 IRVING: Yeah.
4 FITCH: So sometimes you don't get the life because
5 of the snowplow. So we have a--I'd say an issue here
6 that, you know--
7 IRVING: So, Mike, when you retire, are you going to
8 become a chemist and figure out a paint that we can
9 use and--
10 FITCH: Yeah, that would be a--yeah, probably get a
11 patent on that, I guess.
12 IRVING: --I'll be the first one to invest in your
13 company. How's that? I'll entertain a motion.
14 PETERS: I make a motion for the approval of Change
15 Order #1 and Final for Bid Reference #05-05, Furnish
16 and Install Traffic Pavement Markings for 2005,
17 Project #04-027.
18 IRVING: I'll second the motion. All in favor, say,
19 "Aye."
20 PETERS: Aye.
21 IRVING: Aye. Motion carried. Approve Quit Claim
22 Deed between the Board of Commissioners of the County
23 of Allen and the Lakes of Liberty Mills Community
24 Association for part of Middle Grove Road--Middle
25 Grove Road. How would you like to say that about
0047
1 five times--
2 PETERS: Uh-huh (affirmative).
3 IRVING: --in a row?
4 PETERS: I wouldn't. Just so I don't have to, I'll
5 make a motion to approve the Qui--Qui--I can't say
6 that--Quit Claim Deed--
7 IRVING: For Middle Grove Road.
8 PETERS: Right.
9 IRVING: And I'll second your motion, how's that?
10 All in favor, say, "Aye."
11 PETERS: Aye.
12 IRVING: Aye. Motion carried. Approve Warranty Deed
13 for additional right of way--
14 ELSER: She--

15 IRVING: --for Amber Road, Proj--
16 ELSER: --she skipped one.
17 IRVING: What did I do? Oh, I take that back, okay.
18 Approve Amendment to Grant of Easement for Parkview
19 Plaza Drive between Allen County and American
20 Electric Power Service Corporation. I apologize.
21 Thanks for telling me. I--it looked like they went
22 together.
23 ELSER: My typing.
24 IRVING: Can I have a motion to approve the--the
25 Easement from Parkview Plaza Drive?

0048

1 PETERS: Yeah. I make a motion to approve the
2 Amendment to Grant of Easement for Parkview Plaza
3 Drive between Allen County and American Electric
4 Power Service Corp.
5 IRVING: I'll second the motion. All in favor, say,
6 "Aye."
7 PETERS: Aye.
8 IRVING: Aye. Approve Warranty Deeds conveying
9 additional right of way for the Amber Road Project
10 #01-339 for Parcel 2, Parcel 3, Parcel 4, and
11 approve--oh, two, three, four.
12 PETERS: I make a motion to approve the Warranty
13 Deeds conveying additional right of way for the Amber
14 Road Project #01-339.
15 IRVING: Okay, for Parcel 3, 4--two, three, four?
16 PETERS: Two, three, four, right.
17 IRVING: Okay, second the motion. All in favor, say,
18 "Aye."
19 PETERS: Aye.
20 IRVING: Aye. Motion carried. Approve various
21 Warranty Deeds, Trust--Trustees Deed, and Quit Claim
22 Deeds conveying additional right of way of Coldwater
23 Road, Phase II, Project #04-254 for Parcel 25, 30,
24 54, 55, 56, 50--there's two Project--Parcel 56. One
25 is the Michael Family Revocable Living Trust and the

0049

1 Kay N. and Betty L. Michael Quit Claim Deed. Parcel
2 59--
3 PETERS: And a bunch of 62's.
4 IRVING: --Parcel 62 is a Warranty Deed for Dennis
5 Gene and Sharon E. Norton and Gary P. and Kimberly D.

6 Lester, and a Quit Claim Deed for Sharon E. Norton,
7 Parcel 62, and the last one is Parcel 62, Lincoln
8 Misdén (phonetic), Mendson (phonetic), Warranty
9 Deed--Meinzen. Boy, I'm going to murder that name,
10 aren't I? I'm not sure how to pronounce it.
11 M-E-I-N-Z-E-N.

12 PETERS: I make a motion to approve--well, let me
13 back up real quick. What--the parcel numbers are the
14 same in a couple of cases. Why?

15 IRVING: I know they get--well, some of them are Quit
16 Claim Deeds. Some of them are Warranty Deeds. There
17 are--one that is a Living Trust. I would assume that
18 those are the people that are overseeing the Living
19 Trust? Let's see, they're different.

20 PETERS: I see that. But then I see three Warranty
21 Deeds, for instance, on Parcel 62 and one Quit Claim
22 Deed.

23 FISHERING: They could own it as Tenants in Common.

24 IRVING: What did our attorney just say?

25 FISHERING: They might own it as Tenants in Common,
0050

1 so all four of them would be doing a Warranty Deed,
2 and they live different places because of notaries,
3 blah, blah, blah. It's all possible.

4 FITCH: Yeah.

5 PETERS: Okay. Yeah, I'll make a motion to approve
6 various Warranty Deeds, Trustees Deed, and Quit Claim
7 Deeds conveying additional right of way on Coldwater,
8 Phase II, Project #04-254.

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

11 PETERS: Aye.

12 IRVING: Aye. Motion carried. Approve Warranty Deed
13 conveying additional right of way on Maysville Road
14 Bridge, Parcel 1, Project #02-338. Parcel 1 is Ron
15 and Kathryn Clements.

16 PETERS: I make a motion to approve Warranty Deed
17 conveying additional right of way on Maysville Road
18 Bridge over Koester Ditch, Project #02-338 to Allen
19 County from Ronald J. and Kathryn A. Clements.

20 IRVING: Okay. Second the motion. All in favor,
21 say, "Aye."

22 PETERS: Aye.

23 IRVING: Aye. Motion carried. Approve Trustees Deed
24 conveying additional right of way on Homestead Road
25 Curve Relocation, Project #04-209 to Allen County
0051

1 from Parcel 1, Suzanne M. Ginty Revocable Living
2 Trust dated May 23, 2002.

3 PETERS: I make a motion to approve Trustees Deed
4 conveying additional right of way on Homestead Road
5 Curve Relocation, Project #04-209.

6 IRVING: I'll second the motion. All in favor, say,
7 "Aye."

8 PETERS: Aye.

9 IRVING: Aye. I'm not sure I've ever seen where
10 we've had two or three Living Trusts in the same
11 week. That's--must be getting more popular. Number
12 (18), approve and award Bid Reference #33-05, four or
13 new production model Tandem Axle Dump Trucks for use
14 in the Allen County Highway Department. Cost is
15 \$433,965.92 which equals \$108,491.48. Commissioner
16 Peters has asked that if we defer this for a week.
17 Is that correct?

18 PETERS: That's correct.

19 IRVING: Mike, was there anything you would like to
20 add?

21 FITCH: It's, you know, in the--to ex--expedite this
22 if you'd wish. I know--I have not been--had a chance
23 to review all of the bid documents through some
24 miscommunications. But I do know the Commissioners
25 had a--have been informed about these--the bids, so--

0052

1 PETERS: Right.

2 FITCH: --if--if you are satisfied with the
3 recommendation, you can approve it, or we can defer
4 it until I've had a chance to review it. It's
5 up--it's your decision. I don't want to--

6 PETERS: What will a--what will a week's deferral do
7 in terms of any timing to--

8 FITCH: Nothing.

9 PETERS: --to your purchase?

10 FITCH: No.

11 PETERS: I guess--

12 FITCH: There's no--

13 PETERS: --with all due respect, if we could defer

14 that for a week, it would elevate my comfort level.

15 FITCH: Okay.

16 IRVING: Is there a question on the amount of trucks,
17 or--when we reviewed this--in fact, I've probably got
18 it--that we went through it with Mr. Sorg. Is it a
19 question of--

20 FITCH: No, there--

21 IRVING: --how many trucks or--

22 FITCH: --there's no--there's no question.

23 IRVING: Oh, here it is.

24 FITCH: I--this is from some miscommunications. I
25 had--it was on the Agenda. Normally, between last

0053

1 Thursday and today, the information comes to me, and
2 I review it and get it to the, you know--and approve
3 it. So if I have any questions, I can, you know,
4 answer them. That information didn't come to me, so
5 I haven't had a chance to review. I don't know that
6 there's any issues or problems with it at all.

7 IRVING: The only thing I want to ask and I just--
8 Commissioner Peters leaned over and whispered in my
9 ear--thank you, that was nice--the invoice on this is
10 dated October 11th, is this a--what, a 30-day bid? I
11 mean, do we have to rebid it? Next week would be,
12 what, the--

13 ELSER: The ninth.

14 IRVING: --the ninth then. Is this good for 30 days
15 or not good for 30 days or in between? I do not
16 see--

17 FISHERING: See what it says.

18 IRVING: --on my form--

19 SORG: I don't think a week's delay is going to harm
20 anything. I'm pretty sure they're going to hold
21 their price.

22 PETERS: Okay. Well, and I--and I still think that
23 if we held it a week, that will get us to the ninth,
24 which if--even if there is a 30-day hold, it still
25 gives a few days to move if we need to.

0054

1 FITCH: Yeah.

2 PETERS: I just--you know, it's--there's just some
3 more information that--that--more questions I need to
4 ask before I'm comf--comfortable voting for approval.

5 IRVING: Okay.

6 PETERS: And I'm--and I'm confident that in the next
7 week, I can have all of those questions--

8 FITCH: Okay.

9 PETERS: --answered.

10 IRVING: Okay.

11 FITCH: Okay. After I review it, we can sit down and
12 go through it in detail. Okay?

13 IRVING: Okay.

14 FITCH: That's all I have.

15 IRVING: I think I need a motion for deferral.

16 PETERS: I make a motion to defer the approval of Bid
17 Reference #33-05 for four Tandem Axle Dump Trucks.

18 FITCH: Okay.

19 IRVING: I will second that motion. All in favor,
20 say, "Aye."

21 PETERS: Aye.

22 IRVING: Aye. Motion carried. Susan, do we have any
23 other business?

24 ELSER: We have no other business today.

25 IRVING: Okay.

0055

1 FITCH: Thank you very much.

2 PETERS: I'll make a motion to approve to waive the
3 second reading on any matter approved today and for
4 which it may be deemed necessary for the Legislative
5 Session of October 26th, 2005.

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

8 PETERS: Aye.

9 IRVING: Aye. Motion carried. Comments from the
10 Public today? No comments? Well, hearing none,
11 everyone have a great week. Thank you.

12 (Adjourned at 11:01 a.m.)

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1 STATE OF INDIANA)
) SS:
2 COUNTY OF ALLEN)

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 October 26, 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 17th day of November, 2005.

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

21 My Commission Expires:
22 December 2, 2011