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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 DECEMBER 14, 2005

11

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14

DATE: December 14, 2005

15

16

TIME: 10:05 a.m.

17

18

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

21

22

REPORTER: Kimberlee M. Adams

23

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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 Susan Elser Allen County Commissioners'
 Office

6

Judy Heck Allen County Commissioners'
 7 Office
 8 John McGauley Public Information Office
 9 Mary Hitchens Public Information Office
 10 Bill Hartman Allen County
 Highway Department

11
 Michelle Wood Department of Planning
 12 Services
 13 Mark Royse Department of Planning
 Services, Economic
 14 Development

15 G. William Fishering Counsel, Allen County
 16 Ben Adams Schnelker Engineering
 17 Lisa Blosser Allen County Auditor

18
 Kimberlee M. Adams Rolf Reporting, Inc.
 19
 Ben Lanka Journal Gazette

20
 Cindy Larkin News Sentinel

21
 22
 23
 24
 25

0003

1	I N D E X	
2		Page
3	Presentations by:	
4		
5	Michelle Wood	7
6		
7	Mark Royse	17
8		
9	G. William Fishering	25, 33
10		
11	Ben Adams	27
12		

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14
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16
17
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20
21
22
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1 Page

Agenda:

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3 1. Approval of Minutes of 12/07/05
Legislative Session 7

4

5 2. Public Hearing - Vacation Petition 379/05:
6 Petition to vacate a portion of the
7 dedicated utility and drainage easement.
8 The vacation is located on the east side,
9 between the 5000 and 5100 blocks of
10 Coventry Lane. The portion of the
11 easement to be vacated lies within the
12 overflow parking lot for the Coventry
13 Theatres property and is approximately
14 470 feet in length and 20 feet in width 7

10

11 3. Consideration of a Resolution adopting the
12 CEDIT Capital Improvement Plan for 2006
13 through 2007 for Allen County, Indiana 17

13

14 4. Approve the Transfer of the Byron Health
15 PERF Account to the County General PERF
16 Account 25

15

16 5. Approval of 2006 Budget for Enhanced 911 -
17 \$2,002,183.00 22

17

18 6. E911 Additional Appropriation for 2005
Budget - \$50,000 24

19
20 7. Hessen Cassel Semi-Annual Reporting
Documents requiring signatures 27

21
22
23
24
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8. Request by the Allen County Auditor to
2 repeal or close out the following Funds: 29
3 Title 12, Article 25 (Waterworks
Operation Fund)
4 Title 12, Article 28 (Prosecutor's
Special Projects/Donation Fund)
5 Title 12, Article 40 (Home
Detention/Adult Probation Service Fee
6 Fund)
7 Title 12, Article 68 (Hoffman #3 Drain
Fund)
8 Title 12, Article 69 (3 Rivers
Junction/Aboite Playground Fund)
9 Title 12, Article 79 (Drug Interdiction
Fund)
10 Title 12, Article 80 (Community
Corrections Employment & Training Fund)
11 Title 12, Article 83 (Smallpox
Vaccination Fund)
12 Title 12, Article 119 (Maternal Child
Health Block Grant Fund)
13 Fund #261 - Reassessment 2005
Fund #270 - Flood Control
14 Fund #325 - Maumee River Widening Project
Fund #402 - Courthouse Preservation Bond
15 Fund #415 - Community Corrections
Facility Bond 99
16 Fund #416 - Courthouse Preservation Bond
2000
17 Fund #496 - Bridge Bond of 1996
Fund #726 - Poor Relief Borrowing

18

9. Award Bid reference #45-05, Construction
 of the Homestead Road Curve Realignment
 to Bunn Excavating, Inc. -- Total contract
 \$176,017.95 (The Engineers' Estimate was
 \$251,423.50) 30

21

10. Approve Warranty Deed for right of way
 acquisition on Project #04-254, Coldwater
 Road - Phase II from: 31
 a) Parcels 24 & 64 - Jeffrey J. Pikel and
 Patricia J. Pikel

25

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11. Approve traffic posting changes for the
 following intersections in Lakes of
 Liberty Mills Subdivision 31

3

a) Agora Drive @ Chase Creek Run--Post STOP
 b) Almond Bluff Pass @ Agora Drive--Post STOP

5

12. Approve Change Order #6 - Final for
 Grabill Road, Project #CR1998, Bid
 Reference #17-04, between Wayne Asphalt
 and Construction Co., Inc. and Allen
 County -- Total CO#6 = \$103,690.08
 Decrease (Allen County's share
 \$28,768.77 Decrease; Leo-Cedarville's
 share \$65,339.64 Decrease; and Grabill's
 share \$9,581.67 Decrease) 32

10

13. Approve engineering study proposal for
 the Van Buren Street Bridge over the St.
 Mary's River (Bridge #337), from
 Engineering Resources, Inc. -- Total
 proposal \$9,070.00 33

14

14. Other Business - Approval of Alcohol
 Countermeasures floorplan for Columbia
 Street Building 33

16

15. Approval to waive the 2nd Reading on any

17

matter approved today and for which it may

18 be deemed necessary for the Legislative
Session of December 14, 2005 37

19
20 16. Comments from the Public --

21
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1 BLOOM: Good morning, and welcome to the
2 Commissioners Legislative Session. Today is December
3 14th, 2005. First we'll honor our country and a
4 silent moment, please.

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

7 BLOOM: Thank you. Approval of the minutes of
8 December 7th.

9 PETERS: I make a motion to approve the minutes of
10 December 7th.

11 IRVING: I'll second that motion.

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

13 PETERS: Aye.

14 IRVING: Aye.

15 BLOOM: Aye. This morning we have a public hearing
16 for Vacation Petition 379/05. Welcome to the public

17 hearing. Michelle Wood from the Department of
18 Planning will act as staff for this morning's public
19 hearing. According to the law, today's hearing may
20 only include those matters that have been advertised.

21 Has proper notice been published?

22 WOOD: Yes, in both Fort Wayne newspapers.

23 BLOOM: Thank you. It's the purpose--this is a
24 meeting for the purpose of taking testimony. We'll
25 discuss the merits of this proposal, and under normal

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1 circumstances vote to determine the outcome. Staff
2 recommendation?

3 IRVING: Commissioner Bloom, our TV equipment and
4 everything has completely frozen up. Do you want to
5 wait a minute and let them reboot it, or do you want
6 to continue?

7 BLOOM: I'd prefer continuance.

8 McGAULEY: Okay.

9 PETERS: Uh-huh (affirmative).

10 IRVING: Okay.

11 PETERS: I agree.

12 BLOOM: Staff recommendations?

13 WOOD: Based on approvals from the various agencies
14 that have interest in the easement, staff does
15 recommend approval of this vacation.

16 BLOOM: I'm trying to find my--there it is. This is
17 out by Covington Lane. It's for the parking lot for
18 the overflow.

19 WOOD: That's correct.

20 BLOOM: Okay.

21 WOOD: Would you like me to give you a background?

22 BLOOM: Just--yes, please.

23 WOOD: Okay. You know Coven--you're aware of
24 Coventry Theatres--

25 BLOOM: Yes.

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1 WOOD: --on the south side of Coventry Lane.

2 BLOOM: Yes.

3 WOOD: They have the parking lot that's currently not
4 in use, but it was or--it was in use as an overflow
5 parking. It's just north between the theaters and
6 the apartment buildings.

7 BLOOM: I know where it is.

8 WOOD: This parking lot has been purchased by the
9 Tabani Group, and it is their desire to develop this
10 into some kind of office or retail use. It is
11 commercially zoned. They're not quite ready to do
12 that yet, and this site will actually annexed by the
13 City at the end of the month, so any development that
14 takes place will take place under City jurisdiction,
15 but there is an easement that was laid out many years
16 ago, and at the very back of your packet--I don't
17 know if it's necessary that you read through it--but
18 it is the original easement, and it was laid out as a
19 basic drainage and utility easement to Northeastern
20 REMC, GTE, which is now Verizon, NIPSCO, Aqua
21 Center--excuse me--Aqua Indiana, and the County of
22 Allen. And because it was dedicated to the County of
23 Allen, we need the Commissioners to vacate it if they

24 want to develop it.

25 Staff did get sign-offs from all of those

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1 agencies, and also we asked for a sign-off from the
2 Allen County Highway Department and the Surveyor's
3 Office just in case there was any interest they had,
4 and actually also Comcast as well. So all of the
5 interested agencies have signed off. There's nothing
6 in this easement now. It appears that it was
7 originally laid out for a water line for Aqua Source
8 that was never placed there.

9 BLOOM: Okay.

10 WOOD: It was placed elsewhere, so it's an easement
11 with nothing in it. It is covered with parking lot
12 now. Vacating this will not affect the outlying
13 properties. It was--it's completely within their
14 property. There are other easements--

15 BLOOM: Okay.

16 WOOD: --that run along the right of way, so this
17 does not affect the neighboring properties. And--

18 BLOOM: This is--

19 IRVING: What is--

20 BLOOM: --unusual, actually.

21 IRVING: --this right here? What is this right here?

22 BLOOM: I'm not on that page.

23 WOOD: The--the first page I gave you is a letter
24 from Tabani Group. They are actually not present
25 today. Their representatives are in Texas. They

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1 felt that this was a simple enough request that I
2 could handle it basically. The second page is the
3 legal ad. The next page is the actual survey of the
4 easement, so you have the legal description and then
5 you--it's a very simple, like, I think it's a 20-foot
6 wide easement, and then I gave you an aerial to kind
7 of show--it's at the very, kind of the top right-hand
8 corner is the--the parking lot. Just to gi--

9 BLOOM: The green?

10 WOOD: Right.

11 IRVING: The green is what?

12 BLOOM: The parking lot.

13 WOOD: That's the parking lot where the easement's
14 located.

15 IRVING: What's this white--what's this white
16 triangle thing, then, on that page?

17 WOOD: Well--

18 IRVING: What is this?

19 WOOD: I'm sorry.

20 BLOOM: To the left--

21 WOOD: Ignore that.

22 BLOOM: --of the pink.

23 IRVING: It's what?

24 WOOD: Ignore that.

25 IRVING: Oh, well that's--

0012

1 WOOD: I just wanted--

2 IRVING: --that's what was--

3 WOOD: --you to look at--

4 IRVING: --confusing me.

5 WOOD: --the highlight. I'm sorry.

6 IRVING: I'm like, how can this--something didn't
7 seem right.

8 WOOD: We just pulled an aerial where--our GIS is
9 down this week, so I had to pull a different aerial
10 to use.

11 BLOOM: Goodness sakes.

12 IRVING: Okay, now--

13 WOOD: I know.

14 IRVING: --wait. I need--

15 WOOD: We were--

16 IRVING: --to understand--

17 WOOD: --lost without it.

18 IRVING: --this. Is this right next to the theaters,
19 then, or is that the--

20 BLOOM: Yes.

21 IRVING: --Roth Wehrly office?

22 BLOOM: No, it's--

23 WOOD: No, it--

24 BLOOM: --part of the theater.

25 WOOD: --it's the parking lot north of the theaters,

0013

1 currently not used by them. At one time it had been
2 used as an overflow parking area.

3 IRVING: So what is going to be--what is this
4 easement going to be used for, then?

5 WOOD: Well, the letter--I asked for a letter from

6 the applicant, and it's--it's not very detailed. It
7 simply says that they do intend to redevelop the
8 parcel in the future.
9 BLOOM: See, redevelop. So not now or over--
10 WOOD: Not now, not under--
11 BLOOM: --right.
12 WOOD: --the County, but this is one step--
13 BLOOM: Future development.
14 WOOD: --that they had to complete before they could
15 develop it.
16 PETERS: So we're not talking parking lot. We're
17 talking buildings?
18 WOOD: Potentially, yes.
19 PETERS: Okay.
20 BLOOM: But it'll be--
21 WOOD: Again, it--
22 BLOOM: --in the City then--
23 WOOD: --won't be--
24 BLOOM: --so they would have to--
25 WOOD: --and I have explained to them that by
0014

1 vacating this it in no way says that they can develop
2 it. They would still need to meet zoning and--
3 BLOOM: We're just vacating--
4 WOOD: We're just--
5 BLOOM: --our portion.
6 WOOD: --vacating easement--
7 BLOOM: Yeah.
8 WOOD: --that is dedicated to Allen County.
9 IRVING: If we wait two weeks then the City would
10 have to vacation it, right?
11 WOOD: Actually, if you recall earlier this year we
12 had a vacation off of Hillegas that was in the City,
13 but we still had to do it through the County.
14 Because it's dedicated to Allen County it is--it's
15 been our understanding that the Commissioners would
16 still need to vacate even after annexation.
17 BLOOM: Uh-huh (affirmative), because it's--the
18 ownership--
19 WOOD: It's dedic--
20 BLOOM: --is still the--
21 WOOD: --correct.
22 IRVING: Why would he do this vacation on this

23 property without them giving a more detailed plan on
24 really what they want to do with it?

25 WOOD: It--in my mind because it is an unused
0015

1 easement. It had a purpose at one time. The intent
2 was for the Aqua Indiana line to go through there--

3 BLOOM: Uh-huh (affirmative).

4 WOOD: --and it didn't. It was put somewhere else.

5 And we do have a sign-off from them and all the
6 agencies.

7 IRVING: Okay.

8 WOOD: I don't feel that there's any problem in
9 vacating it at this time.

10 IRVING: Okay, so your recommendation from the
11 Department of Planning Services is to go ahead and
12 vacation this?

13 WOOD: Correct.

14 PETERS: There you are. I make a motion to approve
15 Vacation Petition 379/05.

16 IRVING: I'll second the motion.

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

18 PETERS: Aye.

19 IRVING: Aye.

20 BLOOM: We didn't really go through the public
21 hearing, though.

22 IRVING: Oh.

23 WOOD: Yeah, the representatives not here, but if
24 there was anyone here in support or opposition.

25 IRVING: Go ahead and go through it.

0016

1 BLOOM: I'd feel a lot more comfortable. Is there
2 anyone speaking for the vacation? (No response.)

3 Anyone speaking for the vacation? (No response.)

4 Anyone speaking against the vacation? (No response.)

5 Anyone speaking against the vacation? (No response.)

6 Now I'd like a motion to close the hearing, please.

7 PETERS: I make a motion to close the hearing,
8 please.

9 IRVING: I'll second the motion.

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

11 PETERS: Aye.

12 IRVING: Aye.

13 BLOOM: Aye. Entertain a motion, which--

14 PETERS: We already--
15 BLOOM: --we've already--
16 PETERS: --made the--
17 BLOOM: --done.
18 PETERS: --motion.
19 ELSER: Passage. Passage.
20 BLOOM: Passage of the--
21 PETERS: Do you want me to do it again?
22 BLOOM: --and we--no, we've already done it. We just
23 did it out of order. Thank you very much.
24 WOOD: Thank you, Commissioners.
25 IRVING: Thank you.

0017

1 PETERS: Oh, we need a motion to waive the second
2 reading?
3 BLOOM: Yes, please.
4 PETERS: I make a motion to waive the second reading.
5 IRVING: I'll second that motion.
6 BLOOM: All in favor signify by saying "aye."
7 PETERS: Aye.
8 IRVING: Aye.
9 BLOOM: Aye. Consideration of a resolution adopting
10 the CEDIT Capital Improvement Plan for 2006 through
11 2007 for Allen County. Good morning.
12 ROYSE: Good morning.
13 IRVING: Good morning. How are you this morning?
14 ROYSE: I'm well. Yourself?
15 IRVING: I thought--oh, Scott's going to be here
16 tomorrow to do this to Council, is that correct?
17 ROYSE: That has changed. I will be here tomorrow as
18 well.
19 IRVING: Oh, I love it when it changes.
20 ROYSE: The State law that allows for local
21 governments to have economic development and income
22 tax revenue also requires a plan to be in place
23 accounting for how 75% of the anticipated tax revenue
24 is going to be spent, as well as the plan has to be a
25 minimum of a two-year period. This is a--the last

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1 plan that you had was a four-year plan. This year we
2 are going with a two-year plan. I'll just walk
3 through a little bit of it, focusing mainly on the
4 changes and the history. But on page two, the

5 biggest change on appropriate uses or eligible uses
6 is number nine where you can use the CEDIT money for
7 any lawful purpose for which money in any of the
8 other funds may be used.

9 The second on page three at the bottom, it
10 goes through your CEDIT distribution since 2002. One
11 of the changes this year will be that--that the
12 Council has taken the majority of the Department of
13 Planning Services staff out of the CEDIT budget and
14 back into the general fund, and the only thing
15 remaining out of the CEDIT money will be that--the
16 three economic development positions within the
17 Department of Planning Services. Historically
18 because we do not know when a specific economic
19 development project or program is needed to be funded
20 in what location, the easiest thing has been to do--
21 and historically what we've done is used Highway
22 projects to address the 75% of the overall funds and
23 how they're to be used.

24 The second biggest thing that we have now to
25 do based on the answer from the State Board of
0019

1 Accounts is to address this--the back-up for the TIFF
2 funds, and that is to show that we do have CEDIT
3 money every year to cover that year's expense for the
4 TIFF funds. When that comes then the bonds are able
5 to be paid. Then that money can roll--either roll
6 over, or it can be used for other things.

7 BLOOM: Right.

8 ROYSE: But annually we need to account for those two
9 back-ups. The plan basically breaks it down.

10 Overall spending, the Department of Planning
11 Services, economic development, you have some multi-
12 year commitments with the Economic Development
13 Alliance, the Grand Wayne Center, and Uniroyal
14 Goodrich, and then the--at the bottom you--while you
15 have the Highway projects, and then at the bottom you
16 have the Redevelopment Commission, the two TIFF funds
17 that you--GM bonded and Nestle bond. And then the
18 rest of it is the Highway projects to be funded in
19 '06 and '07, and with that I'd be happy to entertain
20 any questions you may have.

21 IRVING: One question that has come up, Mark, we

22 might as well address it--getting--the reason we did
23 a two-year instead of a four-year?

24 ROYSE: The staff believes that if you look at the
25 CEDIT distributions, it's--and with the annexations
0020

1 coming up, it was harder for us to project out what
2 we felt comfortable with as far as actual dollars
3 coming in to account for that, so that's why we went
4 with a shorter time frame.

5 IRVING: And also, let's explain, too, that we can
6 amend this and add to--we have the ability.

7 ROYSE: Right, there's--it's always been inclusive
8 that--that we account for the--address the 75%
9 through the use of road projects, but--

10 BLOOM: Absolutely.

11 ROYSE: --if there is an economic development
12 project, Uniroyal Goodrich, for example, then--and we
13 need money for that, then we look at the road
14 projects and one of them gets pushed back or two of
15 them get pushed back, but--

16 BLOOM: Right.

17 IRVING: Right.

18 ROYSE: --it's always--

19 IRVING: And it--

20 ROYSE: --been there.

21 IRVING: --also depends about the amount of money
22 that we can--

23 ROYSE: It--

24 IRVING: --get from--

25 ROYSE: --what we're getting in--
0021

1 IRVING: --the I.E.D.C., too, that--that we are able
2 to help defray infrastructure--

3 ROYSE: Right.

4 IRVING: --costs on economic development projects,
5 too.

6 ROYSE: We--right. We use a combination of trying to
7 leverage as much State money with CEDIT--

8 IRVING: Right.

9 ROYSE: --money as we can. We also use both--CEDIT
10 not only is a back-up to a TIFF fund, but we also use
11 CEDIT money up-front for specific projects and
12 reimburse ourselves back with TIFF revenue at the

13 end.
14 PETERS: Mark, one of the things that I noted on page
15 three is under CEDIT distributions, the bottom
16 portion. You've gone through 2006.
17 ROYSE: Uh-huh (affirmative).
18 PETERS: What do you anticipate for 2007?
19 ROYSE: Right now we're just anticipating the same
20 thing.
21 PETERS: Okay.
22 ROYSE: And we know that's not going to be accurate,
23 but that's all we can do for right now.
24 PETERS: Okay, so then the 2007 budget's been
25 predicated--

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1 ROYSE: On the--
2 PETERS: --essentially--
3 ROYSE: --2006 distribution--
4 PETERS: --on what we're getting for 2006?
5 ROYSE: --exactly.
6 PETERS: All right.
7 IRVING: And we may have to end up amending it, too--
8 ROYSE: Right.
9 IRVING: --as we get the exact figures from the
10 Auditor's Office.
11 BLOOM: Exactly. Exactly. Are we okay with this?
12 Anymore questions?
13 IRVING: I'd like to make a motion that we accept
14 this CEDIT Capital Improvement Plan for 2006 and
15 2007.
16 PETERS: I'll second that.
17 BLOOM: All in favor signify by saying "aye."
18 PETERS: Aye.
19 IRVING: Aye.
20 BLOOM: Aye.
21 ROYSE: Thank you.
22 BLOOM: Thank you very much. Approval of the 2006
23 Budget for Enhanced 911.
24 PETERS: I can--
25 BLOOM: Two million--

0023

1 PETERS: --I can speak to that fairly quickly.
2 BLOOM: --two thousand one hundred eighty-three
3 dollars [\$2,002,183.00]. Okay.

4 PETERS: What you have before you is the budget for
5 fiscal year 2006, which is a compilation of what we
6 collect through our 911--huh?

7 ELSER: Is she on four?

8 PETERS: No, she's doing the--no, we're doing the 911
9 Budget, I think, aren't we?

10 BLOOM: I was doing number four, the 2006 Budget for
11 Enhanced 911.

12 ELSER: No, you--you must have been using your old
13 agenda. The new agenda I gave you this morning has a
14 different number four.

15 PETERS: Well, since we've got to adopt that anyways
16 and I'll probably forget what I just said next time
17 around, if you'll let me finish then we can adopt it.

18 IRVING: So we're going to go ahead and do item five,
19 the 911?

20 BLOOM: Couldn't we just finish what we started here,
21 please?

22 IRVING: Right. Okay, go ahead and do it.

23 PETERS: What you have is the budget for 2006 which
24 is a compilation of all the funds we've collected
25 through 911 to the tune of \$2,002,183.00--

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1 BLOOM: Right.

2 PETERS: --with the set-asides for the City of Fort
3 Wayne and for New Haven for the disbursements that we
4 make to them annually as well as an operational
5 budget of \$382,000.00 for salaries and seven hundred
6 and--about a million--\$750,000.00 for the rest of the
7 operations of the 911 function.

8 IRVING: I'll make a motion that we approve the 2006
9 Budget for Enhanced 911 for \$2,002,183.00.

10 PETERS: I'll second that.

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

12 PETERS: Aye.

13 IRVING: Aye.

14 BLOOM: Aye. And then it seems appropriate to me to
15 do the additional appropriation for the 2005 Budget
16 for 50,000 [\$50,000.00] in E-911 because we bought a
17 stand-alone now called a serve-select router. We
18 paid just under 20,000 [\$20,000.00] a month. Now
19 we're paying 28,000 [\$28,000.00] a month just for
20 Verizon to manage the circuits and the ports coming

21 into the building and for updating the database from
22 Texas and for the lines going to New Haven TRAA and
23 the City-County Building. We manage everything from
24 the building and they can do everything up to the
25 building.

0025

1 Verizon was going to charge us approximately
2 60,000 [\$60,000.00] per month which prompted us to
3 buy the stand-alone system, and now the warranty
4 expires on our in-house vendor, and our in-house
5 vendor will maintain this system at approximately
6 12,000 [\$12,000.00] a month. But we're still working
7 on getting the 28,000 [\$28,000.00] for the lines
8 coming to the building from Verizon reduced, but
9 that's the reason we have a shortfall in the monies,
10 and we need the additional 50,000 [\$50,000.00] in
11 2005's budget.

12 PETERS: Gosh, how can you question that explanation?

13 I make a motion to approve the additional
14 appropriation of \$50,000.00 for the 2005 E-911
15 Budget.

16 IRVING: I'll second that motion.

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

18 PETERS: Aye.

19 IRVING: Aye.

20 BLOOM: Aye. Now we're going to do the transfer of
21 the Byron Health PERF Account to the County General
22 Perf Account.

23 IRVING: Good morning, Bill.

24 BLOOM: Good morning.

25 FISHERING: Ladies and gentlemen, I'm Bill Fishering,

0026

1 the County attorney.

2 IRVING: It's so disappointing that we're not on TV
3 with such a cute--

4 BLOOM: No, we are.

5 IRVING: --snowman tie.

6 BLOOM: No, we are.

7 IRVING: Oh, we are?

8 FISHERING: We're back on?

9 BLOOM: We have been.

10 IRVING: Nice tie. I like it.

11 FISHERING: Thank you. For those of you that have

12 been around as long as Linda and I, we remember when
13 the Byron Health Center was a part of the County
14 government. That got transferred in '87 to '89,
15 somewhere in that area. When it was part of the
16 County government it had a PERF account for all of
17 its employees. Subsequently those employees have
18 been moving through PERF, and at this time there are
19 very few left on them. The PERF administrators
20 contacted us and asked us if we would like to move
21 the current PERF balance from the Byron Health
22 General Account over to the County General Account.
23 BLOOM: I wonder how many we have. How many do--
24 FISHERING: They said--
25 BLOOM: --we still have?

0027

1 FISHERING: --four to six, I think.
2 BLOOM: Uh-huh (affirmative).
3 FISHERING: They suggested that allowing that
4 transfer would result in a reduction of our charges
5 for PERF. I've given all those factual datas there
6 in the presentation. I would recommend that you
7 approve this transfer. It will go to County Council
8 tomorrow for their approval, and if approved by the
9 County Council and if we get it faxed down to the
10 PERF Board tomorrow, this will go--this reduction
11 will go into effect for the calendar year 2006.
12 IRVING: Yeah, that's--that's fantastic. I make a
13 motion we approve.
14 PETERS: I'll second it.
15 BLOOM: All in favor signify by saying "aye."
16 PETERS: Aye.
17 IRVING: Aye.
18 BLOOM: Aye.
19 FISHERING: Thank you.
20 BLOOM: Thank you.
21 IRVING: Thank you.
22 BLOOM: Hessen Cassel Semi-Annual Reporting Documents
23 requiring our signatures, of course. Good morning,
24 Ben.
25 IRVING: Good morning, Ben.

0028

1 ADAMS: Good morning, Commissioners. This is just
2 part of the on-going reporting that you're required

3 to do in relationship to the grant you guys got out
4 there.

5 IRVING: Who are you?

6 ADAMS: I am Ben Adams with Schnelker Engineering.

7 IRVING: Great.

8 BLOOM: And this is your favorite thing that you do.

9 IRVING: I know you've begged us before that you
10 didn't have to do this, but according to our grant
11 that we got that you are required to do this twice a
12 year, correct?

13 ADAMS: That's correct, and I will be here twice a
14 year up until July of 2008, I believe.

15 BLOOM: We're glad.

16 IRVING: And I'm so glad that you want to come and
17 see us. I make a motion we approve.

18 PETERS: I'll second it.

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

20 PETERS: Aye.

21 IRVING: Aye.

22 BLOOM: Aye.

23 IRVING: Have we ever done anything that makes you
24 not want to come and appear before us?

25 ADAMS: No, not that--

0029

1 BLOOM: No, it's--

2 ADAMS: --I can recall.

3 BLOOM: --the paper. It's the paper.

4 IRVING: Thanks, Ben.

5 ADAMS: Thank you. Have a Merry Christmas.

6 IRVING: You, too.

7 BLOOM: Happy holidays. Okay, request by the Auditor
8 to repeal or close out the following funds. Susan,
9 why don't you read those for us, please.

10 ELSER: Title 12, Article 25, the Waterworks
11 Operation Fund; Title 12, Article 28, the
12 Prosecutor's Special Projects Donation Fund; title
13 12, Article 40, Home Detention/Adult Probation
14 Service Fee Fund; Title 12, Article 68, Hoffman #3
15 Drain Fund; Title 12, Article 69, Three Rivers
16 Junction/Aboite Playground Fund; Title 12, Article
17 79, Drug Interdiction Fund; title 12, Article 80,
18 Community Correction Employment and Training Fund;
19 Title 12, Article 83, Smallpox Vaccination Fund;

20 Title 12, Article 119, Maternal Child Health Block
21 Grant Fund; Fund #261, Reassessment 2005; Fund #270,
22 Flood Control; Fund #325, Maumee River Widening
23 Project; Fund #402, Courthouse Preservation Bond;
24 Fund #415, Community Corrections Facility Bond 99;
25 Fund #416, Courthouse Preservation Bond 2000; Fund
0030

1 #496, Bridge Bond of 1996; and Fund #726, Poor Relief
2 Borrowing.

3 BLOOM: Some of these are very old ones, aren't they?

4 IRVING: Yes, they are.

5 BLOOM: And we've zeroed them out and we need to
6 close out the following funds.

7 IRVING: I make a motion that we repeal or close out
8 the funds that were read into the record.

9 PETERS: I'll second it.

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

11 PETERS: Aye.

12 IRVING: Aye.

13 BLOOM: Aye.

14 BLOSSER: Thank you.

15 BLOOM: Thank you.

16 IRVING: Thank you, Lisa.

17 BLOOM: We didn't even let you say--

18 BLOSSER: That's fine. You handled it perfectly,
19 thank you.

20 BLOOM: Award Bid Reference #45-05, Construction of
21 the Homestead Road Curve Alignment to Bunn

22 Excavating. Total contract, 167,017.95

23 [\$167,017.95]. Good morning.

24 HARTMAN: Good morning.

25 PETERS: Good morning.

0031

1 HARTMAN: I'm Bill Hartman--

2 IRVING: Good morning, Bill.

3 HARTMAN: --sitting in for Mike Fitch.

4 BLOOM: Way under estimate, I see.

5 HARTMAN: Yes, considerably under the estimate.

6 We're very happy with this bid.

7 IRVING: I make a motion that we approve the contract
8 of \$167,017.95 to Bunn Excavating.

9 PETERS: I'll second that.

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

11 PETERS: Aye.
12 IRVING: Aye.
13 BLOOM: Aye. Approve Warranty Deeds for right of way
14 acquisition for Coldwater Road Phase II from Parcels
15 24 and 26.
16 PETERS: I make a motion to approve the warranty deed
17 for acquisition on Project #04-254.
18 IRVING: I'll second that motion.
19 BLOOM: All in favor signify by saying "aye."
20 PETERS: Aye.
21 IRVING: Aye.
22 BLOOM: Aye. Approve traffic posting changes for the
23 following intersections in Lakes of Liberty Mills:
24 Agora Drive at Chase Creek Run, a STOP sign; Almond
25 Bluff Pass at Agora Drive, and a STOP sign.

0032

1 IRVING: So moved.
2 PETERS: Seconded.
3 BLOOM: Were these requested by the home owners or
4 did we--
5 IRVING: No, they've got the--
6 HARTMAN: By the association--
7 BLOOM: Okay.
8 HARTMAN: --by the neighborhood association, yes.
9 IRVING: --they have the paperwork with them.
10 BLOOM: Thank you. All in favor signify by saying
11 "aye."
12 PETERS: Aye.
13 IRVING: Aye.
14 BLOOM: Aye. Approve Change Order #6, the Final for
15 Grabill Road, Project #CR1998, Bid Reference #17-04,
16 between Wayne Asphalt and Allen County, 103,690.08
17 [\$103,690.08] decrease. Our share of that was
18 28,768.77 [\$28,768.77]; Leo-Cedarville's share was
19 65,399.64 [\$65,399.64] decrease; and Grabill's share
20 was 9,581.67 [\$9,581.67] decrease, for a total of
21 103,690.08 [\$103,690.08].
22 IRVING: So moved.
23 PETERS: I'll second it.
24 BLOOM: All in favor signify by saying "aye."
25 PETERS: Aye.

0033

1 IRVING: Aye.

2 BLOOM: Aye. Approve Engineering Study Proposal for
3 the Van Buren Street Bridge over St. Mary's River,
4 Bridge #337, from Engineering Resources. The total
5 proposal, \$9,070.00.

6 PETERS: I make a motion to approve the engineering
7 study for the Van Buren Street Bridge over the St.
8 Mary's River from Engineering Resources.

9 IRVING: I'll second that motion.

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

11 PETERS: Aye.

12 IRVING: Aye.

13 BLOOM: Aye.

14 HARTMAN: Thank you very much.

15 BLOOM: Thank you, Bill.

16 IRVING: Is there anything you'd like to add?

17 HARTMAN: Thank you again.

18 IRVING: Happy holidays.

19 HARTMAN: I got off easy.

20 BLOOM: Approval of Alcohol Countermeasures floor
21 plan for Columbia Street Building. Why are we doing
22 that?

23 FISHERING: Because under the lease that you have
24 with the Superior Court--

25 BLOOM: Here, I meant.

0034

1 FISHERING: --you get to review and approve the floor
2 plan. This is the preliminary floor plan.

3 BLOOM: At legislative?

4 FISHERING: That's part of the lease. You've got to
5 approve it at legislative. So, Dan has reviewed it
6 and given his tentative approval for them to finish
7 up the plans based on the floor plans to this point,
8 and I would request that you also, therefore, approve
9 the tentative floor plans for the building.

10 BLOOM: The only change that I wanted to make on that
11 was that the lower level, the basement that we leave
12 unfinished, did you look at--

13 FISHERING: Yes. Well, then you'll have to sit down
14 and discuss that with Judge Gull.

15 BLOOM: Well, this was recommended by--

16 FISHERING: I know. I'm just saying if you want to
17 make that change then you'll have to sit down and
18 discuss it with Judge Gull.

19 BLOOM: Well, then why are we approving this today?

20 FISHERING: Because--

21 PETERS: Well, can we--

22 FISHERING: --I wasn't--

23 PETERS: --approve the other--

24 FISHERING: --aware that--

25 PETERS: --can we approve the other--

0035

1 FISHERING: Sure--

2 PETERS: --floors?

3 FISHERING: --you can approve the other floors.

4 BLOOM: Absolutely, because we really do need to get

5 bids on those, and the--

6 FISHERING: Well, you need the final plans.

7 BLOOM: --architect--yeah, we do have final plans on

8 the other floors.

9 FISHERING: No, you have preliminary plans. You

10 don't have final plans. Final plans would be the

11 architectural plans from which it would be built.

12 BLOOM: So we can approve--

13 FISHERING: Yes.

14 PETERS: I make a motion to approve the plans on all

15 of the floors except for the basement.

16 BLOOM: I appreciate that.

17 IRVING: Can you call for a question?

18 BLOOM: Yes, certainly.

19 FISHERING: I call for a question.

20 BLOOM: Questions?

21 IRVING: Okay, just--just for my own knowledge, I--

22 and I apologize. I was out of town yesterday and I

23 did not see these plans. If we go ahead and I second

24 the motion and we approve it, and then by not doing

25 the basement they would have to move--is I remember

0036

1 correctly, there was going to be storage down there

2 and an employees' break room, whatever, and that has

3 to be moved up on another floor--

4 BLOOM: No, that isn't what has to happen. The

5 Maintenance Department has determined that because of

6 the costs that it would be a much more reasonable

7 situation for our people to do the lower level since

8 it's shelving and a few walls, but it doesn't have to

9 be finished in the manner that the other floors do,

10 so it could be a savings.

11 IRVING: Now, okay--

12 FISHERING: If the cost--

13 IRVING: --then let me--

14 FISHERING: --of construction--

15 IRVING: --ask you, then, why can't we approve the
16 plans subject to our Maintenance Department doing the
17 labor on the basement floor?

18 BLOOM: That's kind of what Nelson did.

19 IRVING: No, it wasn't. No, Nelson did--

20 FISHERING: It's the Court's responsibility to pay
21 for the improvements. The reason for our review of
22 the plans was to make sure that none of the
23 improvements caused a particular maintenance problem.

24 BLOOM: At which time I received information from the
25 Maintenance Department that suggested that we did not

0037

1 include the basement at this time.

2 FISHERING: I understand that, but my understanding
3 was that it was because of the cost of construction
4 and not because of the cost of maintenance, and the
5 cost of construction is being borne by the Courts.

6 BLOOM: I didn't say it was the cost of maintenance.
7 I'm just saying that they suggested we don't do that
8 at this time.

9 IRVING: Could you read back the motion again? I'm--
10 I apologize.

11 PETERS: The motion was to approve the plans on all
12 of the floors except for the basement.

13 BLOOM: That's what it should be.

14 IRVING: Second.

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

16 PETERS: Aye.

17 IRVING: Aye.

18 BLOOM: Aye.

19 FISHERING: Thank you.

20 BLOOM: Thank you. Any other business this morning?

21 ELSER: We have no other business.

22 IRVING: I make a motion that we approve to waive the
23 second reading on any matters that were approved
24 today which may be deemed necessary.

25 PETERS: I'll second that.

0038

1 BLOOM: All in favor signify by saying "aye."
2 PETERS: Aye.
3 IRVING: Aye.
4 BLOOM: Aye. Any comments from the public this
5 morning? Oh, come forward. (No response.) Hearing
6 none, meeting adjourned.
7 IRVING: Thank you.

8
9 (Adjourned 10:37 a.m.)

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1 1 STATE OF INDIANA)
) SS:

2 2 COUNTY OF ALLEN)
3 3

4 4 REPORTER'S CERTIFICATE

5 5 I, Kimberlee M. Adams, a Notary Public in and
6 6 for the State of Indiana, County of Allen, do hereby
7 7 certify that the above and foregoing is a true and
8 8 accurate transcript of the Board of Commissioners of
9 9 the County of Allen, Legislative Session, held before
10 10 me on December 14, 2005 in the Allen County
11 11 Commissioners' Courtroom, Room 200, City-County
12 12 Building, 1 East Main Street, Fort Wayne, Allen
13 13 County, Indiana; that I am not related to, employed
14 14 by or interested in any of the parties to this cause
15 15 of action.

16 16 IN WITNESS WHEREOF, I have hereto affixed my

17 17 hand and seal this 20th day of December, 2005.

18 18

19 19

Kimberlee M. Adams, Notary Public

20 20 Residing in Allen County, Indiana

21 21

My Commission Expires:

22 22 December 2, 2011

23

24

25