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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

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RE: LEGISLATIVE SESSION OF
JANUARY 11, 2006

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14

DATE: January 11, 2006

15

TIME: 10:05 a.m.

16

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

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19

REPORTER: Rhonda M. Mullholand

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23
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1 PRESENT:
2 Marla J. Irving Allen County Commissioner
3 Linda K. Bloom Allen County Commissioner
4 Nelson Peters Allen County Commissioner

5
6 Susan Elser Allen County Board of
Commissioners' Office

7 Mary Hitchens Allen County Public
Information Department

8

John McGauley Allen County Public
Information Department

9

10 G. William Fishering Allen County Attorney

11

Al Frisinger Allen County Surveyor

12

William Hartman Allen County Highway
Department

13

14 Ron Smith G.A.I.

15

16 Rhonda M. Mullholand Rolf Reporting, Inc.

17 Cindy Larson News-Sentinel

18 Ben Lanka Journal-Gazette

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I N D E X

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3

Presentations by:

4

5 Al Frisinger 10

6

G. William Fishering 12, 24

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8 William Hartman 16, 19, 21

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Agenda:

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- 3 1. Approval of the Minutes of 01-04-06 9
- 4 2. Agreement between Allen County and
5 A&Z Engineering, LLC for Professional
6 Engineering Services for the
7 Tunnel/Roadway at the Allen County
8 War Memorial Coliseum - DEFERRED 9
- 9 3. Addition to the Allen County Code:
10 Title 12 (Financial) Article 135
11 (Chestnut Hills Urban Drain
12 Reconstruction Fund) 10
- 13 4. (Addition to the Allen County Code:
14 Title 12 (Financial) Article 136
15 (Workmen's Compensation Self-Insurance
16 Fund) 12
- 17 5. Appointment to the Allen County Board
18 of Zoning Appeals 14
- 19 6. Appointment to the Property Tax
Assessment Board of Appeals 14
- 7. Appointment to a Common Wage Committee
for MSD of Southwest Allen County for
constructing and equipping an addition
to Covington Elementary School and
other various building projects

20 (See attachment Exhibit A) 15

21

8. Award for Bid Reference #27-05 -
22 Construction of Zubrick Road,
Project #5-279, Phase I 16

23

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1 9. Approve Warranty Deed required for
additional right of way acquisition
2 for Coldwater Road - Phase II,
Project #04-254 from:

3

a) Parcel 20 - Steven I. Bell
4 and Cindy Bell, h/w
..... 19

5

6 10. Approve Change Order #3 for Coldwater
Road, Phase I, Project #03-120,
7 Bid Ref #24-05 between Wayne Asphalt
& Construction Company and Allen County -
8 Total CO#3 = \$14,152.12 - INCREASE 19

9

10 11. Approve Amendment #1 to Interlocal
Cooperation Agreement between Allen
11 County and the City of Fort Wayne
for the Union Chapel Road - Phase III
12 project - Total Amendment #1 amends
the original 2002 Interlocal Cooperation
13 Agreement to increase the City's portion
payable to the County from \$335,000.00
14 to \$385,000.00 20

15

16 12. Approve traffic posting changes at the
following locations:

17

- a) Tamiami Trail @ Medina Cove - Post STOP
- 18 b) Medina Cove @ Millennium Crossing -
Post STOP
- 19 c) Malecom Pass @ Millennium Crossing -
Post STOP
- 20 d) Falcon Ridge Cove @ Millennium

Crossing - Post STOP

- 21 e) Denali Cove @ Jonus Blvd. - Post STOP
- f) Legends Parkway @ Flutter Road -
22 Post STOP
- g) Carisbrooke Cove @ Legends Parkway -
23 Post STOP

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- 1 12. (Continued)
- 2 h) Chambord Knoll @ Legends Parkway -
Post STOP
- 3 i) Palo Verde Court @ Yuma Drive -
Post STOP
- 4 j) Klehm Court @ Veracruz Drive -
Post STOP
- 5 k) Veracruz Drive @ Balboa Drive/
Balboa Court - Post STOP
- 6 l) Plumbago Court @ Veracruz Drive -
Post STOP
- 7 m) Trentman Road, from back of cul-de-sac
to 150' south of cul-de-sac -
8 Post NO PARKING
- n) Old Decatur Road, from back of
9 cul-de-sac to 150' south of
cul-de-sac - Post NO PARKING
- 10 o) Hathaway Road, from Hand Road to
5,130' east of Hand Road - Post
11 45 MPH SPEED limit

..... 22

- 12
- 13 13. Approve and accept streets and maintenance
bonds for maintenance by Allen County in
14 the following subdivisions:
- 15 a) QUAIL CREEK, SECTION 1 -
Total footage - 2,272':
16 Hawks View Boulevard - 916'
Breckenridge Pass - 241'
17 Boarstone Cove - 489'
Mount Fable Place - 626'
- 18
- b) AZBURY PARK, SECTION 1 -
19 Total footage 3,307':

Karina Crossing - 490'

20 Rivendell Cove - 674'

Miramar Cove - 683'

21 Nightengale Cove - 745'

Barrymore Run - 715'

22

c) THE FOREST AT FOXWOOD, SECTION I -

23 Total footage 2,459':

Legends Parkway - 820'

24 Carisbrooke Cove - 882'

Chambord Knoll - 757'

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1 13. (Continued)

2 d) AZBURY WOODS, SECTION I -

Total footage 3,289':

3 Azbury Boulevard - 1,973'

Blackwood Cove - 483'

4 Barletta Cove - 381'

Arranmore Cove - 452'

5

e) MALLARD'S LAKE 1A -

6 Total footage 5,883':

Mallard's Lake Parkway - 1,025'

7 Canvasback Trail - 869'

Wigeon Cove - 300'

8 Bufflehead Run - 610'

Mandarin Cove - 534'

9 Mandarin Run - 674'

Goldeneyes Court - 531'

10 Muscovy Drive - 502'

Layson Teal Cove - 528'

11 Harlequin Court - 310'

12 f) FOXWOOD, SECTION I -

Total footage 3,688':

13 Foxwood Passage - 944'

Arundel Run - 714'

14 Pinsley Way - 899'

Finn Dowling Cove - 555'

15 Kilikenny Cove - 576'

16

g) FIDDLERS CREEK, SECTION I -

17 Total footage 2,295':

Welland Court - 532'

18 Acacia Passage - 1,362'

Maysfield Hill - 401'

19

h) ASHTON POINTE, SECTION I -

20 Total footage 1,945':

Ashton Pointe Boulevard - 975'

21 Ginseng Lane - 321'

Sunflower Cove - 649'

22 23

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14. Other Business

2

a) Board & Commission Appointments 24

3

b) Deed Acceptance, right of way
for Zubrick Road Project 24

5

15. Approval to waive the 2nd Reading on
any matter approved today and for which
it may be deemed necessary for the
Legislative Session of January 11, 2006
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16. Comments from the Public 27

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0009

1 IRVING: Good morning and welcome to the January 11th
2 Commissioners' Legislative Session. Before we get
3 going could we say the Pledge of Allegiance and then
4 a moment of silence for our boys in Iraq, especially
5 the 122nd that just left.

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

8 IRVING: Thank you very much. Approval of the
9 minutes of January 4th, 2006.

10 PETERS: I make a motion to approve the minutes of
11 January 4th, 2006.

12 BLOOM: Second.

13 IRVING: All in favor say "aye."

14 BLOOM: Aye.

15 PETERS: Aye.

16 IRVING: Aye. Motion carried. Item number two,
17 Agreement between Allen County and A&Z Engineering,
18 LLC for Professional Engineering Services for the
19 Tunnel/Roadway at the Allen County War Memorial
20 Coliseum. That has been asked to be deferred. If I
21 could entertain a motion?

22 PETERS: I make a motion to defer.

23 BLOOM: Second.

24 IRVING: All in favor say "aye."

25 PETERS: Aye.

0010

1 BLOOM: Aye.

2 IRVING: Aye. Motion carried. Item number three,
3 Addition to the Allen County Code: Title 12, Article
4 135 (Chestnut Hills Urban Drain Reconstruction Fund).

5 BLOOM: Good morning.

6 IRVING: Mr. Frisinger, how are you this morning?

7 FRISINGER: Good morning.

8 PETERS: Good morning.

9 FRISINGER: Good morning. Thank you. Al Frisinger,
10 Allen County Surveyor. I'm here this morning, with
11 this addition to code, that is to establish the--what
12 will be known as the Chestnut Hills Urban Drain Fund
13 for the reconstruction efforts that will be undergone
14 here in the next few months in the Chestnut Hills

15 neighborhood. As you are aware, we had some problems
16 with the way that was built originally, at the
17 outfall from the commercial site, through the
18 Chestnut Hills area, to the golf area. We do have
19 two allocations that we will be depositing
20 immediately; one was from the developers of the
21 Shorewood Shops area, in the amount of \$15,786.09;
22 and the other is a \$46,500.00 allocation that the
23 Commissioners have agreed to put in from the NRCS.
24 PETERS: That was sort of to reduce the assessment--
25 FRISINGER: Yes.

0011

1 PETERS: --once those begin?
2 FRISINGER: Yes. Yes.
3 BLOOM: And, what's the amount on that, Al?
4 FRISINGER: Around \$100,000.00 is what it will end up
5 being for the reconstruction efforts. And, we still
6 have some assessments that we're expecting to get in.
7 Then we'll have subsequent assessments to people in
8 the watershed, as you acted on at the Drainage Board,
9 so--
10 BLOOM: And, this has no impact, cost-wise, on the
11 residents, it's strictly the commercial?
12 FRISINGER: Yes.
13 BLOOM: Am I right?
14 FRISINGER: Yes.
15 BLOOM: Yes.
16 IRVING: That was absolutely the weakest "yes" I've
17 ever heard in my life, Al. It's "Yes."
18 FRISINGER: Well, "yes."
19 IRVING: Thank you.
20 BLOOM: Because, that was quite specific, from the
21 Drainage Board, is that the--the big parcels in the
22 commercial area were the ones that would pay for the
23 new drainage.
24 FRISINGER: Right.
25 IRVING: Good.

0012

1 PETERS: I think this will serve to fix a whole lot
2 of problems out there, and I thank everybody who had
3 input into coming up with this resolution. I think
4 it will work well. And, with that, I would make a
5 motion to approve the addition to the Allen County

6 Code, Title 12, Article 135, Chestnut Hills Urban
7 Drainage Reconstruction.

8 BLOOM: Second.

9 IRVING: All in favor say "aye."

10 PETERS: Aye.

11 BLOOM: Aye.

12 IRVING: Aye. Motion carried.

13 BLOOM: Thank you.

14 IRVING: Item number four, Addition to the Allen
15 County Code, Title 12, Article 136, the Workman's
16 Compensation Self-Insurance Fund. Good morning, Mr.
17 Fishering.

18 FISHERING: Ladies and gentlemen.

19 BLOOM: Good morning, Bill.

20 PETERS: Good morning.

21 FISHERING: Bill Fishering, the County Attorney. You
22 all opted to go to self-insurance, beginning January
23 1, in your workmen's compensation fund. As part of
24 that, it's necessary to establish a fund to hold the
25 money which is necessary for both the payment of

0013

1 claims and the administration of the fund. You may
2 recall, there are third-party administrators, and
3 claims investigators, et cetera. This establishes
4 the fund to hold that cash. It will receive all
5 funds currently being paid for that, which would
6 include such things as like the highway, which comes
7 out of a separate set of funds, but would all go into
8 a single fund that would be administered by you.

9 Payments out of the fund do not require
10 appropriation, but would just be made. That is
11 slightly different than some of your funds. But,
12 this is truly an expense fund, and not what most of
13 our funds are. And, interest would be paid to the
14 fund, and the fund will not revert.

15 BLOOM: I'll make a motion that we add Title 12,
16 Article 136, for the Workmen's Comp Self-Insurance
17 Fund.

18 PETERS: I'll second that.

19 IRVING: Any further discussion? Hearing none, all
20 in favor say "aye."

21 BLOOM: Aye.

22 PETERS: Aye.

- 23 IRVING: Aye. Motion carried.
- 24 BLOOM: Thank you.
- 25 IRVING: Number five, Appointment to the Allen County
0014
- 1 Board of Zoning Appeals.
- 2 ELSER: The name before you today is Jake Delagrange.
- 3 PETERS: I make a motion that we approve the
- 4 appointment of Jake Delagrange to the Allen County
- 5 Board of Zoning Appeals.
- 6 BLOOM: Second.
- 7 IRVING: All in favor say "aye."
- 8 PETERS: Aye.
- 9 BLOOM: Aye.
- 10 IRVING: Aye. Motion carried. Appointment to the
- 11 Property Tax Assessment Board of Appeals.
- 12 ELSER: You have two names before you today for this
- 13 board, and that would be Rebecca Merz and John
- 14 Thistlewaite.
- 15 BLOOM: Is this PTABOA?
- 16 ELSER: Yes, it is.
- 17 BLOOM: Are we replacing someone, adding someone, or
- 18 how are we doing this?
- 19 ELSER: No, these now are yearly appointments--
- 20 BLOOM: Okay.
- 21 ELSER: --rather than appointments with no specific
- 22 length.
- 23 PETERS: Not some--not somebody else's appointment?
- 24 IRVING: Do you have all the appointments? See,
- 25 there--there's four appointments, two are ours, and
0015
- 1 two are Council's--
- 2 ELSER: Council's and--
- 3 IRVING: The Assessor's?
- 4 ELSER: --Stacy Lopshire is one of the Council
- 5 appointments, and Judy Macon, I believe--
- 6 IRVING: That's right.
- 7 ELSER: --is the other appointment.
- 8 IRVING: That's right.
- 9 PETERS: I'd make a motion on the appointments of
- 10 Rebecca Merz and John Thistlewaite to the Property
- 11 Tax Assessment Board of Appeals.
- 12 BLOOM: Good job, Nelson. Second.
- 13 IRVING: All in favor say "aye."

14 BLOOM: Aye.
15 PETERS: Aye.
16 IRVING: Aye. Motion carried. Appointment to the
17 Common Wage Committee for the MSD of Southwest Allen
18 County for constructing and equipping an addition to
19 the Covington Elementary School and other various
20 building projects.
21 ELSER: The name before you is James Elizondo.
22 BLOOM: I'll make a motion that we approve the name
23 for the Southwest Allen County Wage Committee.
24 PETERS: I'll second that.
25 IRVING: All in favor say "aye."

0016

1 BLOOM: Aye.
2 PETERS: Aye.
3 IRVING: Aye. Motion carried. Award of Bid
4 Reference #27-05, Construction of Zubrick Road,
5 Project 5-279, Phase I.
6 BLOOM: Good morning.
7 IRVING: Well, good morning, Mr. Hartman.
8 HARTMAN: Good morning.
9 PETERS: Good morning.
10 IRVING: And, I love your Purdue University sweater.
11 HARTMAN: Oh, thank you.
12 IRVING: That is very, very nice.
13 BLOOM: I don't. I don't.
14 HARTMAN: It--it was--oh, okay.
15 IRVING: If you continue to wear it on Wednesdays, on
16 TV, we will continue to give you atta-boys.
17 HARTMAN: Well, I got one vote.
18 IRVING: Now, that we've dissected your sweater, with
19 the black--did you notice the black shirt, too, you
20 two IU fans?
21 HARTMAN: Anyway--
22 IRVING: Can you tell us about Zubrick Road,
23 or--
24 BLOOM: After all this?
25 IRVING: I got him flustered.

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1 HARTMAN: Certainly. It's a project from Lafayette
2 Center south, and then west--or, excuse me, east back
3 to Zubrick. Zubrick, when the 469 interchange was
4 built, was relocated. This project will align itself

5 with the entrance to General Motors on the north, and
6 make a new connection to Zubrick, hopefully
7 facilitating some commercial development in the area.
8 BLOOM: I'll make a motion to--Bid Reference 27-05,
9 for construction of Zubrick Road, Project 5-279,
10 Phase I.

11 PETERS: Okay. I'll second it.

12 IRVING: Before we vote on this, is there any
13 discussion? Yes, there is.

14 PETERS: Yes, there is. That's--we were just having
15 it.

16 IRVING: You jumped in. You asked a very, very
17 legitimate point, Commissioner Peters, the bid that
18 was won was 1.549 [\$1,549,000.00].

19 PETERS: Uh-huh (affirmative).

20 IRVING: We are not completing the entire Phase I
21 project. The entire phase was going to have a little
22 jog that would have gone to the west. At this point,
23 we are not completing all of Phase I--

24 PETERS: Okay.

25 IRVING: --we are just doing a portion. So--

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1 BLOOM: Jog.

2 IRVING: --we will--pardon?

3 BLOOM: Jog.

4 IRVING: Jog, that's right.

5 BLOOM: Uh-huh (affirmative). To the--to the right.

6 IRVING: To the west, yeah.

7 BLOOM: Uh-huh (affirmative).

8 IRVING: We--if I understand this right, Mr. Hartman,
9 we will then be receiving a decrease to this contract

10 to make up for the portion, and that should equal

11 about--the total project should end up to be about

12 \$1.1 million [\$1,100,000.00].

13 HARTMAN: Yes, and I will modify the con--

14 IRVING: Right.

15 HARTMAN: --as soon as it's awarded we're going to
16 modify the contract and eliminate the west leg of the
17 project.

18 PETERS: Okay.

19 IRVING: But, since we--we have to accept this, and
20 then--then go for the decrease on it.

21 BLOOM: Okay.

22 IRVING: So--
23 BLOOM: I made a motion.
24 IRVING: --it's been motioned, and seconded, is there
25 any further discussion? All in favor say "aye."

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1 BLOOM: Aye.
2 IRVING: Aye.
3 PETERS: Aye.
4 ELSER: Did you second it?
5 PETERS: Yeah, I seconded it.
6 IRVING: Okay. Motion carried. Thank you very much.
7 Approve Warranty Deed required for additional right
8 of way for the acquisition of Coldwater Road, Phase
9 II, Project 04-254, from Parcel 20, Mr. and Mrs.
10 Bell.

11 BLOOM: So moved.
12 PETERS: I'll second it.
13 IRVING: All in favor say "aye."

14 BLOOM: Aye.
15 PETERS: Aye.
16 IRVING: Aye. Motion carried. Approval of Change
17 Order #3 for Coldwater Road, Phase I, Project 03-120,
18 Bid Reference is 24-05, between Wayne Asphalt and
19 Construction Company and Allen County. Total Change
20 Order #3 is 14,152.12 [\$14,152.12].

21 BLOOM: And, the reason, Bill?
22 HARTMAN: We have a temporary silt fence that we
23 discovered was required as part of the project, and
24 additional geo-grid for some unsuitable soil material
25 that we needed to stabilize, and--

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1 BLOOM: Fancy that.
2 HARTMAN: --and an additional inlet on the project
3 in--in order to proceed.
4 BLOOM: I'll make a motion that we accept this
5 14,152.12 [\$14,152.12] increase on Project 03-120.
6 PETERS: I'll second it.
7 IRVING: All in favor say "aye."
8 BLOOM: Aye.
9 PETERS: Aye.
10 IRVING: Aye. Motion carried. Approve Amendment #1
11 to the Interlocal Cooperative Agreement between Allen
12 County and the City of Fort Wayne for the Union

13 Chapel Road, Phase II Project. Total Amendment #1
14 amends the original 2002 Interlocal Cooperative--my
15 gosh, and interlocal cooperative agreement between
16 the County and the City, to increase the City's
17 portion payable to the County from 335--from
18 \$335,000.00 to \$385,000.00.

19 BLOOM: I'll make a motion we approve this.

20 PETERS: Well, I'll second, but I've got a question.

21 BLOOM: Okay.

22 IRVING: Okay, it's been moved and seconded. Is
23 there any discussion?

24 PETERS: My question is, there was apparently an
25 amendment from the May--May of 2002--

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1 HARTMAN: Yes.

2 PETERS: --contract. What--what are the real
3 differences that are causing the increase of
4 \$50,000.00 between May, 2002 and now?

5 HARTMAN: Okay. First off, this is totally City
6 money, okay? They're--they're paying all of this.

7 Okay, we're having a little difficulty getting

8 utilities to move on this project--

9 BLOOM: Uh-huh (affirmative).

10 HARTMAN: --and earth work, that was anticipated to
11 have been done, has not been completed. Therefore,

12 there's additional excavation involved in order to

13 go--to proceed with the water line movement. It's--

14 you know, it's got to be excavated quite a bit deeper

15 to get it on the profile that's--this design. And,

16 that's primarily what the additional cost is for.

17 PETERS: Yeah, and probably the costs have increased
18 in that three year period, too.

19 HARTMAN: Yes. Yes, they have.

20 BLOOM: That's what I just said. Yeah.

21 PETERS: Yeah.

22 HARTMAN: So--and, the City, in order to proceed, and
23 get their water line in, has agreed to pay those

24 additional costs, and we're more or less just the

25 transferring agent.

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1 IRVING: Is there any further discussion? It's been
2 moved and seconded, all in favor say "aye."

3 BLOOM: Aye.

4 PETERS: Aye.

5 IRVING: Aye. Motion carried. Item number 12,
6 approved traffic posting changes at the following
7 locations. Susan, would you like to read those in
8 the record?

9 ELSER: This initial listing is for Posting STOPS:
10 Tamiami Trail @ Medina Cove; Medina Cove @ Millennium
11 Crossing; Malecom Pass @ Millennium Crossing; Falcon
12 Ridge Cove @ Millennium Crossing; Denali Cove @ Jonus
13 Boulevard; Legends Parkway @ Flutter Road;
14 Carisbrooke Cove @ Legends Parkway; Chambord Knoll @
15 Legend's Parkway; Palo Verde Court @ Yuma Drive;
16 Klehm Court @ Veracruz Drive; Veracruz Drive @ Balboa
17 Drive/Balboa Court; and Plumbago Court @ Veracruz
18 Drive. The next two are Post NO PARKINGs, and that's
19 Trentman Road, from the back of the cul-de-sac to
20 150' south of the cul-de-sac; and, Old Decatur Road
21 from back of the cul-de-sac to 150' south of the cul-
22 de-sac. And, the last one is Hathaway Road, from
23 Hand Road to 5,130' east of Hand Road, that is a Post
24 45 MPH SPEED limit.

25 BLOOM: So moved.

0023

1 PETERS: I'll second that.

2 IRVING: All in favor say "aye."

3 PETERS: Aye.

4 BLOOM: Aye.

5 IRVING: Aye. Motion carried. Item 13, Approve and
6 accept streets and maintenance bonds for maintenance
7 by Allen County in the following subdivisions. Can
8 we just read the subdivisions and the total--

9 BLOOM: Uh-huh (affirmative).

10 IRVING: --footage?

11 BLOOM: Uh-huh (affirmative).

12 IRVING: Susan, would you like to read those into the
13 record.

14 ELSER: Quail Creek, Section I, 2,272'; Azbury Park,
15 Section I, 3,307'; The Forest at Foxwood, Section I,
16 2,459'; Azbury Woods, Section I, 3,289'; Mallards
17 Lake 1A, 5,883'; Foxwood, Section I, 3,688'; Fiddlers
18 Creek, Section I, 2,295'; and Ashton Pointe, [Section
19 I], 1,945'.

20 BLOOM: So moved.

21 PETERS: I'll second that.
22 IRVING: All in favor say "aye."
23 PETERS: Aye.
24 BLOOM: Aye.
25 IRVING: Aye. Motion carried. Other Business. I
0024

1 think we have a few Board and Commission appointments
2 to clear up.

3 ELSER: I have two more to add to our list. Paula
4 Hughes, before you, for Allen County Emergency
5 Management Advisory Council. And, William Hartman,
6 to serve as the Commissioners' appointment to the
7 Northeast Indiana Regional Coordinating Council.

8 BLOOM: So moved.

9 PETERS: I'll second that.

10 IRVING: All in favor say "aye."

11 BLOOM: Aye.

12 PETERS: Aye.

13 IRVING: Aye. Motion carried. Well, I assume, since
14 our attorney just snuck right in there, that he has
15 something else to bring forward.

16 FISHERING: Yeah, I apologize, I had hoped to get up
17 here with Mr. Hartman to discuss the Zubrick Road. I
18 have three deeds for Meadowbrook Farms to the County,
19 which is for the right of way to build the roads you
20 just approved entering into the contract. As you
21 know, we require that you formally accept any deeds
22 before we'll allow the transfer. So, I would request
23 that you approve acceptance of these deeds for the
24 right of way for the Zubrick Road project.

25 PETERS: I'll make a motion on the acceptance of the

0025

1 deeds.

2 BLOOM: Second.

3 IRVING: Is there any discussion on this? I would
4 just like to add that they gave the County the 100
5 foot right of way, and we want to show our
6 appreciation to these homeowners for giving the
7 County the right of way to construct this road. So,
8 is there any other discussion? No? Hearing none,
9 it's been first and seconded, all in favor say "aye."

10 BLOOM: Aye.

11 PETERS: Aye.

12 IRVING: Motion carried. Now, do we have any other
13 business? Hearing none, I'll entertain a motion on
14 the second reading.

15 PETERS: I'll make a motion to approve to waive the
16 2nd reading on any matter approved today for which it
17 may be deemed necessary for the Legislative Session
18 of July (sic), 2006.

19 BLOOM: Second.

20 IRVING: All in favor say "aye."

21 PETERS: Aye.

22 BLOOM: Aye.

23 IRVING: Aye. Motion carried. Comments from the
24 public? Yes, our attorney.

25 FISHERING: We--we might want to make that motion for
0026

1 waiver for January, not July. I know the weather's
2 lovely, but--

3 IRVING: Who said July?

4 FISHERING: Nelson.

5 PETERS: I said July? I'm sorry.

6 IRVING: Did you say July?

7 BLOOM: You know we both--

8 PETERS: I'll make it for--I must be thinking
9 summertime.

10 BLOOM: I never heard it either.

11 PETERS: January--I'll--I'll make the motion to
12 approve the 2nd reading on any matter approved today
13 for which it may be deemed necessary for the
14 Legislative Session of January 11, 2006.

15 FISHERING: The promise of (indiscernible) degree
16 weather, that's--

17 BLOOM: Nelson--

18 PETERS: That's--you know, thinking about that--

19 BLOOM: --Nelson, Rhonda and Bill are the only two
20 that picked up, or whoever, I didn't hear it.

21 IRVING: Do I have a second to that motion.

22 BLOOM: Uh-huh (affirmative). I do. I second.

23 IRVING: All in favor say "aye."

24 PETERS: Aye.

25 BLOOM: Aye.

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1 IRVING: Aye. Motion carried. You know, I have to
2 tell a few--a little one--Nelson, it's taken you 365

3 days for Linda and I to have started wearing off on
4 you. This is amazing.

5 PETERS: Are you talking about the July comment?

6 IRVING: Oh, yeah. I mean, you know, you might as
7 well join the rest of us and--

8 PETERS: I think it was the weather that was wearing
9 off on me.

10 IRVING: --be confused occasionally. Now, welcome to
11 the club. Are there any comments from the public?
12 Hearing none, thank you very much and have a
13 wonderful week.

14 (Adjourned 10:24 a.m.)

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1 STATE OF INDIANA)
) SS:

2 COUNTY OF ALLEN)
3 REPORTER'S CERTIFICATE

4 I, Rhonda M. Mullholand, a Notary Public in
5 and for the State of Indiana, County of Allen, do
6 hereby certify that the above and foregoing is a true
7 and accurate transcript of the Board of
8 Commissioners' of the County of Allen, Legislative
9 Session, held before me on January 11, 2006, in the
10 Allen County Commissioners' Courtroom, Room 200,
11 City-County Building, 1 East Main Street, Fort Wayne,
12 Allen County, Indiana; that I am not related to,
13 employed by or interested in any of the parties to
14 this cause of action.

15 IN WITNESS WHEREOF, I have hereto affixed my
16 hand and seal this 12th day of January, 2006.

17
18 _____

Rhonda M. Mullholand, Notary Public

Residing in Allen County, Indiana

19

20

My Commission Expires:

21 June 21, 2009

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