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1 STATE OF INDIANA)

)SS:

2 COUNTY OF ALLEN)

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BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN

8

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RE: LEGISLATIVE SESSION OF

10

April 12, 2006

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DATE: April 12, 2006

15

16

TIME: 10:10 a.m.

17

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

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REPORTER: M. Joshua Osbun

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1 PRESENT:

2 Marla J. Irving Allen County Commissioner

3 Nelson Peters Allen County Commissioner

4 Susan Elser Allen County Commissioners'
Office

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Judy Heck Financial Coordinator, Allen

11	Robert Lee	21
12		
13	Ed Steenman	23
14		
15	Bill Hartman	24
16		
17	Judy Heck	26
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21		
22		
23		
24		
25		
0004		

1		Page
2	Agenda:	
3	1. Approval of Minutes of 03/29/06	
4	Legislative Session	6
5	2. Amendments to the Allen County Code: Title	
6	12 (Financial) Article 109 (Tobacco Master	
7	Plan Program Fund)	6
8	3. State of Indiana Drug-Free Workplace	
9	Certification	8
10	4. Approval of grant application: State	
11	Criminal Alien Assistance Program	12
12	5. Approve and award contract for	
13	transportation of voting machines for the	
14	Primary and General Elections of 2006	18
15	6. Approval of adjustments to the online	
	banking agreement between the Allen	
	County Treasurer's Office and Star	

Financial Bank 21

16

17 7. Consideration of a Mutual Non-Disclosure
Confidentiality Agreement between Allen
18 County and Paperless Business Solutions,
LLC 23

19

20 8. Approve and award Bid Reference #06-06,
2006 HMA Resurface Package #1 (Ellison
21 Road, Doyle Road, Graber Road, Grabill
Road, Marion Center Road and Valley Road)
22 to Brooks Construction Co., Inc. - Total
award \$378,452.75 (Engineer's estimate
23 was \$498,247.50) 24

24

25

0005

1

9. Approve Warranty Deed required for
2 additional right-of-way for Project
#03-305, Carroll Road Curve Relocation
3 from: 25
4 a) Jack J. Johnson, Jr. and Maryellyn Johnson

5

10. Approve Warranty Deed required for
6 additional right-of-way for Project
#02-028, Leo Road (Clinton Street) and
7 Mayhew Road Intersection from: 25
8 a) Parcel 13: George W. Irmscher

9

11. Plats for Signature 26

10

11 12. Other Business
12 a) Repeal of Title 12/Article 22.1 - Flood
Control Payment Fund 26

13

14 13. Approval to waive the 2nd Reading on any
matter approved today and for which it may
15 be deemed necessary for the Legislative
Session of April 12, 2006 27

16

17 14. Comments from the Public 27

18

15. Motion to Adjourn

27

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21
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1 IRVING: Good morning. This is the legislative
2 session for April 12th, 2006. Before we begin,
3 Commissioner Peters, would you like to start with the
4 Pledge and a moment of silence?

5 PETERS: I will, thank you.

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

8 IRVING: Thank you. Commissioner Peters, since
9 Commissioner Bloom is in Indianapolis today, what
10 would you like to do with all the Highway money?
11 Didn't we add anything under other business?

12 PETERS: Commissioners' retirement fund.

13 IRVING: I was thinking more about trails. Can we
14 convert some of this to trails?

15 PETERS: Okay.

16 IRVING: Okay. Approval--just kidding, Bill. I
17 know. He called 911, right? Approval of the minutes
18 of the March 29th meeting.

19 PETERS: I make a motion to approve the minutes of
20 March 29th.

21 IRVING: Second the motion. All in favor say "aye."

22 PETERS: Aye.

23 IRVING: Aye. Motion carried. Amendment to the
24 Allen County Code: Title 12 Article 109, the Tobacco
25 Master Plan Program Fund. Good morning.

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1 WALDRON: Good morning.

2 PETERS: Good morning.

3 WALDRON: Mindy Waldron, department administrator.

4 Just a quick change on this ordinance that created
5 the fund years ago. It did not state that the funds
6 needed appropriation, and to be in compliance with
7 State law they do need appropriation, so that's the
8 substantive change being made today. I'll be glad

9 to--

10 IRVING: How did--

11 WALDRON: --answer any--

12 IRVING: --we find--

13 WALDRON: --questions.

14 IRVING: --out the change, Mindy?

15 WALDRON: I'm not sure. It was brought to my

16 attention by our--our financial staff, so I'm not

17 sure who actually noticed that error.

18 PETERS: Does that mean, then, that this will also

19 have to go through the County Council?

20 WALDRON: Yes.

21 PETERS: Okay, that's what I thought I heard you say.

22 WALDRON: Each year they plan to ask for a--a budget

23 and a plan and appropriate it with our next

24 installment which will arrive in July or August of

25 this year.

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1 IRVING: I thought maybe our State Board of Accounts

2 had--

3 WALDRON: I don't believe so. I believe it was

4 internal, but I am unsure who.

5 PETERS: I make a motion to amend the Allen County

6 Code: Title 12 Article 109 (Tobacco Master Plan

7 Program Fund).

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

9 "aye."

10 PETERS: Aye.

11 IRVING: Aye. Motion carried.

12 WALDRON: Thank you.

13 IRVING: Thank you. How about the State of Indiana

14 Drug-Free Workplace Certification?

15 WALDRON: Yes, this is a--a formal plan that needs to

16 be signed each year. As you know, we receive a large

17 lump sum each year through local health maintenance

18 funds and the tobacco settlement monies. It's very--

19 it's a little bit different than the Tobacco Master

20 Plan that we just spoke about. But if we receive

21 over 25,000 [\$25,000.00] in any county, you have to

22 certify that you have a--a drug-free workplace, which

23 we already have by way of our County policy. All of

24 the provision A through F are already covered under

25 our County policy, so it's a formality that the

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1 Commissioners support a State drug-free workplace,
2 and that's what this is, and we need two copies
3 signed today.

4 PETERS: This appears to be government in its
5 infinite bureaucratic best, and my question is: why,
6 when the County has a drug-free workplace policy, do
7 they still require such certification?

8 WALDRON: I think what you're doing is just saying
9 each year that that's still in place, because a lot
10 of other entities besides--and Health Department
11 received these monies, and so local health
12 departments have--have it fairly easy because they--
13 they most of the time have county employment
14 policies. Other entities that are major workplaces,
15 but aren't government ren--run could also get the
16 money, so they require it as a--across the board, if
17 you get over \$25,000.00 each year on their grant that
18 you just keep recertifying that you're in compliance
19 with what they say you need for a drug-free
20 workplace. So I think that's the reason. It's easy
21 for us. We already have that and it's a redundancy,
22 unfortunately, but other agencies receive the money
23 that aren't government-run.

24 PETERS: Okay, thank you.

25 IRVING: Thank you.

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1 WALDRON: Sure.

2 PETERS: I would make a motion to approve the State
3 of Indiana Drug-Free Workplace certification.

4 IRVING: I'll second that motion. All in favor say
5 "aye."

6 PETERS: Aye.

7 IRVING: Aye. Motion carried.

8 WALDRON: Thank you.

9 PETERS: Thank you.

10 IRVING: Before you run right away, two minor
11 questions. Are we gearing up--as it is supposed to
12 be 72 degrees today, are we gearing up for our pool
13 inspections and mosquito spraying to prevent West
14 Nile?

15 WALDRON: Yes, both--both of those divisions have
16 already put in place or actually posted positions for

17 the temporary hiring that we do for those, and we
18 hope to have some of those hired this week and next
19 week. For mosquito control that usually starts first
20 part of May, late part of April for calling a lot of
21 the folks to make sure they want to still be on some
22 of the treatment plans, and then for pools, those
23 tend to start very soon. We do them year-round, but
24 the seasonal pools start calling very soon for their
25 sampling and--and opening provisions to be ready for
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1 Memorial Day. So within the next month both of those
2 will be in full swing as summer programs.

3 IRVING: And we will have something, again, posted
4 prominently on maybe even the front page of our
5 website that says, you know, what are some things
6 that we can do to help prevent mosquitoes, such as
7 emptying, you know, our--

8 WALDRON: Right.

9 IRVING: --fountains, bird bath-type things, you
10 know, getting rid of tires. We'll have something--

11 WALDRON: Super.

12 IRVING: --probably by the 1st of May on our website,
13 too.

14 WALDRON: And we tend to do a press release on that
15 just a week before we start our program where we'll
16 be going out--

17 IRVING: Good.

18 WALDRON: --into the neighborhoods as well, but also
19 to raise awareness prior to the temperatures getting
20 above 80, so that's our intent.

21 IRVING: Great.

22 WALDRON: Thank you.

23 PETERS: Thank you.

24 IRVING: Thank you, and have a wonderful day.

25 WALDRON: You, too.

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1 IRVING: Approval of the grant application from the
2 State Criminal Alien Assistance Program. You know--

3 HERMAN: Good morning.

4 IRVING: Good morning, Sheriff. We have had--

5 PETERS: A lot of fun.

6 IRVING: --a little bit of humor in this, such as one
7 of our department heads wanted to know if we were

8 going to have--

9 PETERS: Where we're going to park the flying

10 saucers.

11 IRVING: --the flying saucers.

12 ELSER: Assigned parking.

13 IRVING: The flying saucers--not knowing what this
14 was, and just seeing them go, "Oh, are we now having
15 parking for flying saucers?" So there's been a lot
16 of humor you've added to our day.

17 HERMAN: Well, good. I'm glad--I'm glad to hear
18 that. Basically this is a State Criminal Alien
19 Assistance Program that provides federal payments to
20 the states and localities that incur correctional
21 officers salary costs for incarcerating undocumented
22 criminal aliens who had at least one felony or two
23 misdemeanor convictions. And basically we've been
24 this for--for several years. Basically it--it's a--
25 it's a grant that there's a certain amount of money

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1 that's set aside, and then at the end of the--at the
2 end of the day they look at all the applications they
3 get and they split the money among them based on the
4 numbers, but the--it--you know, the--there's only a
5 certain amount of money, so we don't know what we're
6 going to get. Last year we had 40 eligibly inmates
7 and received \$4437.00. This year we have 228
8 inmates, and that's probably because we had some
9 problems with getting the data last year.

10 PETERS: Would it--

11 HERMAN: It's not--

12 PETERS: --be likely--

13 HERMAN: --that there's a big--that there's a big
14 influx. It's just that we had trouble getting the
15 data last year.

16 PETERS: Would it be likely that the increase in
17 received funding would be proportionate to the
18 increase in numbers that you're showing, or not?

19 HERMAN: It--it--it probably will, but I don't know
20 what the--I don't know what they're going to split up
21 and who's going to be--you know, if--if people have
22 started getting better at collecting the data the way
23 we have, it is very possible that it's not going to
24 make a great deal of difference, but there should be

25 an increase with--with the numbers that we're showing
0014

1 this year.

2 IRVING: I'm trying to remember. The last time I
3 checked we had, what, 30-plus or 40-plus countries,
4 nationalities represented in our jail population?

5 HERMAN: Basically I think there--there's fewer than
6 that. It--there's probably about 10 to 15 different
7 nationalities at any given time. Basically the--
8 the--you know, the vast majority of the people that
9 in there, of course, are American peo--American
10 citizens, but then Hispanics are the next largest
11 group, and then, of course, the--the other countries
12 that are represented usually have one--

13 IRVING: Yeah.

14 HERMAN: --person in there, so--

15 IRVING: That's why it just seems like--I mean, I've
16 counted them up before, and there's country that I've
17 never even heard of.

18 HERMAN: Right.

19 PETERS: Sheriff, I know we've had this discussion
20 before, but I don't remember what the answer was.
21 With the illegal alien population, doesn't it make
22 sense to work towards deporting those individuals to
23 help reduce our costs?

24 HERMAN: Yes. Yes. It would--it would make sense
25 that we--that--I mean, that would make sense to

0015

1 deport these individuals. The--the problem is that
2 unless you're willing to--unless you're willing to
3 foot the bill for that, I.N.S. or whatever they--I
4 think they've change the name of that--but they are
5 not, you know, willing to do that, so it's--it's
6 difficult. And these aren't necessarily illegal
7 aliens. These are undocumented people. And quite
8 frankly, we have no way of--of really determining
9 without a lot of--without a lot of work who's illegal
10 and who's not. Basically what we do is we ask them
11 if they are--if they are a United States citizen when
12 they--when they come into the jail, and we go on what
13 they say.

14 PETERS: Would it make sense--I mean, I don't know
15 what the cost of deportation or the investigation

16 that would go into that would--would be, but would it
17 make sense to--to look into doing something along
18 those lines? I mean, if we're paying whatever we're
19 paying on a per diem to house these individuals, and
20 if that cost exceeds the amount that it would take
21 for the investigation and ultimate deportation, does
22 it make sense to--to look along those lines? Should
23 we be doing something like that?

24 HERMAN: Well, it's difficult. Like I said, it--it
25 is difficult for us to--to determine who is an

0016

1 illegal alien. You know, generally, you--you operate
2 on--on identification, and generally most of the
3 illegals have plenty of identification. So it--you
4 know, they'll tell you that they weren't born here,
5 but they aren't going to tell you that they're
6 illegal, and they--and if they've got identification
7 that shows that--that other agencies have passed them
8 through--it's not unusual to get someone in with
9 several sets of identification.

10 PETERS: Right.

11 HERMAN: And, you know, then to try to prove that
12 they're not all of those people is--is another thing.

13 PETERS: Right.

14 HERMAN: But it--it is--it is difficult. They're
15 not--you know, I--I think at the federal level is
16 where some of that stuff--where the ball is being
17 dropped, and--and it's difficult for us to pick it up
18 without incurring more cost.

19 IRVING: Well, the Sheriff and the Prosecutor and I,
20 we really delved this, what, a year ago has it been?

21 Maybe even a year and a half ago. First of all,
22 you--you know, you can't just deport them and send
23 them home. I.N.S., which I--I can't remember,
24 either, what their new name is. Out of Chicago--
25 that's where they're located at--it is--it is

0017

1 extremely difficult to get them involved because you
2 can't just send them home. There is, you know, red
3 tape that you can't imagine, and how I originally got
4 involved in that was the young man that got picked
5 up. He was, what, 14 years old? He was at my
6 Juvenile Center for almost a month. He was here

7 visiting an uncle from Mexico, and the uncle had a
8 warrant out for him and wouldn't come get him, and
9 I.N.S. wouldn't address the issue, and it--remember
10 that one? That went to court three or four times,
11 and--very, very expensive, and we still didn't
12 resolve it except--released him to the uncle, so we--
13 it would help if we had a--an office here in our
14 community that was a little bit more active.

15 PETERS: Right.

16 HERMAN: What--but this grant is--I guess this grant
17 is something that at least off-sets some of the
18 cost--

19 IRVING: Right.

20 HERMAN: --and that's--and so that--we apply for it.
21 We don't know what we're going to get out of it, but
22 we--we feel that it's at least worth while--

23 IRVING: Right.

24 HERMAN: --to try to recoup some money for the fact
25 that we house undocumented aliens.

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1 IRVING: Well, we appreciate your efforts in this.

2 Do we have a motion?

3 PETERS: Yeah, I make a motion to approve the grant
4 application for the State Criminal Alien Assistance
5 Program.

6 IRVING: Second the motion. All in favor say "aye."

7 PETERS: Aye.

8 IRVING: Aye. Motion carried. Thank you--

9 HERMAN: Thank you very much.

10 IRVING: --very much. Approve and award contract for
11 transportation of voting machines for the Primary and
12 General Elections of 2006. Well, good morning, how
13 are--

14 LITTLE: Good morning.

15 IRVING: --the two of you today? Is there an
16 election this year?

17 LITTLE: I'm Bruce Little, Purchasing Director for
18 Allen County.

19 NICOLET: Jeanne Nicolet from the Allen County
20 Election Board.

21 PETERS: Good morning.

22 IRVING: Good morning.

23 LITTLE: Several weeks ago we received bids for the

24 transportation of voting machines and related
25 materials to and from the polling places, both for
0019

1 the Primary and General Elections this year. We did
2 receive two bids, and we're recommending that the bid
3 be awarded to AS&L, Incorporated. They were the low
4 bidder.

5 PETERS: I make a motion to approve and award the
6 contract as stated for the voting machines for the
7 Primary and General Elections of 2006.

8 IRVING: Second the motion. All in favor say "aye."

9 PETERS: Aye.

10 IRVING: Aye. Motion carried. Before you run away,
11 though, I had asked--because of the combined
12 precincts, how many actual delivery locations are
13 there?

14 NICOLET: One hundred and fifty-three [153].

15 IRVING: One fifty-three [153], okay.

16 PETERS: How does that compare to what we've had in
17 the past? I know we're--we're trying to dummy down
18 those numbers.

19 NICOLET: We've had as many as 186.

20 IRVING: Can we--Jeanne, before you leave, could we
21 have a copy of that in our office, and that way if
22 anybody wants to look at it they can?

23 NICOLET: A copy of what?

24 IRVING: Of--

25 PETERS: Locations.

0020

1 IRVING: --the locations. Bruce might even be
2 interested in it, too. Judy, can you take that and
3 we can at least have it available? Do you have
4 another copy, Jeanne?

5 NICOLET: Yes.

6 IRVING: Okay, thank you. That might be helpful.

7 Okay, it's been moved and seconded. Anymore
8 discussion? Oh, no, we already--

9 ELSER: You voted.

10 IRVING: --we already voted on it. Oh, well you get
11 the next one, too? You're waiting for me?

12 NICOLET: No.

13 LITTLE: No, that was it.

14 IRVING: You usually just want to get right out of

15 here. Today you want to--
16 LITTLE: Oh, not--
17 IRVING: --be on--
18 LITTLE: --today.
19 IRVING: --TV. It--
20 LITTLE: It's comfortable--
21 IRVING: --must be--
22 LITTLE: --today.
23 IRVING: --the new shirt and tie.
24 LITTLE: Yes. Thank you.
25 IRVING: Thank you--

0021

1 NICOLET: Thank you.
2 IRVING: --very much.
3 PETERS: Thank you.
4 IRVING: Good luck. Approve of adjustment on the
5 online baking--banking agreement between the Allen
6 County Treasurer's Office and Star Financial Bank.
7 Good morning.
8 LEE: Well, good morning.
9 PETERS: Good morning.
10 IRVING: How's my favorite Treasurer today?
11 LEE: Thank you. Bob Lee, and I have the privilege
12 of serving as Allen County's Treasurer. This is an
13 annual update to an agreement with Star Financial
14 Bank. Star does our lock-box transactions, so all--a
15 great proportion of tax payments flow through Star
16 Financial Bank. Consequently we then wire transfer
17 or ACH--automated clearing house--the money from Star
18 to the banks of the taxing units that receive the tax
19 dollars. So this is an agreement that sets out the
20 limits and the security procedures of those dollars
21 that are being wired and transferred. The
22 Commissioners has traditionally signed this because
23 there's some--a legal contract involved, which I
24 believe Attorney Fishing has taken a look at, so we
25 are just managing the risk associated with the wires

0022

1 and ACH transfers of money.
2 IRVING: Great.
3 PETERS: Bob, when I first looked at this--and I
4 apologize for not asking about this before--when I
5 first looked at this I had a heck of a time

6 understanding what the adjustments were.

7 LEE: The note that I have from Star is it's an
8 annual renewal. I believe they--wire transfers were
9 up to 101,000,000 [\$101,000,000.00], I think, at
10 any--any one time, and that's mainly because on
11 settlement day our portfolio will grow to over
12 \$200,000,000.00 at that time, so if we didn't have
13 the limit set that way we would have to break it up
14 into pieces and do some money one day, some money the
15 next day. If you look on there, there's a number of
16 days in transit, like, on an ACH it's three days, so
17 really there's a risk factor during that three days
18 when the money is going in transit, so if we can
19 limit persons have pass--log-in and password rights
20 and we can limit the amounts, at least we have some
21 sort of--our arms around--

22 PETERS: Some control--

23 LEE: --that process--

24 PETERS: --sure.

25 LEE: --so it doesn't get away from us.

0023

1 PETERS: Okay, I gotcha. I appreciate it. I make a
2 motion to approve the adjustments to the online
3 banking agreement between the Allen County
4 Treasurer's Office and Star Financial Banking.

5 IRVING: I'll second the motion. All in favor say
6 "aye."

7 PETERS: Aye.

8 IRVING: Aye. Motion carried.

9 LEE: Thank you very much.

10 PETERS: Thanks.

11 IRVING: Consideration of a Mutual Non-Disclosure
12 Confidential Agreement between Allen County and
13 Paperless Business Solutions, LLC. Well, hello, Ed.

14 STEENMAN: Good morning.

15 PETERS: Good morning.

16 STEENMAN: Ed Steenman, County I.T. Director.
17 Paperless Business Solutions is the support entity
18 for Community Corrections and their case management
19 system. The Mutual--or the Non-Disclosure Agreement
20 is--is a document that we put in place with any
21 outside company that wants to make an attachment to
22 our network, and that attachment in this case is so

23 that they can provide support for the online system
24 from--remotely from their office rather than coming
25 on-site, and so this just prohibits them from making
0024

1 any disclosure of anything that they might in that
2 system.

3 PETERS: I make a motion to approve the Mutual Non-
4 Disclosure Confidentiality Agreement between Allen
5 County and Paperless Business Solutions, LLC.

6 IRVING: Second the motion. All in favor say "aye."

7 PETERS: Aye.

8 IRVING: Aye. Motion carried.

9 STEENMAN: Thank you very much.

10 IRVING: Thank you very much, Ed. Approve and award
11 Bid Reference #06-06, 2006 HMA Resurfacing Package #1
12 (Ellison Road, Doyle Road, Graber Road, Grabill Road,
13 Marion Center Road, and Valley Road) to Brooks
14 Construction Company, Incorporated. Total award is
15 \$378,452.75. The engineer's estimate was
16 \$498,247.50. Good morning.

17 HARTMAN: Good morning.

18 PETERS: Good morning.

19 HARTMAN: Bill Hartman with Allen County Highway.

20 IRVING: Great.

21 HARTMAN: This was a hundred thousand [\$119,794.75]
22 under the estimate and 30,000 [\$30,000.00] under the
23 next bidder, and it looks like a good--a good
24 project.

25 PETERS: I make a motion to approve and award Bid
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1 Reference #06-06, the HMA Resurface Package #1.

2 IRVING: Second the motion. All in favor say "aye."

3 PETERS: Aye.

4 IRVING: Aye. Motion carried. Approve Warranty Deed
5 required for additional right-of-way for Project #03-
6 305, Carroll Road curve relocation, Mr. and Mrs.
7 Johnson.

8 PETERS: I make a motion to approve the Warranty Deed
9 required for the additional right-of-way for Project
10 #03-305.

11 IRVING: Seconded. All in favor say "aye."

12 PETERS: Aye.

13 IRVING: Aye. Motion carried. Approve a Warranty

14 Deed required for additional right-of-way for Project
15 #02-028, Leo Road (Clinton Street) and Mayhew Road
16 intersection from Parcel Number 13: George Irmscher.
17 PETERS: I make a motion to approve Warranty Deed
18 required for additional right-of-way for Project #02-
19 028.

20 IRVING: Second the motion. All in favor say "aye."

21 PETERS: Aye.

22 IRVING: Aye. Motion carried.

23 HARTMAN: Thank you very much.

24 PETERS: Thank you.

25 IRVING: Anything else today, Mr. Hartman?

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1 HARTMAN: That's it. Almost--

2 IRVING: You didn't like the idea--I saw you grab
3 your heart for us to just realign all the money
4 today.

5 HARTMAN: I thought I was going to die.

6 IRVING: Okay, well, I'm glad you didn't. Thank you
7 very much.

8 HARTMAN: Thank you.

9 IRVING: Plats for signatures? I don't think--

10 ELSER: We have none today.

11 IRVING: --we have none today, good. Other business,
12 the repeal of Title 12 (Financial)/Article 22.1,
13 Flood Control Payment Fund. Well, good morning. How
14 are you?

15 HECK: Good morning. Judy Heck, Allen County
16 Commissioners' Office, Financial Coordinator. We
17 need to rescind the Flood Control Payment Fund 271
18 because we got a letter from the City of Fort Wayne,
19 Kimberly Steer, and she informed us that the project
20 is finished and we can disburse the money that's left
21 in that fund.

22 PETERS: All right, where will that money go?

23 HECK: Half of it will go to the City of Fort Wayne--
24 actually, City Utilities, and our half will go back
25 to the Co--Flood Control Fund where we took it out of

0027

1 to begin with.

2 PETERS: Okay, I so move.

3 IRVING: Seconded. All in favor say "aye."

4 PETERS: Aye.

5 IRVING: Aye. Motion carried. Do we have any other

6 business to come towards--

7 ELSER: We have no other business.

8 IRVING: Motion to--

9 PETERS: I make a motion to approve to waive the
10 second reading on any matter approved today and for
11 which it may be deemed necessary for the legislative
12 session of April 12th, 2006.

13 IRVING: Second the motion. All in favor say "aye."

14 PETERS: Aye.

15 IRVING: Aye. Motion carried. Comments from the
16 public? (No response.) Any comments from the
17 public? (No response.) Hearing none, I'll take a
18 motion to adjourn.

19 PETERS: I make that motion to adjourn.

20 IRVING: Seconded. All in favor say "aye."

21 PETERS: Aye.

22 IRVING: Aye. Have a great week, and we'll see you
23 next Wednesday.

24 (Adjourned 10:34 a.m.)

25 * * *

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1 STATE OF INDIANA)
) SS:

2 COUNTY OF ALLEN)

3

4 REPORTER'S CERTIFICATE

5 I, M. Joshua Osbun, 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 April 12, 2006 in the Allen County
11 Commissioners' 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 13th day of April, 2006.

18

19

M. Joshua Osbun, Notary Public

20 Residing in Allen County, Indiana

21

My Commission Expires:

22 May 14, 2010