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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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9        RE: LEGISLATIVE SESSION OF  
10        July 19, 2006

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13  
14        DATE:     July 19, 2006

15  
16        TIME:     10:05 a.m.

17  
18        LOCATION:  Room 200  
19                Commissioners Courtroom  
20                City-County Building  
              1 East Main Street  
              Fort Wayne, Indiana 46802

21  
22        REPORTER: Kimberlee M. Adams

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24  
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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 Susan Elser           Commissioners Office  
6 G. William Fishing    Allen County Counsel  
7 Casey Cox             Intern, Beers Mallers

Backs and Salin

8

Bill Hartman            Allen County Highway

9                            Department

10 John McGauley        Public Information Officer

11 Ellis McFadden       Southwest Fire District

12 Kim Bowman           Director, Allen County

Planning Services

13

Michelle Wood        Department of Planning

14                            Services

15 Tera Klutz            Chief Deputy, Allen County

Auditor

16

Lisa Blosser         Allen County Auditor

17

Paul Moss            Allen County Council

18

Darren Vogt         Allen County Council

19

Dan Linnemeier      Trustee, Lake Township

20

Brian Dumford       Director, Human Resources

21

Mary Hitchens       Public Information Office

22

Laura Jury           IKON Office Solutions, Inc.

23

Tom Smith            Fort Wayne City Council

24

Molly McCray        Fort Wayne City Council,

25                            Administrative Assistant

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1 ALSO PRESENT:

2

Tony Burrus         Allen County Safety and

3                            Environmental Office

4 Larry Owen           Pleasant Township

5 Kimberlee M. Adams   Rolf Reporting, Inc.

6 Cindy Larson        News Sentinel

7 Ben Lanka            Journal Gazette

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26 8. Approve preliminary engineering study	
27 proposal between A&Z Engineering and	
28 Allen County for Woodburn Road and	
29 Webster Road Intersection. Total lump	
30 sum fixed fee \$23,950.00	39
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- 22 Schneider Corporation and Allen County  
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- 1 (AGENDA continued)
- 2 10. Approve Supplemental Agreement #2 between  
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- 3 for additional right of way engineering  
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- 4 over Spy Run Creek, Project #BR0797.  
Total Supplemental Agreement #2 is
- 5 \$900.00 40
- 6 11. Approve Warranty Deed required for  
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- 7 the Scott Road Hill Cut Improvement,  
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- 8 a) Parcel 1 - Thomas G. Morningstar 41
- 9 12. Approve Warranty Deed required for  
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- 10 the Summit Street Bridge over Martin  
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- 11 a) Parcel 5 - David A. Yount 41
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- 13 the O'Day Road Bridge over Seegar Ditch,  
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- 14 a) Parcel 3 - Brian Patrick Kelley 41
- 15 14. Other Business:
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- 21 15. Approval to waive the 2nd Reading on any  
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- 22 may be deemed necessary for the

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1 IRVING: Good morning, and welcome to the July 19th  
2 Commissioners Legislative Session. Before we begin  
3 today, we'd like to have the Pledge of Allegiance and  
4 a moment of silence. Thank you.

5 (At this time, the Pledge of Allegiance was  
6 recited in unison, and a moment of silence  
7 was recognized by all.)

8 IRVING: Thank you very much. I'd like to apologize  
9 for the way that I'm dressed today. I'm judging out  
10 at the 4-H Fair in 86 degree weather for about six  
11 hours, so I hope you'll excuse my dress today.

12 Starting, we'd like to have the Approval of the  
13 Minutes of July 12th.

14 BLOOM: So moved.

15 PETERS: Seconded.

16 IRVING: All in favor, say, "Aye."

17 PETERS: Aye.

18 BLOOM: Aye.

19 IRVING: Aye. Motion carried. Public Hearing today  
20 to establish a Cumulative Fire Fund, Building and  
21 Equipment Fund for the Southwest Allen County Fire  
22 District. Welcome to the Public Hearing regarding  
23 the request by Southwest Fire District to establish a  
24 Cumulative Firefighting Building and Equipment Fund.  
25 Try and say that about six times fast. This hearing

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1 is for the purpose for taking public comment. This  
2 Board will discuss the merits of this request after  
3 the public comment, and under normal circumstances,  
4 vote to determine the outcome. We do not hold the  
5 authority to continue our discussion until a later  
6 meeting if we believe that to be in the best interest  
7 of the public. So, I'd like to have a motion to open  
8 the Public Hearing.

9 PETERS: I make a motion to open the Public Hearing.

10 BLOOM: Second.

11 IRVING: All in favor, say, "Aye."

12 PETERS: Aye.

13 BLOOM: Aye.

14 IRVING: Aye. Thank you very much. The Public  
15 Hearing is now open. Is there anyone here to speak  
16 in favor of establishing this fund.

17 McFADDEN: I'm Ellis McFadden, the Fiscal Officer and  
18 the Board of Trus--Fire Trustees, Southwest Fire  
19 District.

20 IRVING: Welcome.

21 BLOOM: Thanks, Ellis.

22 IRVING: And you may sit down.

23 McFADDEN: I have, aside of what the letter, I think,  
24 that--a couple of things here that I would like to--

25 BLOOM: Can--can you speak up a little, please? I  
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1 know you're shy, Ellis, but a little louder please.

2 McFADDEN: The map that I gave you that the--it's  
3 kind of crude--the--maybe I better keep one of those  
4 for myself.

5 IRVING: Yeah. You can have--we have an extra one.

6 McFADDEN: This map is a little crude, but with the  
7 help of my great-grandchildren's crayons, I--and a  
8 two-year-olds flat book--but the red arrow on the  
9 right side is the present Station 3 that was built in  
10 1991. And the green area is the Branstrator Road  
11 traveling north to the Expressway and west through  
12 the intersection of the Expressway and I-69. The  
13 orange area is the new Lafayette Elementary School  
14 that was built two years ago, and apparently that has  
15 created some--where there's over 1100 homes. It's in  
16 a subdivisions that's getting in the process of being  
17 built or planned. And the yellow areas there is the  
18 areas that--where the primary building is. The  
19 yellow area on the left is an older subdivision, and  
20 it, by the map, the hash marks are already  
21 subdivisions in process. To the center down below  
22 GM, the one there that's marked MK--or MKB, that is  
23 the Vera Bradley complex that's under construction.  
24 And to the left of that's the Meadowbrook Farms, Inc.  
25 is the shovel-ready industrial area that's being

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1 proposed.

2 The main reason that we're asking for this that  
3 for those people, our experience is with about 1998,  
4 south of Zanesville at the bottom of the map there,  
5 they came to us to contract for fire protection in  
6 Wells County. In so doing that, the--if that befalls  
7 within a five-mile area--and that changed their  
8 homeowner's insurance from an ISO 10 to a nine, and  
9 they were happy to get that because the decrease in  
10 their homeowner's insurance more than offset the  
11 increase of their contract.

12 In the area that we're thinking of now, even  
13 though if one of those homes would have a fire  
14 hydrant in their front yard, unless they can get a  
15 fire truck there within five miles, it doesn't do  
16 them much good. And the green area there, it's about  
17 five miles to the intersection. In that area, where  
18 it is hydrant that the ISO would change from a 10 to  
19 a six would be a significant difference. And so  
20 that's kind of the plan of that. And the--one of the  
21 things that, I guess, is a more immediate that the  
22 mile and a half just north of the present fire  
23 station there's a gravel road, and so we're trying to  
24 improve that. And so, the other page is kind of the  
25 numbers. And we reorganized. Our first budget was  
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1 in 1988, and we filled the bond issue in 1991 to  
2 build that fire station and bought two trucks,  
3 self-contained breathing apparatus. But what we  
4 found out in a bond issue, now 15 years later, those  
5 50 self-contained breathing apparatus are timed out.  
6 They are only good for 15 years. Fortunately, we  
7 were able to get a grant just earlier this year for  
8 \$280,000.00 that we replaced those. The--and a--the  
9 aside of that, the two trucks that we got in that  
10 bond issue, we're--they're--they're in the situation  
11 now where we're attempting to replace those.

12 So, as you see those numbers, I think what we  
13 would like to do is in the next five to 10 years put  
14 a station in that area north of GM in this developed  
15 area and help those homeowners then with a--quite a  
16 significant less homeowner's insurance. And we  
17 presently have a staff of 12 firefighters plus 50  
18 volunteers. And I can't say more about those

19 volunteers. The--in 19--through 1994 to 1996, we had  
20 one holding a 40-hour a week job made over 450 runs.  
21 So when you think of that as more than one a day and  
22 still provide for his family, that was a fairly  
23 well-dedicated individual. We have in our budget of  
24 those we--I try to see that for every run they make,  
25 it's about \$5.00. We--we split up from October 30 to

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1 November 1, that what that does when we give them run  
2 money checks, they don't all hit on January on, and  
3 through the bank, you have 50 or 60 outstanding  
4 checks. What it also does is they get that check  
5 about the first of December and it gives them  
6 Christmas money. So, that's how we recoup  
7 volunteers. And so, with that, I guess I'm open for  
8 questions.

9 IRVING: Commissioner Bloom, do you have any  
10 questions?

11 BLOOM: I've reviewed all of the paperwork that they  
12 have submitted to us. I'm not sure that I'm ready to  
13 vote on this, and I know they have, because of  
14 advertising and everything, a deadline. And our  
15 question was what happens if we don't vote on it now,  
16 and you said it would have to be held off a year.

17 The urgency--

18 McFADDEN: Well, one--one--one of the things that--  
19 and most township trustees can create a cum  
20 [Cumulative] fund within their township. By  
21 statute--

22 BLOOM: Right.

23 McFADDEN: --where it's a fire district, the  
24 Commissioners who appoint myself and the other two  
25 trustees are the ones who have to approve it. The

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1 next step if--on your approval, we have to hold a  
2 public hearing also, and there's an August 2nd  
3 deadline. It has been suggested that we do a 10-year  
4 plan, and I am in the process of hopefully by budget  
5 time or the next 30 days that I'd have that ready.

6 So, that's the timeline that we're under so far as  
7 where we're at at the present date.

8 PETERS: Mr. McFadden, it's your intent to raise how  
9 much per year?

10 McFADDEN: In the letter, I had it as about 250,000  
11 [\$250,000.00] a year, but I found out a week ago  
12 Monday that our assessed value got changed, which  
13 that happens quite frequently. And so if that  
14 happened in 2006, it would raise about 230,000  
15 [\$230,000.00] a year. And--

16 BLOOM: Okay.

17 McFADDEN: --of course, the--in '91, we paid about  
18 \$380,000.00 per engine or fire pump, and now they're  
19 \$800,000.00. So, I think it's relative, and by the  
20 numbers you have there from 1998 to 2006, our  
21 assessed value has went up 100 percent. And we  
22 expect that to continue because--

23 BLOOM: Right.

24 McFADDEN: --the 25 or 26 million [\$26,000,000.00]  
25 that the Vera Bradley complex, when it gets on  
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1 board--and it's my understanding, there's no TIF  
2 funds or any incentives there, so that will kick in.  
3 And so, we think that the assessed value will  
4 continue to climb, but it's just real hard to replace  
5 all of this equipment and build a station within the  
6 budget, and we've done that so far.

7 PETERS: So with that respect to the increase in  
8 assessed valuation, one could logically conclude that  
9 you'd raise about \$2.3 million over the next 10  
10 years?

11 McFADDEN: right.

12 PETERS: Do you have any sense--and I've heard you  
13 say you were working on a 10-year plan--do you have  
14 any sense of what those expenditures over the next 10  
15 years might be? I heard you talk about a new  
16 firehouse, you've got some engines that need to be  
17 replaced.

18 McFADDEN: I--I think that from our past experience  
19 that we could probably expect a station that would  
20 probably be at a million and a half [\$1,500,000.00]  
21 where the--19 years ago, the bond issue was \$1.2  
22 million. And so, everything being relative that the  
23 replacing that, and plus when the station opened, it  
24 would need an increase in personnel, and so all of  
25 those things come along. And so, that's about where  
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1 we are.

2 PETERS: If--and it seems to me that the Southwest  
3 Fire District surrounds a lot of locations that the  
4 City of Fort Wayne could or might otherwise respond  
5 to. Has there been any consideration about  
6 developing any sort of interlocal governmental  
7 agreement with the City, and is that possible? We've  
8 got--it seems to me we've got a lot more stations per  
9 capita now than we did five years ago.

10 McFADDEN: Back in--about 10 years ago or about the  
11 time the GM plant come on board, there was an attempt  
12 to do that, and as we met with the City  
13 administration at that time, that was never able to  
14 be done. And I realize what you're saying because we  
15 have a station in the Times Corners area, and just  
16 recently, the City built another station within a  
17 half a mile of that.

18 PETERS: Right.

19 McFADDEN: But it--it's due to jurisdictions. Within  
20 the--there's one in Aboite Township north--just north  
21 of this area, and--but the jurisdictions fall that  
22 way, and so far, there's not been any way to make  
23 that happen to where the two departments would kind  
24 of carve things up.

25 PETERS: Okay, thank you.

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1 IRVING: Just a clarification, I wanted to check with  
2 our attorney to make sure I was right. Vera Bradley  
3 is in a TIF district, but they got no tax abatements.

4 McFADDEN: Pardon?

5 IRVING: They're in a TIF district--

6 McFADDEN: They are?

7 IRVING: --but they got no tax--

8 McFADDEN: Okay.

9 IRVING: --abatements.

10 BLOOM: The whole area is a--

11 IRVING: Right.

12 BLOOM: --TIF district.

13 McFADDEN: Okay. Well, I wasn't aware of that.

14 IRVING: Right. Just for clarification, that's all.

15 McFADDEN: Okay.

16 IRVING: It doesn't make any difference, but just

17 to--

18 BLOOM: Well, yeah, it does.  
19 IRVING: --a phone call going--because you know--  
20 BLOOM: Well, yeah--  
21 IRVING: --one of our million people that watch--  
22 BLOOM: --it makes a difference.  
23 IRVING: Okay. Okay, thank you very much.  
24 McFADDEN: Thank you.  
25 IRVING: Do we--

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1 BLOOM: Thank you, Ellis.  
2 IRVING: --do we have anyone else to speak in favor  
3 of the fund? Do we have anyone that would like to  
4 speak against the fund? Against establishing the  
5 fund? Okay. May I have a motion to close the Public  
6 Hearing?  
7 PETERS: So moved.  
8 BLOOM: Second.  
9 IRVING: All in favor, say, "Aye."  
10 PETERS: Aye.  
11 BLOOM: Aye.  
12 IRVING: Aye. Motion carried. Is there any  
13 discussion amongst the Commissioners?  
14 PETERS: Well, I've got a real concern right out of  
15 the gate. Three and a third cents on \$100.00  
16 assessed valuation isn't a lot, there's no question.  
17 But we continue to go back to taxpayers and ask them  
18 to ante up. This, effectively, is a new tax for  
19 those residents of the Southwest Fire District. Now,  
20 I have no doubt that there is need for those dollars.  
21 But I guess until such time as we have a better sense  
22 of what those dollars will raise over a 10-year  
23 period, and what those specific needs are going to be  
24 over a 10-year period, I'm a little bit reluctant  
25 to--to endorse something like this. Is something

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1 needed, yeah, I think something is needed. Is three  
2 and a third cents the number, I just don't know. And  
3 I guess I would rather, if we're going to do  
4 something, start at a lower level and have to move up  
5 on it rather than hit everybody with a--with a three  
6 and a third cent per \$100.00 assessed valuation  
7 adjustment and--and try and move it down because as  
8 we know, unfortunately, or as we see all too often,

9 there aren't a whole lot of taxes that are started  
10 that ever go away. And so I've got--  
11 BLOOM: Or decrease.  
12 PETERS: --or decrease--so I've got a little bit of  
13 fear with respect to that and think that if we have  
14 the ability perhaps to look into the future a little  
15 bit more in terms of what those specific needs are  
16 and what this fund would raise based on--based on  
17 history or what we can judge has happened from the  
18 past, my comfort level would elevate a lot.  
19 BLOOM: And I agree with that, but I really would  
20 like to see a 10-year plan and also fire stations  
21 within the perimeter. Even though you're saying  
22 they're fire districts, interlocals is really what  
23 the County does in a lot of places. And if we have  
24 within--I know you said something to us prior to this  
25 meeting about a five mile and that it affected the

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1 insurance costs--  
2 McFADDEN: Right.  
3 BLOOM: --but if we're sitting, and we all know, with  
4 recent annexation that we have a lot more fire  
5 stations than we've had in the past, and you have one  
6 there with a new one a half a mile, a mile away, that  
7 is there not any chance that we could do some kind of  
8 an agreement?  
9 McFADDEN: Well, one of the things, I guess we--we  
10 were there first.  
11 BLOOM: Could--could you--  
12 IRVING: You can't do that.  
13 BLOOM: --what?  
14 IRVING: You can't do that. It's--  
15 ELSER: You closed the hearing.  
16 IRVING: --we've already closed the hearing.  
17 BLOOM: We closed the hearing. I'm just talking.  
18 Anyway, those are my concerns. I really would like  
19 to, because you were planning on spending no money  
20 next year, you were just starting your cum fund for  
21 future, and if you could get us some kind of numbers  
22 as to projections even though costs go up each year.  
23 Plan that in there, whatever. I don't feel at this  
24 time that I can approve this.  
25 IRVING: Well, I'm taking a different stance on it

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1 for economic development. First of all, that is a  
2 huge booming area. Obviously, the homes that have  
3 been built out in that area were an agreement with  
4 Southwest Allen in order for Lafayette Center to keep  
5 their community school out in that area. I'm the  
6 last one that--that likes tax increases, but if you  
7 look at what we're doing out in that area--

8 BLOOM: Yeah.

9 IRVING: --with an increase in over \$200,000,000.00  
10 that General Motors has just added onto the retooling  
11 and the new 285,000 square foot facility that has  
12 been added onto that. If you look at over the next  
13 four years, the expansion of the corporate office of  
14 Vera Bradley, the new factory--or sewing center is  
15 going to, hopefully, be open by the end of the year,  
16 and then they've got at least three more buildings  
17 that are going to be built. We're right now working  
18 very diligently on securing our first business to go  
19 into the shovel-ready site program that has just been  
20 designated from the State. Right now we have 232  
21 acres that are under contract, and we have another 80  
22 acres that is getting ready to be expanded into that  
23 area. We also have the brand new soybean--which is  
24 the first in the state--for United REMC that was just  
25 started up. With what is going on in that area, I

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1 feel like it is extremely important for Southwest  
2 Fire District to make sure that, number one, that  
3 they have the--the proper tools that they need for  
4 public safety, and that they have the ability to make  
5 sure that the homes and the industrial investment  
6 that has gone into that area is secure. So--I'll  
7 entertain a motion.

8 Okay, if there's no motion, then it dies for a  
9 lack of motion. Okay. It has died for a lack of  
10 motion then.

11 McFADDEN: Thank you.

12 IRVING: Thank you very much.

13 BLOOM: Thanks, Ellis.

14 IRVING: Okay, next on the contract with IKON Office  
15 Solutions, Incorporated to review printer and copier  
16 efficiencies throughout the County.

17 BLOOM: Good morning.  
18 MOSS: Good morning.  
19 VOGT: Good morning.  
20 MOSS: My name is Paul Moss, County Council member.  
21 VOGT: Darren Vogt, County Council member.  
22 MOSS: And we didn't draw straws or anything, but I  
23 guess I'll just jump into it here. This is--this is  
24 not the sexiest of issues that you're going to deal  
25 with today, I don't think, but it's an important

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1 issue nonetheless. The Council voted, I believe, two  
2 months ago to appropriate \$4,000.00 to commission a  
3 study to look at the potential leasing of copiers  
4 throughout the County. And the reason for this is  
5 because the Council seems to have been inundated, at  
6 least since I've been on there it seems to be pretty  
7 frequent, requests for replacement or repair of  
8 copiers.

9 BLOOM: Uh-huh (affirmative).

10 MOSS: And I felt, and have brought this up  
11 periodically, that it might be a good idea for us to  
12 take a more comprehensive approach to how we either  
13 purchase or potentially lease copier machines. And  
14 so I kind of took it on--upon my--on my own  
15 initiative to look at options and try and find a  
16 company that could come in and really give us a  
17 comprehensive review of our copier purchasing and  
18 potential leasing with the intention of then  
19 developing an RFP to put out there for a bid to see  
20 if there are, indeed, some savings available. So,  
21 kind of a long story short there, I provided the  
22 copy--the contract with IKON to Commissioner Peters  
23 for review. I would anticipate that you would want  
24 to have your attorney take a look at that and  
25 possibly directly contact IKON to make some changes.

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1 But beyond that, that's kind of where we're at at  
2 this point. I'm not sure if Councilman Vogt if you  
3 have any comments you'd like to add?

4 VOGT: The only thing I'd like to add is that from a  
5 budgeting standpoint, it will help us if we have a  
6 set plan, not only for the departments and elected  
7 officials, but for us as--as a budgeting agent of the

8 County that we know exactly what we're having to set  
9 aside for copiers. So, it would help if we had some  
10 sort of long-term game plan with the copiers,  
11 potentially, if leasing works. If it doesn't, then we  
12 can continue to go back, but we felt it was important  
13 to look forward and see what we could do.

14 PETERS: I've got to admit, I like this perspective a  
15 whole lot better than, you know, the other way  
16 around.

17 VOGT: I don't blame you.

18 PETERS: What do you--long-term, what do you  
19 anticipate this program doing for the County? I  
20 mean, I heard plan, I heard--I mean, what--what--  
21 what, functionally, might we expect out of something  
22 like this.

23 MOSS: Well, I think that's going to depend on how  
24 the study comes out, quite frankly, and what the  
25 various entities that could participate in the RFP

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1 process. I--I don't think I can answer that. I  
2 would hope that there would be some substantial  
3 savings for the County, and I would anticipate, just  
4 intuitively, I think, that you would find that you  
5 would be able to save some money, but we honestly  
6 don't know that for sure without doing the study.

7 PETERS: Well, I guess what I'm asking is, are the  
8 types of things this study might look at, would they  
9 include networking a printer for a couple of offices,  
10 relocating a copy machine in a place that  
11 logistically is more advantageous for multiple  
12 departments? Is that what we're after here?

13 MOSS: Well, yes. And I'm not an expert on copier  
14 study, but I certainly believe, having dealt with  
15 this on the periphery in my other job, that one of  
16 the things that they would look at, because they are  
17 experts in this area, is the department by  
18 department, how many copy--copies they're producing  
19 and sizing copiers appropriately, maybe trying to  
20 find some economies of scale in terms of combining  
21 departments copier production--or copy production,  
22 and things of that nature. So, I think the answer to  
23 that is yes. I do believe that the--there's a  
24 representative of IKON here. I thought I saw Laura

25 back there somewhere. I don't know if you want to  
0025

1 have her try to answer any of your questions or not.

2 But I certainly think that that is one of the

3 intentions of the--of the study.

4 PETERS: Okay. Thank you.

5 IRVING: Are--are you not here to answer questions

6 about this contract because this contract is not

7 going to be used by the RFP? I mean, so they

8 understand a little bit.

9 MOSS: I'm not here to answer questions about the

10 contract. I don't know if Darren wants to. I

11 suspect he probably doesn't. I think quite frankly

12 what you should do is have the contract reviewed by

13 your attorney and then--I mean, Mr. Fishing then

14 can contact IKON if he has any--

15 IRVING: Okay.

16 MOSS: --issues. It's a stan--I believe that that is

17 a template agreement--

18 IRVING: Okay.

19 MOSS: --that they provided to us. What Council

20 simply did was appropriate the funds for this study.

21 IRVING: Okay. Some of the--I did have a few

22 questions on it, and they may be answered, but page

23 10 was missing on the contract.

24 ELSER: You have a new one.

25 IRVING: You have a new one?

0026

1 ELSER: There is no page 10.

2 IRVING: There is no page 10? Okay. Normally, we do

3 not pay for services up front. And this, on page--

4 I've got it circled here--on page nine of 13, it

5 says, "The price for assessment services shall be

6 \$4,000.00. IKON requires full payment to initiate

7 the project." Is that like negotiable?

8 MOSS: I would assume so.

9 VOGT: I would assume so.

10 IRVING: Okay. So any of the questions that we have

11 in the contract should go to our attorney then?

12 VOGT: I would--I would--that's the suggestion I

13 would make, is make something that--that, you know,

14 make suggestions that need to be changed, and--and

15 deal with--with IKON on that.

16 IRVING: Okay. When Council approved this, did you  
17 have any type of a length of time, an end date, on--  
18 on this process because I didn't see an end date in  
19 here either? Did you have anything particularly in  
20 mind?

21 MOSS: Well, the commitment from IKON, if I recall,  
22 this whole process has moved forward in, typically,  
23 convoluted government fashion, frankly. And it's  
24 gone on for months for a variety of reasons. But I  
25 think IKON, if I recall correctly, committed to, once  
0027

1 that contract is signed, having it complete--having  
2 the study completed within thir--within 30 to 45  
3 days, which is a pretty quick turnaround.

4 IRVING: Uh-huh (affirmative). So, that could be  
5 added to our RFP then on this.

6 MOSS: Sure. Oh, yeah. I would assume so.

7 VOGT: And keep in mind, this is separate from an RFP  
8 that would go out based on--

9 IRVING: Right.

10 VOGT: --the recommendations that they would see that  
11 would need to be done.

12 MOSS: That is an--that is an important point. This  
13 is--IKON is simply completing the study--

14 BLOOM: Right.

15 MOSS: --and by us paying them, they wouldn't do this  
16 for--

17 IRVING: Okay.

18 MOSS: --free, obviously, but we would not then own  
19 the results of that study. The--

20 BLOOM: Right.

21 MOSS: --intent of paying the \$4,000.00 is to own  
22 that study so that we then can go out--

23 IRVING: Okay.

24 MOSS: --and distribute an RFP to everybody--Xerox--

25 IRVING: Oh, so this is the contract that you want us  
0028

1 to sign?

2 MOSS: That's the template contract, that's correct.

3 IRVING: Okay.

4 MOSS: But I assume that you would want to make some  
5 changes.

6 IRVING: Right.

7 MOSS: I didn't feel it was appropriate for me to  
8 negotiate a--

9 IRVING: So we're not voting on this today?

10 MOSS: That--I'm not asking for you--

11 IRVING: Okay.

12 MOSS: --to vote on that today. I would assume--

13 IRVING: Okay.

14 MOSS: --that you're going to want to make some  
15 changes.

16 IRVING: Okay. Thank you.

17 BLOOM: Thank you very much.

18 MOSS: Uh-huh (affirmative).

19 IRVING: We appreciate it.

20 MOSS: Thank you.

21 IRVING: Mr. Fishing, would--I feel that we should  
22 direct you to review the contract and make any notes.

23 FISHERING: Yeah, I'll deal with IKON.

24 IRVING: Okay. Thank you very much. Is that okay  
25 with my two partners?

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1 PETERS: Uh-huh (affirmative). Yep.

2 BLOOM: Sure.

3 IRVING: Okay. Request by Lake Township to borrow  
4 \$10,000.00 on a short-term--on short-term basis to  
5 fund poor relief services in the township.

6 BLOOM: Hi, Daniel.

7 LINNEMEIER: Good morning. How are you?

8 IRVING: Hi, Dan. How are you?

9 LINNEMEIER: I'm fine. And yourselves?

10 IRVING: Wonderful.

11 BLOOM: I've seen you before.

12 LINNEMEIER: I was going to say the same thing.

13 BLOOM: Uh-huh (affirmative).

14 LINNEMEIER: What I'm here for this morning is a

15 little housekeeping matter, I believe. In 2004, poor  
16 relief started taking a turn where we had

17 appropriation and we didn't have the monies to do

18 this. So, when 2005 came along, we had the

19 appropriation and we were out of monies. So, I had

20 an internal--I borrowed from myself from my cum fund

21 to keep this going thinking we could do this in June,

22 make it all work out, but we started the paperwork

23 going to say we're going to have to get a loan. So,

24 I went through the public hearing, the advertising,  
25 all that type of stuff until it got down to where I  
0030

1 would have to come before County Council and you  
2 guys. At that time I got thinking, "You know, if I  
3 could avoid this by borrowing from myself and not  
4 paying the interest would be the way to go." So, we  
5 contacted the State, Jane and myself did from the  
6 Budget Department, and said, you know, "Can we do  
7 this?" The State e-mailed back, "Yeah, that looks  
8 like that would be able to work." So, we thought we  
9 were home free. We were going to put a tax rate on  
10 in 2006, pay it back, everything would be fine. then  
11 they decided to reverse themselves, and they said,  
12 "No, you can't do that," after the budget time going.  
13 So, they said, "Well, you'll have to go back through  
14 the other--to the other situation." So, we thought,  
15 "Now, here I am. I'm past the budget time. What do  
16 I do?" So, we put in also then for a--and this is,  
17 like I say, it's almost a comedy of errors--we put in  
18 for a--appeal for excess levees, came back from the  
19 State in December the 5th. December the 19th of '05,  
20 it was denied. Came back to the same appeal on  
21 January the 5th. And January the 11th, that it was  
22 approved. Same thing. So, you know, we're--we're  
23 betwixt and between.

24 IRVING: Right.

25 LINNEMEIER: So, when I had my budget hearing this  
0031

1 year, the bottom line is, I still owe Lake Township's  
2 cum fund \$10,000.00.

3 IRVING: Right.

4 LINNEMEIER: And so, we have to be able to put a tax  
5 rate on that. They told me, George and Susan--or  
6 Jane said, "Appear before the Commissioners, ask for  
7 the loan, you guys will turn me down, and that will  
8 trigger everything." It--it's the same thing it  
9 would have been if we had done it before, but we  
10 didn't do it that way before. So, what I'm here this  
11 morning is to request to borrow \$10,000.00, and I'm  
12 also requesting that you turn me down because the  
13 paperwork is already in process that we can go the  
14 other way.

15 BLOOM: I'd like to make a motion to deny Lake  
16 Township Trustee the \$10,000.00 that he has requested  
17 from the Allen County Commissioners.  
18 PETERS: And as you've seen, we're in such a giving  
19 mood today, so I will second that.  
20 IRVING: All in favor, say, "Aye."  
21 PETERS: Aye.  
22 BLOOM: Aye.  
23 IRVING: Aye. Motion carried.  
24 BLOOM: Good luck, Dan.  
25 IRVING: Appreciate it.

0032

1 LINNEMEIER: Thank you very much for declining my--  
2 my--I didn't think I'd ever say that--my request. I  
3 appreciate it. It's just--  
4 BLOOM: No, I know it.  
5 IRVING: Thanks, Dan.  
6 BLOOM: It's procedure.  
7 IRVING: Right.  
8 LINNEMEIER: Government in action. Thanks a lot.  
9 IRVING: Amendment to the Allen County Code Title 3  
10 (Zoning Ordinance) Article 9 (Residential Lot Req--  
11 Lot Area Requirements). Good morning, ladies.  
12 BOWMAN: Good morning.  
13 PETERS: Good morning.  
14 WOOD: Good morning.  
15 BLOOM: Good morning.  
16 BOWMAN: Kim Bowman, Allen County Department of  
17 Planning Services.  
18 WOOD: Michelle Wood, Department of Planning  
19 Services.  
20 BOWMAN: We're here to present and propose a tax  
21 amendment to the Allen County Zoning Ordinance. This  
22 would affect residential lots, metes and bounds lots,  
23 and unincorporated Allen County. Access easements  
24 are for properties that do not have direct road  
25 frontage. The procedure for this has changed over

0033

1 the years. Prior to 1991, each request for an  
2 easement went before the Planning Commission at a  
3 public hearing.  
4 BLOOM: Yeah.  
5 BOWMAN: In 1991, the Planning Commission amended its

6 Rules of Procedure to allow an administrative review  
7 of these access easements. We're requesting this  
8 change today because there--there are many situations  
9 in Allen County that really don't fall into these  
10 administrative procedures. We found the development  
11 of I-469, for example, has created several situations  
12 for property owners where they cannot--

13 BLOOM: Uh-huh (affirmative).

14 BOWMAN: --have an access easement that meets our  
15 requirements and because they are housed in our Rules  
16 of Procedure, there are no administrative reliefs  
17 like through a--a variance. This inflexibility has  
18 also caused many situations where we've seen several  
19 access easements together with one common road.

20 Sometimes it makes it very difficult for addressing.  
21 The Planning Commission has held a public hearing,  
22 and two people spoke in favor of this, Jerry Ehle  
23 with Shrader and also a property owner that is  
24 interested in developing a meets and bounds--

25 BLOOM: Uh-huh (affirmative).

0034

1 BOWMAN: --a subdivision with our standards. This  
2 does not impact the selloff or the conveyance. It's  
3 still the two per 12 or the unlimited 20's, but it  
4 takes our access easement provisions in the Rules of  
5 Procedure and putting it into our Zoning Ordinance  
6 for the flexibility. And it--it will become  
7 enforceable, unlike conditions housed in our Rules of  
8 Procedure. The Planning Commission does send a  
9 do-pass recommendation for your consideration. I'll  
10 be happy to answer any questions.

11 BLOOM: In other words, we're just deferring our  
12 responsibility in making it now the responsibility of  
13 the Planning Commission--

14 BOWMAN: It's--the reason it's--

15 BLOOM: --the--

16 BOWMAN: --before you--

17 BLOOM: --Committee?

18 BOWMAN: --it's because it is an ordinance change.

19 IRVING: Uh-huh (affirmative).

20 BOWMAN: It is still--

21 BLOOM: In what we have?

22 BOWMAN: Uh-huh (affirmative). And you need to vote

23 on that. It is still an administrative procedure.  
24 It is not going before any type of public hearing  
25 unless a variance would be--

0035

1 BLOOM: Okay.  
2 BOWMAN: --necessary. The reason for the change is  
3 currently it is unenforceable in the Rules of  
4 Procedure, and because of certain situations, it does  
5 not have any flexibility. And in looking at some of  
6 the current situations we have in the County, like  
7 with legal drains, sometimes there's an issue. We  
8 have an issue on North County Line Road where DeKalb  
9 County has a responsibility of the road and they  
10 denied a person a driveway cut because there is an  
11 existing drive, and they said, "Well, you need to  
12 hook into the existing drive."  
13 BLOOM: And there's nothing--  
14 BOWMAN: But then the existing drive is at the  
15 maximum for the number of lots, and so the homeowner  
16 is like, "Well, what can I do?"  
17 IRVING: I'll entertain a motion.  
18 PETERS: I make a motion to approve the amendment to  
19 the Allen County Code Title 3 Article 9.  
20 BLOOM: Second.  
21 IRVING: All in favor, say, "Aye."  
22 PETERS: Aye.  
23 BLOOM: Aye.  
24 IRVING: Aye. Motion passed. Thank you, ladies.  
25 BOWMAN: Thank you.

0036

1 BLOOM: Thank you.  
2 IRVING: Supplemental Agreement between Allen County  
3 and GAI Consultants for Phase I--  
4 BLOOM: This isn't it.  
5 IRVING: No--Phase I Environmental Site Assessment at  
6 4813 New Haven Avenue.  
7 PETERS: This is an agreement to do the Environmental  
8 at the proposed Sheriff's building over on New Haven  
9 Avenue. Now, you'll see in a letter from Derek Falk,  
10 the Branch Manager, they had a--a reduction from  
11 2,000 [\$2,000.00] to 1700 [\$1700.00]. He's actually  
12 reduced that from 2,000 [\$2,000.00] to 1300  
13 [\$1300.00]. So we will get that worked on for

14 \$1300.00. And having said that, I would make a  
15 motion to approve the Supplemental Agreement between  
16 Allen County and GAI Consultants for Phase I  
17 Environmental Site Assessment, 4813 New Haven Avenue.

18 BLOOM: Second.

19 IRVING: Is there any further discussion? Does the  
20 meeting that--I know that the Sheriff is coming in at  
21 11:00, does that affect anything that we're doing on  
22 the building out there because that's what he wants  
23 to discuss? And if we approve this contract and  
24 there's discussion with him, would we have to go  
25 through with this? I mean, I don't--I'm a little out

0037

1 of the loop on what the meeting is all about.

2 FISHERING: Well, I'm not sure what the meeting is  
3 about, but this is part of the standard research you  
4 do to take title over something.

5 BLOOM: Absolutely.

6 IRVING: Okay. But if the Sheriff--

7 BLOOM: You always do a Phase I.

8 IRVING: --it doesn't--if there's some question about  
9 the building, are we tied into this if we vote on it?

10 FISHERING: Not if you vote on it. You're going to  
11 have to sign it before you're tied into it.

12 PETERS: Yeah, and I believe--

13 FISHERING: (indiscernible)

14 PETERS: --I believe that the work has actually  
15 already--

16 FISHERING: Been done?

17 PETERS: --been done.

18 IRVING: Oh.

19 FISHERING: Then you're tied.

20 BLOOM: Phase I is always something--

21 IRVING: Okay. Will that change that?

22 BLOOM: --we do on property.

23 FISHERING: Yeah.

24 IRVING: Okay.

25 BLOOM: If there would be any question, Phase II

0038

1 would be the one that we probably wouldn't want to  
2 sign unless--

3 IRVING: Okay.

4 BLOOM: --but Phase I is sort of a standard.

5 IRVING: Okay.

6 BLOOM: We do that on all--

7 IRVING: Okay. It's been moved and seconded. All in  
8 favor, say, "Aye."

9 BLOOM: Aye.

10 PETERS: Aye.

11 IRVING: Aye. Motion carried.

12 BLOOM: I didn't sign it.

13 IRVING: Well, we have one more page to sign. Nelson  
14 didn't sign the second page.

15 PETERS: Oh, sorry.

16 IRVING: Contract with the Indiana State Board of  
17 Animal Health for Bovine and Tuberculosis Programs in  
18 Allen County.

19 ELSER: This is an annual contract in the amount of  
20 \$1,000.00 that is done through our Board of Health  
21 with the State.

22 PETERS: I make a motion to approve the contract  
23 between the Indiana State Board of Animal Health.

24 BLOOM: Second.

25 IRVING: All in favor, say, "Aye."

0039

1 IRVING: Aye.

2 PETERS: Aye.

3 BLOOM: Aye.

4 IRVING: Motion carried. Approve preliminary  
5 engineering study proposal between A&Z Engineering  
6 and Allen County for Woodburn Road and Webster Road  
7 Intersection, \$23,950.00.

8 BLOOM: Good morning, Bill.

9 HARTMAN: Good morning.

10 PETERS: Good morning.

11 HARTMAN: I'm Bill Hartman with the Allen County  
12 Highway Department. This is an intersection that  
13 gets increased traffic all the time. We've got a  
14 guardrail around the radius there that--it's a sharp  
15 right-angled turn that we replaced damage to probably  
16 semi-annually in all of the last 30 years that I've  
17 worked for the Highway Department. And we'd like to  
18 study realignment of this intersection.

19 BLOOM: So moved.

20 PETERS: Seconded.

21 IRVING: All in favor, say, "Aye."

22 PETERS: Aye.  
23 BLOOM: Aye.  
24 IRVING: Aye. Motion carried. Approve survey and  
25 preliminary engineering proposal between the  
0040

1 Schneider Corporation and Allen County for Fritz Road  
2 and Wallen Road Intersection, Project #1200306 for  
3 \$26,000.00.

4 HARTMAN: This intersection has some sight distance  
5 problems. And there again, the increased development  
6 and traffic in the area warrant, according to our  
7 traffic engineer's study, of improving this  
8 intersection for, you know, for future use.

9 BLOOM: So moved.

10 PETERS: Seconded.

11 IRVING: All in favor, say, "Aye."

12 PETERS: Aye.

13 BLOOM: Aye.

14 IRVING: Aye. Motion carried. Approve Supplemental  
15 Agreement #2 between Beam Longest & Neff and Allen  
16 County for additional right of way engineering  
17 services for the Sherman Street Bridge over Spy Run  
18 Creek, Bridge #BR0797. Total Agreement #2 is  
19 \$900.00.

20 HARTMAN: This project originally was just a  
21 rehabilitation of the existing bridge, and as it's  
22 evolved, it's turned into a total reconstruction of  
23 that bridge which is going to require more additional  
24 right of way than the additional scope of work, so  
25 this--this is to take that into account.

0041

1 BLOOM: So moved.

2 PETERS: I'll second it.

3 IRVING: All in favor, say, "Aye."

4 PETERS: Aye.

5 BLOOM: Aye.

6 IRVING: Aye. Motion carried. Can I take all three  
7 Warranty Deeds under one motion? Bill?

8 FISHERING: Yes.

9 IRVING: Okay. Approve Warranty Deeds requirement  
10 for additional right of way for Scott Road Hill Cut,  
11 Project #05-316, Parcel 1, Tom Morningstar. Approve  
12 Warranty Deed required for additional right of way

13 for the Summit Street Bridge over the Martin Ditch,  
14 David Yount, #00-025 Project. And approve Warranty  
15 Deed regarding to additional right of way acquisition  
16 for the O'Day Road Bridge over the Seegar Ditch,  
17 Project #BR0997 from Mr. Kelley.  
18 BLOOM: I'll make a motion that we approve the three  
19 Warranty Deeds for the three separate projects  
20 mentioned.  
21 PETERS: I'll second that.  
22 IRVING: All in favor, say, "Aye."  
23 PETERS: Aye.  
24 BLOOM: Aye.  
25 IRVING: Aye. Motion carried. Thank you very much--  
0042

1 HARTMAN: Thank you.  
2 IRVING: --Mr. Hartman.  
3 HARTMAN: Thank you.  
4 IRVING: We appreciate it. Under "Other Business,"  
5 we have the renewal of the Commitment to the  
6 Department of Justice for the ADA settlement.  
7 BLOOM: Good morning, Brian.  
8 DUMFORD: Good morning.  
9 IRVING: Good morning, Brian.  
10 DUMFORD: Brian Dumford, Human Resources Director and  
11 ADA Coordinator. We are approaching our first  
12 anniversary of the Settlement Agreement with the  
13 Department of Justice under Project Civic Access. If  
14 you recall, last spring and summer, we were visited  
15 by members of the Disability Rights Section of the  
16 Department of Justice for the assessment of Allen  
17 County government's accessibility to people with  
18 disabilities. So, I'm preparing the first report of  
19 our progress with our agreement and ask the  
20 Commissioners to just reaffirm our policy with the  
21 notice to disabled individuals in our acceptance of  
22 the ADA and also the grievance procedures that we  
23 have for people with--to make ADA grievances. Both  
24 of these notices are posted on the County website and  
25 in County facilities, and we're just asking for a  
0043

1 reaffirmation.  
2 BLOOM: The program that we have started in--I'm not  
3 sure what the timeframe is on the work that we are to

4 have done, but I know how very, very hard you have  
5 worked and our maintenance people have worked to  
6 comply with the ADA guidelines. And in fact, this  
7 morning, we're getting ready to ship off the first  
8 year in disk form to the Department of Justice which  
9 Commissioner Irving and I attended last year with you  
10 and your wife. We were given--Allen County was given  
11 a national award for following all of the guidelines,  
12 and I'm extremely proud to be part of this. They're  
13 going to be happy with us because I think some of the  
14 areas, especially the governmental areas, have not  
15 taken this as seriously as we have. And I'm proud of  
16 you and the work you've done. Thank you.

17 DUMFORD: Thank you. I would like to also compliment  
18 Dan Freck and the--

19 BLOOM: Absolutely.

20 DUMFORD: --Maintenance Department.

21 IRVING: Uh-huh (affirmative).

22 DUMFORD: We have three years to physically--

23 BLOOM: Okay.

24 DUMFORD: --complete the changes to all of our  
25 buildings.

0044

1 BLOOM: Okay.

2 DUMFORD: And he's told me he's about a year and a  
3 half ahead--

4 IRVING: Ahead.

5 DUMFORD: --of schedule.

6 IRVING: Yeah, he is.

7 DUMFORD: So they are just--they are rocking and  
8 rolling down there.

9 BLOOM: Yeah, they are. I'd like to make a motion  
10 that we renew our commitment with the Justice--

11 IRVING: Department of Justice.

12 BLOOM: --Department of Justice for ADA compliance.

13 PETERS: I'll second that.

14 IRVING: All in favor, say, "Aye."

15 PETERS: Aye.

16 BLOOM: Aye.

17 IRVING: Aye. Motion carried.

18 DUMFORD: Thank you very much, Commissioners.

19 IRVING: Thank you very much. I'd also like to  
20 mention to all our TV viewers we've had over 1700 on

21 our smoking poll, and it just started a week ago  
22 today. It's going to run until approximately August  
23 1st, so get online at [www.allencounty.us](http://www.allencounty.us) and make  
24 sure that you do your voting. We also have a plat  
25 for signature. Which plat is it, please?

0045

1 BLOOM: Good morning.

2 IRVING: Good morning, Michelle.

3 WOOD: Good morning again. Michelle Wood. It's for  
4 Prairie Meadows, Section I. We did receive this  
5 signed from the Surveyor after the Friday deadline,  
6 so I'm just requesting that we can have it signed  
7 under "Other Business" today.

8 IRVING: Okay.

9 WOOD: Thank you.

10 IRVING: Thank you.

11 BLOOM: Thank you.

12 IRVING: Do we need a motion for that? Yeah, I need  
13 a motion.

14 BLOOM: I'll make a motion that we sign the plat for  
15 Prairie Meadows, Section I.

16 PETERS: I'll second it.

17 IRVING: All in favor, say, "Aye."

18 PETERS: Aye.

19 BLOOM: Aye.

20 IRVING: Aye. Motion carried. Can I have a motion  
21 to approve the second readings?

22 PETERS: I make a motion to approve the second  
23 reading for the Legislative Session of July 19th,  
24 2006.

25 BLOOM: Second.

0046

1 IRVING: All in favor, say, "Aye."

2 PETERS: Aye.

3 BLOOM: Aye.

4 IRVING: Aye. Motion carried. Do we have any  
5 comments from the public? Any comments from the  
6 public? Hearing none, have a wonderful week and  
7 we'll see you next Wednesday.

8 (Adjourned at 10:51 a.m.)

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0047

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 July 19, 2006 in the Allen County  
11 11 Commissioner's 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 25th day of July, 2006.

18 18  
19 19

\_\_\_\_\_

Kimberlee M. Adams, Notary Public  
Residing in Allen County, Indiana

20 20  
21 21

My Commission Expires:

22 22 December 2, 2011

23  
24  
25