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1 STATE OF INDIANA)
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2 COUNTY OF ALLEN)

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BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN

RE: LEGISLATIVE SESSION OF
September 6, 2006

DATE: September 6, 2006

TIME: 10:09 a.m.

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

REPORTER: Kimberlee M. Adams

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1 PRESENT:
2 Marla J. Irving Allen County Commissioner
3 Nelson Peters Allen County Commissioner
4 Susan Elser Commissioners Office
5 Mary Hitchens Allen County Public
 Information

6

G. William Fishering Allen County Counsel

7

Bill Hartman Allen County Highway

8 Department

9 Dick Conklin Tobacco Free Allen County

10 Kimberlee M. Adams Rolf Reporting, Inc.

11 Cindy Larson News Sentinel

12 Jeff Neumeyer WPTA-TV

13 Ben Lanka Journal Gazette

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1 I N D E X

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3 Presentations by:

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Bill Hartman 6

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Dick Conklin 17

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2 Agenda:

3
4 1. Approval of the Minutes of 8-30-06 6

5 2. Approve Agreement for Sidewalk/Trail
6 Design Service on Dupont Road from Pine
7 Mills to Auburn, Allen County, Indiana,
8 between Allen County and Strand
9 Associates, Inc. for \$5,000 6

10 3. Approve Proposal for Right-of-Way
11 Engineering Services for Fritz Road and
12 Dupont Road Intersection Improvements,
13 Allen County, Indiana, between Allen
14 County and A&Z Engineering, for \$9,700.00 7

15 4. Approve Proposal for Right-of-Way
16 Engineering Services for Hand Road and
17 Baird Road Intersection Improvements,
18 Allen County, Indiana, between Allen
19 County and A&Z Engineering, for
20 \$11,950.00 8

5. Approve Revised Change Order # 2 and
Final between Primco, Inc. and Allen
County on the Zubrick Road
Reconstruction, Project #05-279,
\$7,048.62 Decrease. Original Contract
Amount, \$1,549,964.53. Final Contract
Amount, \$1,141,688.03 9

6. Approve and Accept Completion of the
Realignment of Homestead Road by Bunn,
Inc., Project #04- 209, Bid Reference
#45-05. Final construction cost,
\$166,163.20 11

- 21 7. Approve and accept completion of the 2005
HMA Resurface Package #2, Bid Reference
22 #21-05 at the following locations: 12
23 A) Project #05-198, Edgebrook
Drive, From Rosewood Drive to
24 West Jefferson Blvd.
25 (AGENDA continues)
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1 (AGENDA continued)
2
B) Project #05-199, Rosewood Drive,
3 From Aboite Center Road to
Cul-de-sac.
4
C) Project #05-200, Winchester Road,
5 From Poe Road to Simmerman Ditch.
6 D) Project #05-201, North Clinton
Street, From Ft. Wayne City
7 Limits to Mayhew Rd.
8 E) Project #05-220, Whispering
Creek Trail, From Aboite Center
9 Road to Cul-de-sac.
10 F) Project #04-249, Donna Lynn
Lane, From Old Lima Road to
11 Cul-de-sac.
12 G) Project #04-250, Doug Drive,
From Donna Lynn Lane to
13 Cul-de-sac Wayne Asphalt and
Construction Company, Inc. was
14 the contractor. Final contract
amount \$260,269.13.
15
8. Approve Revised Change Order #1 and Final
16 between Pioneer Associates, Inc. and
Allen County on the Maysville Road over
17 Koester Ditch, Project #02-338,
\$60,559.77 Increase. Original Contract
18 Amount, \$550,838.90. Final Contract
Amount, \$611,398.67 13
19
9. Other Business 15
20 A) Consolidated Government Poll
Update

21

10. Approval to waive the 2nd Reading on any
22 matter approved today and for which it
may be deemed necessary for the
23 Legislative Session of September 6, 2006 17
24 11. Comments from the Public 17
25 12. Motion to Adjourn 20

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1 IRVING: Good morning, and welcome to the September
2 6th Legislative Session. Before we begin, we'll all
3 say the Pledge of Allegiance and a moment of silence.

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

7 IRVING: Thank you very much. Approval of the
8 Minutes of the August 30th meeting.

9 PETERS: I make a motion to approve the Minutes of
10 August 30th, 2006.

11 IRVING: Second the motion. All in favor, say,
12 "Aye."

13 PETERS: Aye.

14 IRVING: Aye. Motion carried. Approve Agreement for
15 the Sidewalk/Trail Design Services on Dupont Road
16 from Pine Mills to Auburn, Allen County, Indiana,
17 between Allen County and Strand Associates, Inc. for
18 \$5,000.

19 HARTMAN: Good morning.

20 IRVING: Good morning.

21 HARTMAN: Bill Hartman, Allen County Highway.

22 PETERS: Good morning.

23 HARTMAN: I'm going to ask to table this agreement.

24 They don't have an interlocal agreement this time,
25 and so--

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1 IRVING: Okay.

2 HARTMAN: --we'll get that managed between now and
3 the next session--

4 PETERS: All right. I make a motion--

5 HARTMAN: --and then we'll proceed.

6 PETERS: --to defer the Sidewalk/Trail Design Service
7 on Dupont Road from Pine Mills to Auburn.

8 IRVING: It's--I'll second the motion. It's been
9 moved and seconded. All in favor, say, "Aye."

10 PETERS: Aye.

11 IRVING: Aye. Motion carried. Approve Proposal for
12 Right-of-Way Engineering Services for Fritz Road and
13 Dupont Road Intersection Improvements, Allen County,
14 Indiana, between Allen County and A&Z Engineering,
15 for \$9,700.00.

16 HARTMAN: Yeah, we've got the design pretty well
17 complete on this intersection. We'd like to proceed
18 with right-of-way acquisition. We were told in a
19 UTAB meeting yesterday that we've obtained CMAQ funds
20 to help with this intersection improvement for the
21 construction, so we've attracted outside money, you
22 know, to help--help this happen and we'd like to
23 proceed.

24 PETERS: I make a motion to approve the Proposal for
25 Right-of-Way Engineering Service for Fritz Road and
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1 Dupont Road between Allen County and A&Z Engineering.

2 IRVING: I'll second that motion. Is there any
3 discussion on it? Mr. Hartman, where did you say--
4 we're getting money from a grant or--or--

5 HARTMAN: Yeah, there's--

6 IRVING: --what was that again, please?

7 HARTMAN: --there's federal money available whenever
8 you--

9 IRVING: Federal money.

10 HARTMAN: --improve--

11 IRVING: Okay.

12 HARTMAN: --intersections and traffic flow for
13 emissions.

14 IRVING: Okay.

15 HARTMAN: And--and like I say, we applied for and we
16 were able to attract--

17 IRVING: Great.

18 HARTMAN: --you know, a grant for this project.

19 IRVING: I didn't see that on the original. Anymore
20 discussion? It's been moved and seconded. All in
21 favor, say, "Aye."

22 PETERS: Aye.

23 IRVING: Aye. Motion carried. Approve Proposal for
24 Right-of-Way Engineering Services for Hand Road and
25 Baird Road Intersection Improvements, Allen County,
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1 Indiana, between Allen County and A&Z Engineering,
2 for \$11,950.00.

3 HARTMAN: And this is the same situation. Like I
4 say, yesterday, I found out that we indeed did get a
5 grant for this improvement. So, we'd like to move
6 ahead with it.

7 PETERS: I make a motion to approve Proposal for
8 Right-of-Way Engineering Service for Hand Road and
9 Baird Road between Allen County and A&Z Engineering
10 for \$11,950.00.

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

13 PETERS: Aye.

14 IRVING: Aye. Motion carried. It seems quiet up
15 here, doesn't it? Well, I'm not going to say why,
16 but it seems awful quiet in here. Approve Revised
17 Change Order # 2 and Final between Primco,
18 Incorporated and Allen County on the Zubrick Road
19 Reconstruction, Project #05-279, \$7,048.62 Decrease.
20 Original Contract Amount was \$1,549,964.53. The
21 Final Contract Amount was \$1,141,688.03.

22 HARTMAN: We approved this actually either last
23 session or the session before--

24 IRVING: Yes.

25 HARTMAN: --but in a--in a third checking of the
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1 arithmetic, you know, and extensions on the--on the
2 change order, a few minor errors were found, and so
3 we're running this up the flagpole one more time to
4 get it absolutely correct.

5 PETERS: So did the final contract amount change or
6 did something else change?

7 HARTMAN: There--I can't--I--I should have had it
8 highlighted in here. I can't tell you exactly what
9 it was, but it was just, you know, a few hundred
10 dollars change from--

11 PETERS: Now, but--

12 HARTMAN: --it was just an error in extension.

13 PETERS: Okay.

14 HARTMAN: From la--you know, from the last time--

15 PETERS: Okay.

16 HARTMAN: --on one of the items. So--

17 PETERS: And what he was explaining was--and I

18 thought he was saying, "This number changed," because
19 we had approved this a couple of weeks ago.

20 HARTMAN: Right.

21 PETERS: And yes, this was the original number, but
22 this--was this the final number or was something else
23 the final number was--

24 HARTMAN: Yeah, there's--

25 PETERS: --my--was my question.

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1 HARTMAN: --there's a slight change, and I apologize.
2 I can't tell you exactly what it is at this time.

3 PETERS: Okay. I make a motion to approve Revised
4 Change Order # 2 and Final between Primco, Inc. and
5 Allen County on the Zubrick Road Reconstruction
6 Project.

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

9 PETERS: Aye.

10 IRVING: Aye. Motion carried. Approve and Accept
11 Completion of the Realignment of Homestead Road by
12 Bunn, Incorporated, Project #04-209, Bid Reference
13 #45-05. Final construction cost is \$166,163.20.

14 HARTMAN: This project was in conjunction with some
15 development in a school at Homestead and Ernst area,
16 just a Phase II of the completion of that
17 intersection and realignment of the curve, and we're
18 very pleased to have that open and complete.

19 PETERS: I make a motion to approve and accept
20 completion of the realignment of Homestead Road by
21 Bunn, Inc., final construction cost, \$166,163.20.

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

24 PETERS: Aye.

25 IRVING: Aye. Motion carried. Approve and accept

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1 completion of the 2005 HMA Resurface Package #2, Bid
2 Reference #21-05 at the following locations: Project
3 #05-198, Edgebrook Drive, Project #05-199, Rosewood
4 Drive, Project #05-200, Winchester Road, Project
5 #05-201, North Clinton Street--that's the City of
6 Fort Wayne Limits to Mayhew Road--Project #05-220,
7 Whispering Creek Trail, Project #04-249, Donna Lynn
8 Lane, Project #04-250, Doug Drive. Wayne Asphalt and

9 Construction, Incorporated was the contractor. And
10 the final contract amount was \$260,269.13.
11 HARTMAN: Yeah, we approved the final change order
12 for this last session, and that was due to adding a
13 couple of roads. This is actually last year's
14 resurface package, and you know, we just finally--we
15 got the paperwork done and everything is accepted and
16 complete on the project.

17 PETERS: Okay, so these have not been approved at
18 this point or the--

19 HARTMAN: The change order was approved last session,
20 yeah, the final quantities and, you know, for the
21 paperwork. And then this is our acceptance of all
22 the projects that are--

23 IRVING: Right.

24 PETERS: I gotcha.

25 HARTMAN: --you know.

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1 PETERS: Okay, I make a motion to approve and accept
2 the completion of the 2005 HMA Resurface Package.

3 IRVING: Number 2.

4 PETERS: Number 2.

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

7 PETERS: Aye.

8 IRVING: Aye. Motion carried. Approve Revised
9 Change Order #1 and Final between Pioneer Associates,
10 Incorporated and Allen County on the Maysville Road
11 over the--

12 HARTMAN: Koester.

13 IRVING: --Koester Ditch--

14 HARTMAN: Yeah.

15 IRVING: --Project #02-338, \$60,559.77 Increase.

16 Original Contract Amount was \$550,838.90. Final
17 Contract Amount was \$611,398.67.

18 HARTMAN: The additional charges on this were due to
19 some sheet piling that needed to be driven to
20 stabilize the ground so that we could maintain
21 traffic through the project. And then we had to add
22 some asphalt. We--in the transition from the new
23 bridge to the existing asphalt took some additional
24 materials to make the grades work properly and drain
25 as needed.

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1 IRVING: I'll accept a motion.

2 PETERS: I make a motion to approve Revised Change
3 Order #1 and Final between Pioneer Associates and
4 Allen County on Maysville Road over Koester Ditch.

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

7 PETERS: Aye.

8 IRVING: Aye. Motion carried. Do you have anything
9 else for us, Mr. Hartman?

10 HARTMAN: That's it for today. Thank you very much.

11 PETERS: Thank you.

12 IRVING: Well, I want to tell you, today I feel like
13 I'm in a love and hate relationship today with the
14 Highway Department--

15 HARTMAN: Uh-oh.

16 IRVING: --because I love all the projects that
17 you've done and I love the completion of all the
18 projects in a timely manner, but I hate to think that
19 winter is around the corner. Because when our
20 projects are done, that means that--that winter is--

21 HARTMAN: It will get colder.

22 IRVING: That's right. That's right.

23 HARTMAN: Yes, ma'am. It will get colder.

24 IRVING: Congratulations.

25 HARTMAN: Thank you very much.

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1 IRVING: Other Business, Susan?

2 ELSER: I have no other business.

3 IRVING: Okay. We've been asked to give an update on
4 our poll. So, here is the submission so far. It's
5 been on for one week as of noon today. We've had 412
6 participants. The first question: Do you believe
7 that the current structure of local government is an
8 obstacle to our community's progress and economic
9 development? Two hundred and eight [208] said "Yes,"
10 204 said, "No." Do you support the creation of a
11 committee for the purpose of studying the
12 reorganization of local government? The total number
13 who supported it was 234, the total number who did
14 not support it was 176. How large do you believe
15 that such a committee should be? And this was pretty
16 varied. Zero to five members, there were 55

17 participants. Five to 15 members, 158; 15 to 30
18 members was 91; and 30 plus members was 108. And
19 here's our split for the last question, where do you
20 live? Unincorporated Allen County had 149 voters. A
21 city or town outside the county of Fort Wayne, there
22 were 56 voters. And the City of Fort Wayne had 207.
23 So, in other words, 207 votes from inside Fort Wayne,
24 205 votes from outside Fort Wayne. Kind of
25 interesting, this poll is way behind some of the
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1 other ones we've done as far as what the participants
2 and the total numbers are. The other thing that's
3 been kind of interesting that we have not seen in
4 some of the other polls that we have done, is that
5 it's a very, very even split between who's excited
6 about consolidated and who's not excited about
7 consolidated government. So, we will keep you up.
8 Next week, we will give you our two week review. And
9 hopefully, all of you out there that have been
10 getting your kids back to school or--or getting back
11 from vacation will remember to go to
12 www.allencounty.us and vote on this important issue.
13 Commissioner Peters?

14 PETERS: Sounds like a commercial. Awesome.
15 IRVING: Hey, maybe that's my new profession. I'm
16 going to be a--what do they call those--

17 FISHERING: Announcer.

18 IRVING: What is it?

19 FISHERING: Announcer.

20 IRVING: No, the--the infer--the--what do they call
21 them that sells--

22 ELSER: Infommercials.

23 IRVING: That's exactly what it was. I've always
24 thought it would be kind of exciting. I'd like to
25 have a motion to waive the second reading.

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1 PETERS: I make a motion to approve to waive the 2nd
2 Reading on any matter approved today and for which it
3 may be deemed necessary for the Legislative Session
4 of September 6, 2006.

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

7 PETERS: Aye.

8 IRVING: Aye. Motion carried. Comments from the
9 public? I think we have someone that would like to
10 address us today. Come right up and introduce
11 yourself. And really, we don't bite.

12 CONKLIN: Actually, it's not a comment, it's a
13 question to see if you have the--I'm sorry, I'm Dick
14 Conkling, Tobacco Free Allen County. The question
15 that we have is what's the process that will be
16 followed by the Commissioners for the public hearing
17 scheduled for next Monday evening, September 11th
18 regarding the smoking ordinance? How will people
19 sign up to participate as representatives on that
20 issue? Is it going to be beforehand? Will it be at
21 the meeting itself? Will it be both? What--what's--
22 what's been determined?

23 PETERS: We've kind of left that in the hands of our
24 Public Information Officer, but it's my
25 understanding, at this point, the process is that

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1 people should call the office, submit their names,
2 and be put on a list. That won't preclude people who
3 haven't been put on that list from speaking, but that
4 at least helps us gain some sort of understanding as
5 to who may be talking and how many people we may
6 have.

7 CONKLIN: Okay.

8 IRVING: And that phone number is 449-7555.

9 PETERS: Thanks. I forgot the commercial part of
10 that announcement.

11 CONKLIN: Well, that helps.

12 PETERS: No, that's--absolutely.

13 IRVING: Well, or you can get on our website at
14 www.allencounty.us and you can send an e-mail.

15 CONKLIN: Well, that's always a possibility. I guess
16 the question is, are those who call in will have
17 first dibs--

18 PETERS: (Nods head yes.)

19 CONKLIN: Okay. That's all I needed to know. Thank
20 you.

21 IRVING: A little bit of a problem with that though,
22 when we start the meeting--

23 CONKLIN: Uh-huh (affirmative).

24 IRVING: --you know, we're going to have--try to

25 limit it to, I think, approximately three minutes.

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1 Is that what we did?

2 PETERS: It's two or three, but--

3 IRVING: Two or three minutes--

4 CONKLIN: Right.

5 IRVING: --to speak.

6 CONKLIN: We anticipated that.

7 IRVING: And hopefully that--two minutes. John

8 McGauley just put the two minutes. Does that mean we

9 have--

10 CONKLIN: Was that "Victory" or what?

11 IRVING: --two minutes less for the TV or--you know.

12 CONKLIN: Okay.

13 IRVING: The other thing is that if people are not

14 there and we do call their name, or if they decide

15 not to speak, we will automatically go to--

16 CONKLIN: Sure.

17 IRVING: --the next name and then--

18 CONKLIN: Sure.

19 IRVING: --we will open it up. And hopefully, like

20 in any other session that we do have, you know, if

21 people have the same type of--of comments, that they

22 give a chance for someone else that may bring a

23 different idea or comment to us.

24 CONKLIN: Uh-huh (affirmative). Okay, thank you.

25 That's all I needed to know.

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1 PETERS: Thank you.

2 IRVING: Thank you. Well, I assume we'll see you

3 next Monday night.

4 CONKLIN: I think that's a fair assumption,

5 Commissioner.

6 IRVING: Thank you very much, Mr. Conklin. Do we

7 have any other comments from the public today?

8 Hearing none, we'll be adjourned, and have a

9 wonderful week. Thank you.

10 (Adjourned at 10:24 a.m.)

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1 1 STATE OF INDIANA)
) SS:

2 2 COUNTY OF ALLEN)

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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 September 6, 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 12th day of September, 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

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