



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN
City-County Building Room 200 · 1 East Main Street · Fort Wayne, IN 46802
Phone: 260.449.7555 TDD: 260.449.7881 FAX: 260.449.7568

LINDA K. BLOOM BILL BROWN NELSON PETERS

AGENDA

**Commissioners' Legislative Session
9:30 a.m. Friday, January 8th, 2010
Commissioners' Courtroom - City-County Building**

- 1. Approval of the minutes of December 18th, 2009.**
- 2. Reorganization of the Board of Commissioners.**
- 3. Appointment of Commissioners' Department Heads.**
- 4. Appointments to boards and commissions.**
- 5. General Liability, Property, and Vehicular insurance renewal.**
- 6. Worker's Compensation excess coverage renewal.**
- 7. Planned Maintenance Agreement for Power Generator between the Board of Commissioners and Cummins Crosspoint.**
- 8. Amendment #1 to Agreement between the Board of Commissioners and BI Incorporated on behalf of Community Corrections.**
- 9. Interlocal Agreement between the Board of Commissioner and the Town of Leo-Cedarville.**
- 10. Interlocal Agreement between the Board of Commissioners and the Town of Grabill.**
- 11. Interlocal Agreement between the Board of Commissioners and the Town of Zanesville.**
- 12. Project Proposal between the Board of Commissioners of the County of Allen and Engineering Resources, Inc for the Van Buren Street Bridge # 337 over the St Mary's River, Project # 05-326. Cost - \$112,645.00.**
- 13. 2010 Supplemental Agreement for Personal and Benefits Policy for Highway Maintenance Employees.**
- 14. Construction Engineering/Inspection Services Contract for the ARRA Guardrail Improvement project, Contract #R-33005, at the following locations:**

<i>Bridge #</i>	<i>Facility Carried</i>	<i>Location</i>
31	Klopfenstein Rd	0.4 mi West of Page Rd
33	Page Rd	0.2 mi North of Springfield Center Rd
112	Schwartz Rd	0.2 mi South of Stellhorn Rd
123	Bruick Rd	0.1 mi South of Irving Rd
195	North River Rd	0.5 mi East of Landin Rd
199	River Run Rd	0.3 mi South of Parent Rd
201	Reed Rd	0.1 mi North of Caribe Blvd
415	Irving Rd	0.1 mi West of Bruick Rd

535	Columbia St	0.1 mi West of Delta
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Note: No cost will be encumbered to Allen County for this work; the cost of this work will be remitted from the ARRA funds.

15. Construction Engineering/Inspection Services Contract for the ARRA Guardrail Improvement project, Contract #R-33006, at the following locations:

<i>Bridge #</i>	<i>Facility Carried</i>	<i>Location</i>
46	Kell Rd	0.4 mi North of Cedar Canyon Rd
47	Shoaff Rd	0.1 mi East of SR 3
62	Hand Rd	0.4 mi South of Shoaff Rd
66	Hand Rd	0.8 mi North of McComb Rd
84	Bass Re	0.2 mi West of Scott Rd
95	Washington Center Rd	0.4 mi West of SR 3
520	Production Blvd	0.3 mi West of Lima Rd

Note: No cost will be encumbered to Allen County for this work; the cost of this work will be remitted from the ARRA funds.

16. Construction Engineering/Inspection Services Contract for the ARRA Guardrail Improvement project, Contract #R-33007, at the following locations:

<i>Bridge #</i>	<i>Facility Carried</i>	<i>Location</i>
185	Paulding Rd	0.2 mi West of Green Rd
264	Winchester Rd	0.2 mi West of Hoagland Rd
285	Monroeville Rd	0.5 mi East of Emmanuel Rd
316	Paulding Rd	0.4 mi West of Hartzell Rd
409	South County Line Rd	0.2 mi East of Comer Rd

Note: No cost will be encumbered to Allen County for this work; the cost of this work will be remitted from the ARRA funds.

17. Construction Engineering/Inspection Services Contract for the ARRA Guardrail Improvement project, Contract #R-33008, at the following locations:

<i>Bridge #</i>	<i>Facility Carried</i>	<i>Location</i>
229	Branstrator Rd	0.4 mi South of Yohne Rd
234	Aboite Rd	0.48 mi South of Hamilton Rd
239	Yoder Rd	0.1 mi East of Feichner Rd
251	Hamilton Rd	0.5 mi West of SR 1
255	Ferguson Rd	0.4 mi East of Coverdale Rd
407	Hamilton Rd	0.5 mi East of Indianapolis Rd

Note: No cost will be encumbered to Allen County for this work; the cost of this work will be remitted from the ARRA funds.

18. Construction Engineering/Inspection Services Contracts for the ARRA preventive maintenance re-surface project #R-32992, at the following locations:

<i>Contract No.</i>	<i>Designation No.</i>	<i>Location</i>
R 32992	0901995	North River Road (Landin Rd to I-469)
R 32992	0901997	Monroeville Road (US 27 to Marion Center Rd)

R 32992	0902000	Seiler Road (Adams Center Rd to Green Rd)
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Note: No cost will be encumbered to Allen County for this work; the cost of this work will be remitted from the ARRA funds.

19. Construction Engineering/Inspection Services Contracts for the ARRA preventive maintenance re-surface project #R-32993, at the following locations:

<i>Contract No.</i>	<i>Designation No.</i>	<i>Location</i>
R 32993	0901996	Thomas Road (frm R/R ±3100' north of Illinois Rd to Bass Rd)
R 32993	0901998	Scott Rd (frm R/R ±725' south of Seagar Blvd to 600' south of Bass Rd)
R 32993	0901999	Knoll Road (frm Smith Rd to Ardmore Ave)

Note: No cost will be encumbered to Allen County for this work; the cost of this work will be remitted from the ARRA funds.

20. Change Order #1 and Final for the Construction of the Nelson Road Temporary Parking Lot (required for the Maplecrest Road Extension), Project #1300209, Bid Ref #32-09, in the amount of \$45,166.87 (Increase). Reason for Change Order: Errors/Omissions in Bid Documents, Scope Changes as Directed by ACHD and Contract Dollar Amount Balance.

Original Contract Amount	\$156,794.80
<u>This Change Order #1 Amount and FINAL Amount</u>	<u>45,166.87 (Increase)</u>
Final Adjusted Contract Amount To Date	\$201,961.67

The Engineer's Estimate for this Project was \$307,074.00

21. Project Acceptance Form for the Nelson Road Temporary Parking Lot (required for the Maplecrest Road Extension), Project #1300209, Bid Ref #32-09

Original Contract Amount	\$156,794.80
<u>This Change Order #1 Amount and FINAL Amount</u>	<u>45,166.87 (Increase)</u>
Final Adjusted Contract Amount To Date	\$201,961.67

22. Weight Limit posting change for the Lima Road over Willow Creek, Bridge # 52. Currently posted 8 ton Limit, No Weight Limit Posting required due to new bridge construction.

23. Construction Engineering/Inspection Services Contract for the ARRA funded Rehabilitation of Bridge # 268, Bostick Rd over St Mary's River, Project #SB-32957-A.

Note: No cost will be encumbered to Allen County for this work; the cost of this work will be remitted from the ARRA funds.

24. Letter of engagement between the Board of Commissioners and Taft Stettinius & Hollister LLP.
25. Memorandum of Understanding between the Board of Commissioners and Renaissance Pointe for Community Corrections Work Crew on behalf of Community Corrections.
26. Other Business:

27. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of January 8th, 2010.

28. Comments from the Public.

29. Motion to Adjourn.

Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 1 East Main Street, Room 300, Fort Wayne, IN 46802, or by phone at (260) 449-7217.



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LINDA K. BLOOM BILL BROWN NELSON PETERS

MINUTES

Commissioners' Legislative Session
9:30 a.m. Friday, December 18th, 2009
Commissioners' Courtroom - City-County Building

Commissioners Present: Bill Brown, Nelson Peters and Linda Bloom

Others Present:	Chris Cloud	Executive Assistant
	Rhonda Rice	Commissioners' Office
	Mike Green	Commissioners' Office
	Ken Fries	Sheriff
	Bill Fishing	County Attorney
	Bill Hartman	Highway Department
	Robert Bolenbaugh	Purchasing Director
	Kim Bowman	DPS
	Michelle Wood	DPS
	Bernie Beier	Homeland Security
	Karen Fisher	Gump/Coldwater Zoning
	Steve Fisher	Gump/Coldwater Zoning
	Kirsten LaSalle	Gump/Coldwater Zoning
	Dennis Baker	Gump/Coldwater Zoning
	Georgeann Johnson	Gump/Coldwater Zoning
	Cameron Parody	Gump/Coldwater Zoning
	Marna Johnson	Gump/Coldwater Zoning
	A B Johnson	Gump/Coldwater Zoning
	Larry Yoder	The Yoder Farm
	Amanda Iacone	Journal Gazette

Commissioner Brown called the meeting to order at 9:32AM. Commissioner Brown led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of December 11th, 2009.** Commissioner Peters moved to approve the minutes of December 11th, 2009. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 2. Sheriff's 2010 Salary Contract.** Sheriff Ken Fries appeared and stated that his salary contract of 2010 is identical to his 2009 contract with no increase. Commissioner Brown inquired about the receipts for the last year and the Sheriff stated they were down substantially. He stated the Indiana Dept. of Revenue has no explanation as to why in 2007 they sent 56,000 tax warrants to us, in 2008 just over 10,000 and in 2009 just over 4,000. They have said that 2010 will be a banner year and they will certainly make up the difference. He stated that state wide they have done this and Sheriffs from around the state have complained that they aren't getting their tax warrants. Commissioner Bloom made a motion to accept the Sheriff's 2010 Salary Contract. Commissioner Peters seconded. Motion carried 3-0.
- 3. Homeland Security Grant Program Sub-grant Agreement between the Board of Commissioners and Indiana Department of Homeland Security not to exceed \$110,000.** Bernie Beier, Homeland Security stated Allen County is the fiscal agent for the Northeast District #3 and this helps equip the regional task force that the state has put together in our corner of the state. Commissioner Bloom made a motion to approve the Homeland Security Grant Program Sub-grant Agreement between the Board of Commissioners and Indiana Department of Homeland Security not to exceed \$110,000. Commissioner Peters seconded the motion. Motion carried 3-0.

4. **Tank Evaluation Agreement between the Board of Commissioners and Norman Noe Company, Inc.** Chris Cloud, Executive Assistant, stated that this is for the water tower up by Byron to do a full evaluation of the inside and outside which hasn't been done in awhile. The cost is \$3795. Commissioner Bloom moved to accept the Tank Evaluation Agreement between the Board of Commissioners and Norman Noe Company, Inc. Commissioner Peters seconded the motion. Motion carried 3-0.
5. **Exchange of Services Agreement between the Board of Commissioners and City of New Haven on behalf of the Purchasing Department.** Robert Bolenbaugh, Purchasing Director, appeared to request approval of an Exchange of Services Agreement with the City of New Haven whereby our service station can work on their cars. They have a couple of police cars coming in that they have asked us to outfit for them. Commissioner Peters asked where the hourly rated ended up. Bob Bolenbaugh answered that for this year when looking at labor and burden (benefits and overhead) plus a percentage to cover the costs and they pay for their own parts, it is \$38.44 per hour. Chris Cloud asked the Commissioners to approve this pending final attorney review as we are still tweaking whether or not a warranty and things like that should be included. Commissioner Brown stated for point of clarity that this was an inter-local scenario, an exchange of services, one government unit to the next, and we are not broadening this to any private sector work. Commissioner Bloom made a motion to approve the Exchange of Services Agreement between the Board of Commissioners and City of New Haven on behalf of the Purchasing Department pending attorney recommendation. Commissioner Peters seconded the motion. Motion carried 3-0.
6. **Agreement between the Board of Commissioners and Crowe Horwath for consulting services for Phase II Software Certification Testing required by 50 IAC 23.** Chris Cloud stated that the State of Indiana has required that all tax and billing software platforms be compliant with DLGS standards. The County would like to use Crowe Horwath to verify to the State that we meet those qualifications. They are doing this for 20 - 30 other counties and it is a total of \$7,250 which is a one-time fee. Commissioner Bloom made a motion to accept the Agreement between the Board of Commissioners and Crowe Horwath for consulting services for Phase II Software Certification Testing required by 50 IAC 23. Commissioner Peters seconded the motion. Motion carried 3-0.
7. **Rezoning Petition 1622/09 to rezone 5.01 acres on the southeast corner of the intersection of Dupont Road and Diebold Road from A-3/Estates to C-1(P)/Planned Limited Commercial to continue consistency in zoning along the Dupont Road and Diebold Road corridors. No development plan was included in the petition.** Michelle Wood and Kim Bowman of the Department of Planning Services appeared to discuss this petition. Michelle stated that the applicant is 5 property owners. There is a lot of activity taking place in this area with the Parkview expansion to the north. This property is still zoned A-3/Estates and it's an isolated area and agricultural. Predominately in this area is land zoned commercial. The proposed zoning is C-1(P) which is limited commercial and it is a planned district which means that anything that would come into this property would still need Plan Commission approval even though we don't have a development plan at this time. The staff felt that the way the area is zoned currently this request is actually a more restrictive zoning district than some of the C-3 around it and with restrictions in place and a written commitment to cover such things as landscaping, lighting and signage we can go ahead and recommend due pass on this without a development plan as we will see one in the future come through Plan Commission. Commissioner Bloom made a motion to approve Rezoning Petition 1622/09. Commissioner Peters seconded the motion. Motion carried 3-0.
8. **Rezoning Petition 1623/09 to rezone 1.41 acres at the southwest corner of the intersection of Coldwater Road and Gump Road from A-1/Agricultural and C-1/Limited Commercial to C-2A/Neighborhood Shopping Center for the construction of a 12,000 square foot multi-tenant commercial building.** Kim Bowman and Michelle Wood of the Department of Planning Services appeared to discuss this petition. Kim stated that there is a portion of this site that is zoned C-1. That is original zoning that was established in 1960 as part of the original zoning ordinance in the zoning maps. The staff recommended to the developer because of the project the attached multi-tenant retail that they go to a C-2A zoning district from the C-1 zoning district. She pointed out some differences between the C-1 and the C-2A. The C2-A is a planned shopping center district. There are different levels from a neighborhood to a community to a regional shopping center and they vary in size and permitted uses. The C-2A allows pretty much the same permitted uses as the C-1. The C-2A planned shopping center

classification does provide some additional development standards that the C-1 zoning doesn't as far as landscaping and traffic. The set-backs are very different between the C-2A and the C-1. The C-2A also requires a development plan review and approval by the Plan Commission whereas a C-1 is a limited routing that goes through the office without any public hearings or public comments. It is administrative staffed reviewed to make sure it meets the absolute minimums of the zoning ordinance. With this rezoning project, the applicant has also submitted a written commitment which further limits the permitted uses in the C-2 zoning district. Also with the development plan, the Plan Commission did set conditions and limits on the signage, increased the landscaping and reduced the height of the lighting and some other issues in the area. The Plan Commission did have a public hearing, received a lot of comment from the surrounding area as well and representatives from the Northwest Allen County School District were there as part of the hearing. The Plan Commission met on November 19 and forwarded a do pass recommendation for the Commissioners consideration on this project. Michelle Wood addressed some of the development plan highlights. This petition is a C2-A which does allow a multi-tenant structure. She stated the original submittals seen in the past included a gas station. This particular plan is more like a small shopping center. It does not include a gas station. In fact, the written commitment restricts a gas station/convenience store use on this property. It is more likely that tenants will be small pizza shops, hair salons and that type of thing that could fit in this type development. It could go up to 7 tenants. With the development plan going through the Plan Commission, the ability to place restrictions on the property is possible more so than with the C-1 zoning. The Plan Commission felt that this development plan offered higher quality than what was approved with permit under the routing that was in place. Michelle Wood then offered to answer any questions the Commissioners might have.

Commissioner Peters stated that part of this land is currently zoned C-1 and asked if it were to remain C-1 zoning would it allow them to put up a liquor store. Michelle answered yes. He then asked if a gas station/convenience store would be allowed. Kim Bowman answered yes, provided it met the setbacks. He asked Kim if, in her opinion, would there be enough setback room on that parcel. Kim stated the front setback for a C-1 zoning is 25 feet versus 75 feet with a C-2 zoning. There was a permit issued for a 3,825 square foot building so that is the size of a building that can fit on the existing C-1 zoned property with meeting the setbacks. Commissioner Peters stated that part of the argument he has heard from those that oppose this is that if were to pass, the ingress /egress would not be right given what would be passed. He asked if they recalled any egress ingress issues. Michelle stated the right-of-way has been accounted for on these plans - 60 ft. from centerline on Gump Road and 60 ft. from centerline on Coldwater Road. They would need to put in deceleration lanes for right turning vehicles, the right turn lane will be required based on high traffic volumes per the access standards manual. They will need to make the proper laning but the right-of-way has already been accounted for. If this couldn't be constructed, then this would have been heard at the public hearing or the business meeting from the highway department. Commissioner Peters asked if that has any impact on what would otherwise happen with the sidewalks or trails. Will sidewalks and trails develop the same with or without a project there? Michelle answered not necessarily. It depends on how it's funded. If it's a trail that's dependent on a development, if there is no development, there is no trail. Commissioner Peters asked so it's really a matter of funding? Kim stated that the Highway Department is good at alerting them if there are trail plans or projects in the works and they would include that in the right-of-way requirements. Commissioner Peters asked them what makes this project different from previous projects that have been denied. Michelle Wood stated that the previous projects all included a gas station / convenience store which is really a different intensity. At that time they did not have evidence that the C-1 property was large enough to support any kind of commercial use. The outcry was against the gas station and the traffic it would bring - it's a different kind of destination than a hair salon or pizza place or a small retail shop. That is a very heavy peak hour traffic kind of use which is the same time the school is having high traffic. The circulation necessary for a gas station, the intensity and the space needed really was a huge limitation on staff support for that proposal. Also in the meantime, they were able to show that they can fit a commercial building on this property and meet setbacks and all the requirements not requiring any waivers or Plan Commission approval and DPS did issue a permit. That opened the door for all those uses that are not restricted either by the applicant or Plan Commission. This particular proposal is scaled down immensely in terms of intensity of use without the gas station. It really lends itself to a small neighborhood type shop or office such as insurance or dentist office. You are not going to see a large chain restaurant as it wouldn't support that in parking or size. Obviously you don't have the gas station so the traffic hours will be different. Having the restriction on the uses really is the big difference. You know now that this written

