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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

8
9 RE: LEGISLATIVE SESSION OF
10 JANUARY 22, 2003
11
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13
14

15 DATE: January 22, 2003

16 TIME: 10:03 a.m.

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

19 REPORTER: Rhonda M. Mullholand
20
21
22
23
24
25

0002

1 PRESENT:
2 Marla J. Irving Allen County Commissioner
3 Linda K. Bloom Allen County Commissioner
4 Edwin J. Rousseau Allen County Commissioner
5
6 Susan Elser Allen County Board of
Commissioners' Office
7 Mary Hitchens Allen County Public
Information Department
8
9 Patrick Hess Beckman Lawson, LLP
Kingsley Rinear
10
11 Donald Reitz Allen County Department
of Planning Services
12
13 G. William Fishing Allen County Counsel
Robert Lister Grand Wayne Center
14
15 John Stafford Sagamore Associates
16
17 Thomas Hathaway Allen County Sheriff's
Department
Pam Finlayson Allen County Election Board

18 Michael Fitch Allen County Highway
 Department
 19
 20 John McGauley Allen County Public
 Information Department
 21 Kerry Dickmeyer Cracker Barrel
 22 Les Taylor
 23
 24 Therese Brown Allen County Clerk
 Renee Rousseau Allen County Clerk's Office
 25
 0003
 1 Paula Hughes Allen County Council
 2 Miguel Trevino
 3
 4 Lin Wilson Allen County Auditor's
 Office
 5 Denny Worman
 6 Denny Kees
 7 Terry Niccum Allen County Resident
 8 Marcia Niccum Allen County Resident
 9
 10 Rhonda M. Mullholand Rolf Reporting, Inc.
 Alan Bunn Rolf Reporting, Inc.
 11
 12 Larry Banks Allen County Public Library
 Andy Gammill Journal-Gazette
 13
 14 Kevin Leininger News-Sentinel
 15
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 1 IRVING: Good morning. Thank you for attending our
 2 legislative session of Wednesday, January 22nd. The
 3 first order of business is approval of the minutes of
 4 the January 15th meeting.
 5 ROUSSEAU: So moved.

6 BLOOM: Second.
7 IRVING: I'm not sure that you can second it, because
8 you were--you were at an appointment--
9 BLOOM: So--
10 IRVING: --last week.
11 BLOOM: --so, you do it.
12 IRVING: I'll second it. All in favor say "aye."
13 ROUSSEAU: Aye.
14 BLOOM: Aye.
15 IRVING: Aye. Okay. Motion passed. Number two--
16 ROUSSEAU: I--I like your thought, though, anyhow.
17 IRVING: Yeah.
18 BLOOM: Thank you.
19 ROUSSEAU: It's cooperative. Thank you.
20 BLOOM: Thank you ever so.
21 IRVING: Okay, number two--I can tell this is going
22 to be a long meeting--Vacation Petition 362/03. I
23 would like to open the public hearing. Okay. Or do
24 we have a presentation first?
25 HESS: Very brief.

0010

1 IRVING: Okay.
2 BLOOM: Good morning.
3 IRVING: Good morning. How are you?
4 HESS: Good morning, Commissioners.
5 BLOOM: I haven't seen you forever. Happy New Year,
6 and all--
7 HESS: I know. I know. Happy New Year.
8 BLOOM: Thanks.
9 IRVING: Would you like to introduce yourself--
10 HESS: Yes.
11 IRVING: --and then I'll open the public hearing.
12 HESS: Yes, please. For the record, my name's
13 Patrick Hess, I'm an attorney with Beckman Lawson,
14 800 Standard Federal Plaza, here in Fort Wayne,
15 46802. I'm here today representing Cracker Barrel
16 Old Country Store, Inc., who is the petitioner under
17 this vacation petition.
18 This morning, this involves property out by
19 Meijer, in--at 37 and Maysville Road. And, in the
20 event that a picture is generally worth a thousand
21 words, I have just a very rudimentary sketch here
22 that may be--
23 IRVING: Great.
24 BLOOM: Would be easier than this?
25 HESS: Do you need one for a file, for your clerk,

0011

1 or--
2 IRVING: I--I will give her mine.
3 HESS: Okay. You can see on the drawing--well, first
4 of all, I--there are some other folks I need to
5 introduce. With me today is Les Taylor, with Cracker
6 Barrel. If you have any questions of him, he'll be
7 happy to answer it. Along with Kerry Dickmeyer, the
8 engineer for the project. And, Cracker Barrel is
9 under purchase agreement for the purchase of the non-
10 cross hatched properties you see on your drawing.
11 And, those sellers are represented by Kingsley
12 Rinear, who is also here in attendance here today.
13 And, Kingsley, if--you're welcome to come up and join

14 me if you wish, or whatever your pleasure is, but he
15 is here representing the current owners of the
16 property.

17 IRVING: Okay. If you'd like to sit down, and why
18 don't we let him go ahead and state his name--

19 HESS: Certainly.

20 IRVING: --and that way if you two refer to each
21 other he can continue.

22 HESS: Thank you

23 RINEAR: Thank you. My name is Kingsley Rinear. I
24 represent the Muldoon family, and the Fisher family,
25 who are currently selling this property to Cracker

0012

1 Barrel.

2 IRVING: Thank you very much. Welcome.

3 RINEAR: Thank you.

4 IRVING: Okay, go ahead, Mr. Hess.

5 HESS: This property is--is public right-of-way, but
6 it is also--has been deeded to the State of Indiana,
7 and it was done as a part of having to construct the
8 rearage, or the service road, when access was blocked
9 off on Maysville Road with the construction of I-469.
10 We are asking for the vacation of the public right-
11 of-way portion of that property. That doesn't change
12 the ownership, it is still entitled to INDOT, and
13 that will have to be deeded to Allen County, and then
14 at a later date to--to Cracker Barrel Old Country
15 Store.

16 This process, as I'm sure is going through
17 your mind, is a little reverse in that the vacation
18 was filed back in August, for a variety of reasons,
19 and the pending rezoning and development plan won't
20 be heard by the Plan Commission until February. So,
21 if you are inclined to approve the Vacation Petition
22 today, we would ask that this approval be conditioned
23 upon the approval of the rezoning, by you, at your
24 legislative session following the Plan Commission
25 Public Hearing. And, we would also ask that it be

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1 conditioned upon the recordation of the ordinance of
2 vacation.

3 IRVING: Have we gotten the--on Plan Commission, I
4 just want to double-check, Mr. Hess. INDOT presently
5 owns this, right?

6 HESS: Correct.

7 IRVING: And--

8 HESS: They are in--

9 IRVING: --have--

10 HESS: --fee simple title to it.

11 IRVING: --and have we gotten the title on this from
12 INDOT?

13 HESS: Not yet. But, they have relinquished the--the
14 maintenance responsibilities to Allen County. And, I
15 have a copy of that document if it's necess--

16 IRVING: Okay. When do you think we'll get the
17 official document, Pat?

18 HESS: The actual deed from INDOT?

19 IRVING: Uh-huh (affirmative).

20 HESS: We'll begin processing that as soon as--as we
21 get the vacation, and the primary development plan,
22 and rezoning approved. And--

23 IRVING: But, you have the letter of intent in your
24 file?

25 HESS: We--we have the relin--the document

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1 relinquishing control of the right-of-way to Allen
2 County, which I could provide a copy of it to you.

3 IRVING: Does--yeah, does the Department of Planning
4 Service have a copy of that, Mr. Reitz?

5 REITZ: These are all part of the file.

6 IRVING: Would you like to state your name, too, for
7 the record?

8 REITZ: I'm Don Reitz, Department of Planning.

9 IRVING: Okay. And you do have a copy in the file on
10 this?

11 REITZ: Yes.

12 IRVING: Okay. Okay, go ahead.

13 HESS: This is a similar process, some of you may
14 remember, to an issue in Chapel Ridge, which is just
15 right across Maysville Road. There was a service
16 road that was vacated, conveyed from state to county,
17 and from county to the developer of that property.
18 It was also used for the Dupont Place property, up at
19 Dupont and I-69, very similar process.

20 The--as is required by your rules of
21 procedure, the vacation petition has been forwarded
22 to outside utilities, including the City of Fort
23 Wayne. And, AEP, NIPSCO, Verizon, the Allen County
24 Surveyor's Office, and the Allen County Highway
25 Department have all signed off on the approval of the

0015

1 vacation. Fort Wayne Development Services approved,
2 but they do need a 10 foot by 15 foot easement for a
3 manhole that exists on what is now public right-of-
4 way. And, we certainly will grant that as soon as
5 Cracker Barrel is entitled and they're able to grant
6 an easement.

7 And, I said I would be brief, and I have
8 been, but I'll be happy to answer any questions.

9 IRVING: I--

10 REITZ: For the record, we do have copies of the
11 easement--easement agreement, haven't been signed
12 yet, for that manhole access.

13 IRVING: Okay.

14 BLOOM: So, Plan Commission--let me understand this,
15 Plan Commission has approved the primary?

16 REITZ: Keep in mind--no, at this point--this is--
17 this is a little bit backwards from the way you
18 typically do these. Generally, the rezoning is
19 approved before the vacation is heard.

20 BLOOM: Right.

21 REITZ: Because there's no point in hearing the
22 vacation without the rezoning having been approved.
23 The applications for the rezoning, the development
24 plan, and the vacation were all filed about the same
25 time, because of state law requiring a 30 day

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1 hearing, that's why you're hearing it now.

2 Generally--

3 BLOOM: Okay.

4 REITZ: --speaking, this would have been filed later.

5 BLOOM: So, we could make a motion on this contingent
6 to the primary and everything?

7 REITZ: And, I believe--I believe Mr. Hess is--

8 HESS: I--I think it should be styled as contingent
9 upon the rezoning, because you're the final actors on
10 the rezoning, when that comes through.

11 IRVING: Yeah, I thought on Plan Commission we--

12 BLOOM: It is backwards.

13 IRVING: --passed the Cracker Barrel?

14 REITZ: No, that's on your Feb--that's on your
15 February--

16 BLOOM: That--that's what you told me.

17 IRVING: The February one.

18 BLOOM: You knew about it.

19 REITZ: It's scheduled, it hasn't been heard yet.

20 BLOOM: You just knew about it. So, would you want
21 me to make a contingency--

22 IRVING: Well, I think--

23 BLOOM: --depending on the rezoning, if it all came
24 in at once, or would you prefer that we do this at
25 another time?

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1 IRVING: --well, I think probably that we need to
2 wait until after we open the hearing. Because we
3 have to have a hearing on this, correct?

4 ROUSSEAU: I--we need--

5 REITZ: You are holding a hearing.

6 BLOOM: We're in it. This--

7 ROUSSEAU: Anytime we're--anytime we're doing a--if
8 we--on the subject of contingency, anytime on the way
9 of--of zonings, we're doing a contingency, I need to
10 have a County attorney's opinion. Who am I talking
11 to here, the flag, I--

12 IRVING: All of us. We--

13 ROUSSEAU: --sometimes--I was talking to the flag.

14 IRVING: --yeah. I think Mr. Hess listened very well
15 to you.

16 ROUSSEAU: Well, what I wanted to say to you is that
17 --that anytime we're discussing a planning issue like
18 this, that has to do with the Plan Commission, I can
19 tell you of a mistake that I made years ago, and it's
20 that when you get into changing the rules somehow,
21 with a contingency, and so forth, we need to make
22 sure that the County attorney gives us an opinion
23 about how it goes, because I made some decisions
24 which voided the situation, you either--you know, so
25 we--I--just for a way of--this may not fall under

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1 that category, but having made a mistake once, I only
2 make a mistake once.

3 IRVING: Would our County attorney like to address
4 the Commissioners?

5 FISHERING: No.

6 IRVING: Oh. Right up here's a seat that says,
7 Attorney Bill Fishering, I think.

8 BLOOM: If you've heard all of it, it sounds like
9 we're just doing it out of order because the vacation
10 is going to come through at the same time that the
11 rezoning does.

12 FISHERING: I didn't--unfortunately, I wasn't in the
13 room for most of the presentation, so--

14 ROUSSEAU: Mentally, maybe.
15 BLOOM: Well, I just--
16 ROUSSEAU: I saw you physically back there.
17 BLOOM: No, I'm just--
18 FISHERING: No, I was out, and in, and--
19 IRVING: Okay, well--
20 BLOOM: Ordinarily, we would do the rezoning, then
21 vacate, but this has come through at the same time?
22 FISHERING: Well, you can vacate anytime that's
23 appropriate, if procedures have been followed for
24 vacation, whether there's a rezoning or not.
25 ROUSSEAU: But, they want--and I'm gonna have a--is
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1 some kind of a contingency thing here, is that what--
2 BLOOM: Well--
3 ROUSSEAU: --any--
4 FISHERING: (Indiscernible)--contingency.
5 REITZ: (Indiscernible) so the rezoning can be
6 approved. Otherwise, the vacation doesn't make much
7 sense.
8 BLOOM: Yeah, they wouldn't want a vacation on this
9 if the rezoning doesn't happen.
10 FISHERING: Well, why don't you--this is a public
11 hearing--
12 BLOOM: Yeah, it is.
13 FISHERING: --why don't you just close the public
14 hearing and--
15 BLOOM: Well, no, we have to hear for and against.
16 FISHERING: Yeah, well have that, and then close it,
17 and take it under advisement, and we'll wait and see
18 what happens.
19 BLOOM: Wait until after the rezoning?
20 FISHERING: Yeah.
21 BLOOM: Okay.
22 FISHERING: But, finish the public hearing, get all
23 that done, and--
24 BLOOM: Okay. Got it?
25 IRVING: Okay. Is there anything that the two
0020
1 attorneys would like to add?
2 HESS: I've exhausted myself.
3 IRVING: You--I'm kind of exhausted, too, and we're
4 only on item two here.
5 BLOOM: Oh, ha! Oh, ha!
6 IRVING: Okay. Do we have anyone here that's--would
7 like to speak in favor of the petition? (No
8 response.) Is there anyone here that would like to
9 speak in favor of the petition? (No response.)
10 Okay, is there anyone here that would like to speak
11 against the petition? (No response.) Is there
12 anyone here that would like to speak against the
13 petition? (No response.) Okay, then I would like to
14 close the hearing.
15 FISHERING: Take it under advisement.
16 IRVING: Can I have a motion to take this--
17 BLOOM: So moved.
18 ROUSSEAU: Second.
19 IRVING: All in favor say "aye."
20 BLOOM: Aye.
21 ROUSSEAU: Aye.

22 IRVING: Aye.
23 ROUSSEAU: That was with the provision--
24 IRVING: Passed.
25 ROUSSEAU: --Mr. Fishing suggested?
0021
1 BLOOM: No, we just closed the hearing.
2 IRVING: No, we voted on it.
3 FISHERING: All you did was take it under advisement.
4 IRVING: We voted to take it under advisement.
5 HESS: And that--I assume it would be considered when
6 the rezoning--
7 IRVING: Yes.
8 HESS: --petition is considered by the Commissioners?
9 IRVING: Right.
10 REITZ: We can reschedule that with the
11 Commissioners, obviously.
12 IRVING: Right. Right.
13 BLOOM: That works.
14 HESS: Thank you.
15 IRVING: Okay, everybody understand?
16 HESS: I do. Thanks.
17 RINEAR: Thank you.
18 IRVING: Thank you very much. Okay, item number
19 three, the ratification of a resolution pledging
20 County Economic Development Income Tax proceeds as a
21 source of revenue for financing the expansion and
22 renovation of the Grand Wayne Convention Center.
23 John, you had a late night last night, I saw you--
24 STAFFORD: Yes.
25 IRVING: --on TV. So, you're back on TV today. Does

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1 that mean you're going to Hollywood anytime soon?
2 STAFFORD: I don't think so.
3 IRVING: Oh, okay.
4 BLOOM: Good morning.
5 LISTER: Good morning.
6 IRVING: Would you like to state your names, please.
7 LISTER: Bob Lister, I'm the Executive Director of
8 the Grand Wayne Center.
9 STAFFORD: John Stafford. I'm with Sagamore
10 Associates, and I'm under contract to the Grand Wayne
11 Center to assist with the expansion project.
12 And, your prior speaker indicated that a
13 picture was worth a thousand words, this picture
14 might cost a thousand hours of discussion. That's
15 the whole financing plan. I don't think we'll get
16 into all of that today.
17 ROUSSEAU: Look, I know--I don't know much about
18 computers and stuff, but I--I bet you somebody just
19 pushed a button and that all got put on there,
20 though. That was--
21 STAFFORD: I hope they pushed the right one.
22 BLOOM: Good answer.
23 STAFFORD: Thank you for--for giving us an audience
24 this morning. As--as the Commissioners are aware,
25 the financing of the Grand Wayne Center is a rather

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1 complicated matter. It will involve the Fort Wayne
2 Redevelopment Authority issuing bonds and entering
3 into a lease with the Fort Wayne Redevelopment
4 Commission. And that lease has been entered into on

5 a tentative basis, and it was given approval last
6 night by the Fort Wayne City Council on a preliminary
7 vote.

8 The Redevelopment Commission, then, will be
9 looking to a variety of sources of revenue to make
10 the lease payments to the authority, and there are
11 seven of those. And, I have a handout here for you
12 that explains the sources.

13 IRVING: How many sources do we have?

14 STAFFORD: There are seven.

15 IRVING: Seven sources.

16 STAFFORD: First of all, the second page of the
17 handout before you talks a little bit about the
18 project, where it stands today, and there are really
19 three parallel tracks that we're going down at this
20 point. One is the land acquisition track, and that's
21 been primarily the responsibility of the Fort Wayne
22 Redevelopment Commission. The City has issued a bond
23 anticipation note of about 3.4 million dollars, and
24 the Convention and Tourism Authority has entered into
25 an agreement with the Redevelopment Commission to

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1 provide it with up to an additional 2 million dollars
2 for the purpose of acquisition.

3 At this point, it appears that all of the
4 properties in the block to the immediate west of the
5 current facility have been acquired and will be
6 available for occupancy, for construction, on or
7 about the middle of April, this spring. Very
8 positive. And that's been done within the dollars
9 that were originally estimated to be able to do that.

10 The second track that we've been on is the
11 design track. And, subsequent to us first having
12 discussions with the Commissioners about assistance
13 in financing of this project, they have moved through
14 the design development phase, and the architects are
15 now doing construction drawings, preparing to go out
16 for bid in the month of March, accepting bids in
17 either the first or the second week of April of this
18 year. Construction at this point, and keep in mind
19 these are very--these are estimates, these are not
20 bids, we don't have bids yet, is approximately 26.7
21 million dollars. In that number, approximately 2.5
22 million has been set aside for contingency, which was
23 the recommendation of both the architects and the
24 construction manager at this point.

25 In addition to that contingency money, on the

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1 pie chart on page two, you'll see that there's been
2 another 1.6 million set aside for contingency for all
3 things. And, that was partially for land
4 acquisition, it does not appear that we're going to
5 need that for land acquisition.

6 So, we go into the bidding process here with
7 a little more than 4 million dollars in con--in
8 contingency. I think that's good, but no one knows
9 for sure what will happen when you take bids. So,
10 that will be a very key--key point in all of this.

11 IRVING: Who is your construction manager on this?

12 STAFFORD: Phil Sheets & Sons.

13 IRVING: Okay.
14 STAFFORD: And, both the architect, which is MSKTD &
15 Associates, and they have teamed with HNTB, out of
16 Boston, for the design, those are contracts with the
17 Convention & Tourism Authority today. At the point
18 that construction begins, then those contracts will
19 be assigned to the Fort Wayne Redevelopment
20 Commission, and they will actually let the contracts
21 for construction. And, it will be a--kind of a team
22 effort in the managing of the project as we go
23 through construction.

24 The third track is, obviously, a fairly
25 critical one, how do you pay for this? And, the

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1 structure will be bonds issued for the 80% of the
2 proj--estimated 80% of the project cost that will
3 need to be financed, bonds issued by the
4 Redevelopment Authority. Then the Authority enters
5 into the lease with the Redevelopment Commission.
6 The Redevelopment Commission will be approaching the
7 State, Local government, Tax Control Board, at the
8 end of February, asking for a determination that this
9 be considered not a controlled project, but one which
10 has a general obligation backer of the Redevelopment
11 Commission on it. In English, that is that we need
12 to establish that there are revenue streams, outside
13 of the property tax, more than adequate to pay the
14 lease payments from the Redevelopment Commission to
15 the Redevelopment Authority.

16 And, at this point, we're looking to have
17 seven sources of revenue, with a coverage factor of
18 between 123 [123%] and 125%, and a year and a half's
19 worth of lease payment reserve fund, in order to make
20 a proper argument to the Control Board that it should
21 not be classified as a controlled project, yet should
22 be allowed to have the general obligation backer.

23 The purpose of the general obligation backer
24 is--and, I believe that this is a process that you
25 have used before on a couple of projects--entering

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1 into the bond market at the strongest possible
2 position in order to get the lowest possible interest
3 rate, which, obviously, saves the community
4 significant dollars over the life of the lease.

5 In order to do--to make that presentation to
6 the Control Board, in February, it's necessary that
7 we're able to demonstrate to the Control Board that
8 we have the appropriate commitments from the
9 respective units controlling the sources of funds
10 that will be used.

11 And, that really takes us to the fourth and
12 fifth pages. And, if you turn to the fifth page,
13 that's probably the best way to explain this. The
14 first source, or the bottom line in that bar chart,
15 are the net revenues from the Convention & Tourism
16 Authority. They really receive revenues in three
17 ways. They are the recipient of 5/6ths of the
18 innkeepers tax in Allen County, the other 6th going
19 to the Convention & Visitor Bureau, the revenues they
20 receive for the lease of their facilities, and the
21 revenues that they receive for the sale of food at

22 events. Out of those three sources, they go into one
23 pot, they pay their annual operating expenses to
24 operate the facility. They will have money left over
25 from that on any given year because the debt on the
0028

1 existing facility was retired several years ago.

2 The bottom bar, or bottom row, in this series
3 of bar charts shows what they have pledged, and that
4 pledge happened Friday morning at the Convention &
5 Tourism Authority meeting, which once the expanded
6 facility is open, it averages about to about
7 \$825,000.00 a year. And, that we'll call the primary
8 pledge of net revenues of the Grand Wayne Center.

9 At the same time they pledged those revenues,
10 they also pledged that should there be additional
11 revenues available from the Grand Wayne Center, over
12 and above meeting their annual operating expenses,
13 and operating reserve fund, a capital reserve fund,
14 and this pledge that they've just made, that we'll
15 call the primary pledge, any dollars available over
16 and above that will also go to the Redevelopment
17 Commission, and would be available to reduce
18 obligations of other participants in the financing.
19 Now, no one can make a guarantee that that will
20 happen, and it's not likely to happen until maybe
21 seven, eight years out into the project.

22 But, I will call your attention to the fact
23 that the original facility was fin--proposed to be
24 financed over 13 years. Their revenues were strong
25 enough, and the estimates were conservative enough,
0029

1 that they were able to retire that--those obligations
2 in 13 years. Should that happen again, it's really
3 only appropriate that those dollars be the first
4 dollars going in to retire the debt on the expanded
5 facility. So, to the extent they're available, those
6 are also pledged. Any questions on the Convention &
7 Tourism Authority pledge commitments? (No response.)

8 The next tier on that chart, would be the
9 orange tier, are the tax increment finance revenues
10 that are estimated to be available to the Fort Wayne
11 Redevelopment Commission from the downtown Civic
12 Center, Urban Renewal area. There is currently
13 outstanding debt that will be retired in 2009, 2010,
14 and that's why there's the jump in those years of
15 that amount, and ultimately will be about 1.4 million
16 available to the Redevelopment Commission, estimated
17 to be available to assist in making those lease
18 payments.

19 The third, or the yellow, bright yellow bar,
20 are the revenues that the City Council is in the
21 process of pledging, of light lease revenues, and
22 that would be nine years' worth of revenue, at
23 \$736,000.00 a year, over the remaining life of the
24 lease.

25 The next bar is the green, light green bar,
0030

1 which are City of Fort Wayne economic development
2 income tax revenues, which are pledged at
3 approximately \$425,000.00 a year for the life of the

4 lease. And, again, that pledge agreement is in
5 process at City Council, it received a 9-0 "do pass"
6 last night out of committee and will be up for final
7 passage next Tuesday night.

8 The olive green bar are the professional
9 sports and convention development area revenues
10 accruing to the Grand Wayne Center. And, this body
11 was gracious enough to allow the Grand Wayne Center
12 to be added to the Allen County Professional Sports &
13 Convention development area about two years ago, and
14 we have, subsequently, received approval of the State
15 Budget Committee and the State Budget Agency. And, I
16 know Bill and I shared many conversations on whether
17 we would actually see that revenue. In the last
18 three months we have begun to actually receive
19 revenues from the State, and those would be captured
20 sales tax and payroll taxes. We're estimating that
21 those will come in between 100 [\$100,000.00] and
22 175,000 [\$175,000.00] a year, growing as the facility
23 is expanded and more activity takes place there.

24 The blue bar are foundation commitments.
25 And, there have been two foundations in this

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1 community that have each committed \$750,000.00 to the
2 project; the Lincoln Financial Group Foundation, and
3 the NAT City Foundation. Both of those foundations
4 will be committing part of their dollars to be
5 available in cash during construction, and the
6 remainder to be part of the financing over the first
7 part of the lease.

8 That takes us to the request that the
9 Authority has made to the Commissioners, and
10 subsequently to the County Council, for some
11 additional assistance in County Economic Development
12 income tax revenues accruing to Allen County. And,
13 in discussions between the Commissioners and
14 ourselves, that is a 2.1 million dollar present value
15 commitment, spread over five years, the first year
16 being \$450,000.00 in cash, which can be paid during
17 construction, and the other four years, an amount
18 between--not to exceed \$477,500.00 in each of those
19 subsequent four years. And, that includes both the
20 principle and the interest; the interest is
21 approximately \$255,000.00 total, if the bonds sell at
22 6%. The bonds may well sell at less than 6%, and--
23 and the bids could come in lower than we've
24 estimated. Once we get bids, then we'll need to go
25 back and size the bond, both it's size, it's length,

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1 and--and at that point we'll, obviously, have a much
2 closer estimate of what the interest rate will be.

3 We need the pledges now to be able to make
4 the presentation to the Control Board, at the end of
5 February, to get their approval to move forward with
6 this form of financing. Obviously, there will be
7 additional facts that will unfold as we take bids,
8 learn more about the--what the actual interest rate
9 will be, and are suggesting that there be a
10 Memorandum of Understanding entered into by the
11 participants in the financing, that will be
12 yourselves, the City, the Redevelopment Commission,

13 the Redevelopment Authority, and the Convention &
14 Tourism Authority, which will do several things.
15 One, pin down the numbers in more certainty, but will
16 not exceed the amounts in the pledge--the respective
17 pledge agreements. They may be less, again.
18 Secondly, the bars on this chart represent what would
19 be needed to meet that coverage ratio of 123 [123%]
20 to 125% in any given year. Obviously, there is no
21 need for 125% in any given year, and there will be an
22 opportunity if all revenue streams are as healthy as
23 have been projected here, to request less from
24 respective parties. And, exactly the mechanics of
25 doing that we would propose to be done in the

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1 Memorandum of Understanding, recognizing that that
2 Memorandum would not increase anyone's commitment,
3 but could reduce respective commitments. Lastly, if
4 we get better interest rates, you know, we may be
5 able to, again, have the opportunity to reduce the
6 commitments.

7 So, we would suggest that, one, we'd like
8 your support in the form of the resolution to go
9 before the County Council tomorrow. We need their
10 pledge. I believe we would probably also come back
11 here subsequent to that and get a formal pledge
12 resolution that we could present to the State from
13 the Commissioners. And, then after bids are taken,
14 and we're in the processing of sizing the bonds, come
15 back to you as one of the participants in the
16 Memorandum of Understanding, with the more certain
17 numbers in that document.

18 That's as brief as--as I said last night,
19 that's as brief as Stafford can be.
20 ROUSSEAU: Well, John, I--on the County's part, we've
21 looked at this, you know, very hard, and am glad to
22 be a part of this thing. We're pledging CEDIT funds
23 to do that, which is meant for our roads, and
24 economic development type projects. And, the
25 Commissioners have felt that it was--would be

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1 necessary for us to participate. Keep in mind that
2 our CEDIT funds are only a third of what the City of
3 Fort Wayne gets, and--and, over the next few years,
4 probably will be even less than that because of
5 annexations, and population shifts, and so forth.
6 And, so, we had to--we looked at cash up front, but
7 current events took care of cash up front situations,
8 as far as our economics go, and so we've decided to
9 stretch it out.

10 This is a--it is a big obligation for us, and
11 the Commissioners are happy to participate. We've
12 checked, and doublechecked the numbers on our part,
13 and based upon everything that we know, that we
14 should be able to make these figures. You've done a
15 good job of outlining the program, and I guess the
16 max then would be the 450,000 [\$450,000.00] in the
17 first year, and then 477,500 [\$477,500.00]. And,
18 then possibly--I would--you can get regular
19 residential mortgages now for 6%, and so I would
20 assume that we would be able to get better rates than

21 this for our kind of financing, unless one of the
22 parties that's participating's credit record is
23 unworthy, and I'm not sure which one that might be,
24 so--we--we should be able to get a better interest
25 rate, I would hope, and--

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1 STAFFORD: And, again, we'll be looking to the--
2 ROUSSEAU: Yeah.
3 STAFFORD: --ability of the Fort Wayne Redevelopment
4 Commission for faith in credit, which should get us
5 about as good a financial position as--as anyone. I
6 mean, the--the government units in Allen County, to
7 the best of my knowledge, are all in a pretty strong
8 financial position going into the--
9 ROUSSEAU: I think--do you--
10 BLOOM: We are.
11 STAFFORD: --going into the bond market.
12 ROUSSEAU: --need an official--
13 BLOOM: I need--
14 ROUSSEAU: --passage this time, or is it--
15 STAFFORD: I think we--we need your blessing to
16 approach the County Council tomorrow. And, assuming
17 that that is a positive action, then I would suggest
18 that we come back to you, in a subsequent meeting,
19 between now and the time we go to the Control Board,
20 for--
21 ROUSSEAU: Well, I make a motion that we--
22 BLOOM: Could--could I say--
23 ROUSSEAU: --tell them to proceed, and then we can
24 second it, and then have comments on it.
25 IRVING: Okay, I have a motion on the floor.

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1 BLOOM: Second.
2 IRVING: Okay, is there any discussion?
3 BLOOM: Yes. This is going to be--the bond is going
4 to be through the City, you said they're going to be
5 the lead?
6 STAFFORD: The bond will actually be done through
7 their--their redevelopment authority, which is very
8 much akin to a school corporation's building
9 corporation. And, then, the lease, and the entity
10 really on the hook here for these payments, is the
11 Fort Wayne Redevelopment Commission. So, what you're
12 really doing is pledging a revenue stream to them, as
13 are other parties, and then they must make the lease
14 payments to the authority, and so the authority has
15 the funds to make the debt service payments.
16 BLOOM: So, I guess my question is, even though you
17 have all these pledges, and it's going through the
18 City Redevelopment, it still has to be backed with a
19 GO then, too?
20 STAFFORD: It will be the Redevelopment Commission
21 who will be pledging their GO capacity. That, should
22 an event, in any given year, that the combination of
23 all these seven revenues--
24 BLOOM: Right.
25 STAFFORD: --would not be adequate--

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1 BLOOM: That's what I'm getting at.
2 STAFFORD: --to make that payment--
3 BLOOM: Yeah.

4 STAFFORD: --they would make up the difference with
5 their ability to put it on property tax. Now, we
6 have to demonstrate to the Tax Control Board that
7 that is a very unlikely event, and we've done it
8 through the coverage ratio, the strength of the seven
9 sources of revenue, and having a reserve fund equal
10 to a year and a half's worth of payments.

11 BLOOM: Right. The 123, or whatever--

12 STAFFORD: Yes.

13 BLOOM: --coverage.

14 STAFFORD: And--and, within reason, of being able to
15 do this project, and not end up with pledges that are
16 unduly detrimental to the partners in this project, I
17 think that's a pretty reasonable presentation to make
18 to, obviously, the Redevelopment Commission, who does
19 not want to use their GO backer--

20 BLOOM: No.

21 STAFFORD: --and the State Property Tax Control Board
22 who doesn't want us to either.

23 BLOOM: No.

24 STAFFORD: And, we've tried to do these on a--as
25 conservative as possible an estimate on revenues, and

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1 as liberal on expenses as we could prudently do.
2 Hopefully, the final scenario will be even better
3 than this. I'm sorry I interrupted.

4 BLOOM: When--your debt was paid off two years ago,
5 you said, for the existing--

6 LISTER: We paid it off in 13 years, so we paid it
7 off about six or seven years ago, I believe it was.

8 BLOOM: Okay. At which time, was the financing
9 similar to this? Because, it did go back on the GO,
10 the general public, did it not?

11 STAFFORD: No.

12 LISTER: Never.

13 BLOOM: Who--who paid this?

14 STAFFORD: The original facility was a capital lease
15 between a private entity and the Convention & Tourism
16 Authority. That was back in the days before the
17 Federal Tax Code changed, and there was benefit for
18 private entities to enter into those arrangements.
19 The changes in the Federal Tax Code have kind of
20 wiped out that idea. But, no, the sole revenues
21 used, to retire the debt on the original facility,
22 were the net revenues of the Convention & Tourism
23 Authority. So, in that regard, it was unlike this
24 project, in that it took only one of the seven
25 revenue streams to do. In--in fairness, the land for

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1 the facility was acquired by the Fort Wayne
2 Redevelopment Commission out of their funds. So,
3 there were two sources--

4 BLOOM: Okay. So that--all right.

5 STAFFORD: --apples to apples, because we've included
6 land acquisition in this, the Redevelopment
7 Commission, using their bonding authority, did
8 purchase and clear the land for the original Grand
9 Wayne Center--

10 BLOOM: Okay.

11 STAFFORD: --and then the building itself's debt was

12 retired by the revenues of the authority.
13 LISTER: There were no--no property tax, or anything,
14 ever used.
15 IRVING: I have two minor questions. I think they're
16 minor questions. Refresh my memory. The Build
17 Indiana Fund, the \$750,000.00, because there has been
18 some question--I mean, they've made some commitments
19 for Build Indiana money that they have, even for us,
20 and they haven't followed through on, or it's been
21 extremely late getting here. Have you--I know--I
22 thought that was pretty politically correct, Ed, you
23 know, here?
24 ROUSSEAU: Yeah. You really expect to get that?
25 IRVING: Yeah. And, I'm asking, what kind of a firm

0040
1 commitment, do you have that in blood writing?
2 STAFFORD: The firmest possible commitment you can
3 have, we've already received it and spent it.
4 LISTER: We did the--all the architects, and
5 everything, through that. The legislators--
6 STAFFORD: We got it early--
7 IRVING: Okay, so you--so that's already been used,
8 and you don't have to--so, that's kind of taken out
9 of the picture then, right?
10 STAFFORD: Yeah. We spent it before the hammer went
11 down.
12 BLOOM: I love it.
13 IRVING: The second question then, who is handling
14 your bonding, and the sale of the bonds?
15 STAFFORD: The Redevelopment Commission will use
16 Baker & Daniels as their bond counsel, and Crowe
17 Chizek as the financial advisor.
18 IRVING: Thank you. Okay. Well, I have a motion on
19 the floor, it's been--that's been moved and seconded.
20 Is there anymore discussion? (No response.) I'll
21 entertain a vote, all in favor say "aye."
22 BLOOM: Aye.
23 ROUSSEAU: Aye.
24 IRVING: Aye. Opposed? (No response.) Motion
25 carried unanimously.

0041
1 STAFFORD: Thank you very much.
2 LISTER: Thank you, for a lot of people.
3 IRVING: Thank you. Okay. By the way, Bob, welcome
4 to the neighborhood.
5 LISTER: Thank you.
6 IRVING: Item number four, approval of annual funding
7 agreement with the Greater Fort Wayne Chamber of
8 Commerce in an amount not to exceed \$15,000.00. Mr.
9 Rousseau, would you like to address that?
10 BLOOM: I'll make--oh, I was just going to make a
11 motion. This is our annual commitment to the
12 Chamber, for economic development, I believe, am I
13 right Commissioner?
14 ROUSSEAU: That's correct.
15 BLOOM: So, I'll make a motion that we pay 15,000
16 [\$15,000.00] to the Chamber.
17 ROUSSEAU: I second it.
18 IRVING: All in favor say "aye."
19 ROUSSEAU: Aye.
20 BLOOM: Aye.

21 IRVING: Motion carried. Item number five, six,
22 seven, eight, and nine, I would like to take all in
23 one motion. And, I think that we have someone that
24 would like to talk about these. I could read them
25 into the record first. Good morning.

0042

1 HATHAWAY: Good morning.
2 BLOOM: Good morning.
3 IRVING: Tom Hathaway, that is our--do you want to
4 introduce--
5 BLOOM: Jail commander.
6 IRVING: That's right. Okay. We have five
7 maintenance agreements concerning the jail. Approval
8 of the preventive maintenance agreement on the
9 building control system, for \$10,752.00, which is
10 annual; approval of extension of planned maintenance
11 agreement with Cummins Mid-States Power, for the
12 generator, which is \$1,089.32; approval of contract
13 extension with ESCO Communication (formerly
14 Encompass), is \$7,872.00; and we have the approval of
15 the Koorsen Protection Service for inspection of fire
16 extinguishers, semi-annual kitchen fire suppression
17 systems on for \$172.50; the last one is item number
18 nine, approval of service maintenance agreement with
19 Trane, an annual cost of \$1,814.00. And, I think,
20 that item number nine, the Trane, is the only one
21 that there was a slight increase, is that true?
22 HATHAWAY: There was a slight increase on--on that
23 one, \$104.00, from last year.
24 BLOOM: And these are all the same companies? I see
25 a couple of them are extensions of the existing, but

0043

1 are they all the same companies we used, with only
2 one increase?
3 HATHAWAY: That is correct.
4 BLOOM: Okay.
5 HATHAWAY: In fact, one of them had a decrease, but--
6 and that's Koorsen, from last year, but that's
7 primarily due to they're only going to inspect the
8 range hood one time this year, for the kitchen,
9 because--
10 BLOOM: Because it's going to be a new one.
11 HATHAWAY: --it'll be a new kitchen. So, we're--
12 IRVING: That's right. Isn't that exciting?
13 BLOOM: I'm going to make a motion to approve all the
14 maintenance on items five through nine.
15 ROUSSEAU: Second.
16 IRVING: All in favor say "aye."
17 ROUSSEAU: Aye.
18 BLOOM: Aye.
19 IRVING: Aye. Motion passed for item five, six,
20 seven, eight and nine. Okay, item number 10--
21 HATHAWAY: Thank you very much.
22 BLOOM: Thanks.
23 IRVING: --approval of additional percentage change
24 for 2003 reflecting annexations to municipalities.
25 Well, aren't we lucky, two weeks in a row.

0044

1 BLOOM: Good morning.
2 IRVING: How are you?

3 FINLAYSON: Good morning to you all. This is the
4 last appearance I'll make before you concerning--
5 IRVING: Aww.
6 BLOOM: Aww.
7 ROUSSEAU: Aww.
8 IRVING: Oh, we got her to laugh, though, this week.
9 Ed tried his darnest last week, and you wouldn't
10 smile.

11 FINLAYSON: I know he did. I know he did. This is--
12 Jean Nicolet and I will be appearing before the
13 Indiana Election Commission on Monday, at noon, for
14 their final approval of these precinct changes. Our
15 Order will be before them on Monday. They're going
16 to address the entire package of all changes we've
17 made. So, this is a pretty--there were no
18 discretionary calls here. We did all of our clean-up
19 for the 2002 elections, the consolidation of
20 precincts, that type of work, so this was very
21 straightforward, there's annexations, and the
22 redistricting of New Haven.

23 IRVING: And, I also want to remind everyone that Pam
24 assured us last week, that after we get this
25 approved, they will get them on the computer, and we

0045

1 will have our new software package with a huge
2 kickoff for the new election. I'll entertain a
3 motion, please.

4 BLOOM: So moved.

5 ROUSSEAU: Second.

6 FINLAYSON: Okay.

7 IRVING: All in favor say "aye."

8 ROUSSEAU: Aye.

9 BLOOM: Aye.

10 IRVING: Aye. Motion passed.

11 FINLAYSON: Thank you.

12 BLOOM: Hey, Pam, what's the max on the precinct
13 numbers now, registered voters?

14 FINLAYSON: I've been dealing with this from a
15 county-wide view with the State, so I haven't pared
16 it down yet, just to the municipal precincts.

17 BLOOM: Okay.

18 FINLAYSON: It's definitely going to be fewer than
19 the 279 we had last year, because we have--with the
20 counties, precincts aren't voting. But, I don't have
21 that hard number yet. I've been looking at the whole
22 view--

23 BLOOM: Right.

24 FINLAYSON: --so far, yeah.

25 IRVING: Well, keep us informed, Pam.

0046

1 FINLAYSON: But, I'll get that to you.

2 BLOOM: I'd love to see that, because I am a precinct
3 person, and I know my numbers have changed greatly,
4 and split, and everything--yeah.

5 FINLAYSON: They will again.

6 BLOOM: Okay.

7 FINLAYSON: Okay?

8 BLOOM: Okay.

9 FINLAYSON: All right.

10 BLOOM: Thank you.

11 IRVING: Thank you, Pam.

12 FINLAYSON: Thank you.

13 IRVING: I think we have a little housekeeping to do
14 on the agenda, 11, amending of length of appointments
15 with the Allen County Regional Sewer Board.

16 ELSER: Commissioners, upon reinspection of the
17 requirements from the State, we had these
18 appointments ending at the end of the year, and they
19 are to end at the first Monday of a new year. So, we
20 are asking that these be amended to read as Win Rood,
21 his appointment will expire January 5th, 2004; Dan
22 Lawrence, his appointment will expire January 5th,
23 2005; and Mike Thomas, his appointment will expire
24 January 4th in 2006.

25 BLOOM: I so move.

0047

1 ROUSSEAU: Second.

2 IRVING: All in favor say "aye."

3 BLOOM: Aye.

4 ROUSSEAU: Aye.

5 IRVING: Aye. Motion passed. Item number 12,
6 changes for my Allen County Juvenile Justice Center.
7 Change Order #6, there is no dollar amount; I have
8 two with Hagerman Construction, Change Order #8 is
9 for \$3,577.00, and in Change Order #9 there is a
10 decrease of 2,194 [\$2,194.00], and we are finishing
11 up with our--the walls, and there has been a
12 \$3,577.00 change order for the vestibule foundation.
13 May I have a motion?

14 ROUSSEAU: So moved.

15 BLOOM: Second.

16 IRVING: All in favor say "aye."

17 BLOOM: Aye.

18 ROUSSEAU: Aye.

19 IRVING: Aye.

20 BLOOM: Good job.

21 IRVING: Motion carried. Item number 13, approve
22 warranty deed from River Bend Real Estate to Allen
23 County for right-of-way of acquisition required on
24 Diebold Road for Berger Auto.

25 ROUSSEAU: So moved.

0048

1 BLOOM: Good morning, Mike.

2 IRVING: May I have a second?

3 BLOOM: Second.

4 FITCH: Good morning. Mike Fitch, Allen County
5 Highway Department.

6 IRVING: All in favor say "aye."

7 BLOOM: Aye.

8 ROUSSEAU: Aye.

9 IRVING: Aye. Motion carried. Agenda 14, approve
10 warranty deed for Christopher--

11 BLOOM: Gerardot.

12 IRVING: --Gerardot and Pam S. Gerardot to Allen
13 County for right-of-way acquisition required on
14 Stelhorn Road Bridge over Koester (pronounced
15 Coaster) Ditch--

16 BLOOM: Koester Ditch.

17 IRVING: --I think that's what he said. He said it
18 was Koester when I talked to him, but that's okay,
19 parcel number two. Motion?

20 BLOOM: So moved.
21 ROUSSEAU: Second.
22 IRVING: All in favor say "aye."
23 ROUSSEAU: Aye.
24 BLOOM: Aye.
25 IRVING: Aye. Motion carried. Approval of warranty

0049
1 deed for Raymond L. Sylvester and Carol A. Sylvester
2 to Allen County for additional right-of-way
3 acquisition required on Feichner Road Bridge over
4 Witzgall Drain.
5 ROUSSEAU: So moved.
6 BLOOM: Second.
7 IRVING: What? That's not right?
8 BLOOM: It's perfect.
9 ROUSSEAU: That's the only one you--
10 IRVING: I want a copy--
11 ROUSSEAU: --that's the only one you've gotten right
12 the--
13 IRVING: --I want a copy of this tape where my
14 Commissioner buddy called me "perfect." Keep that on
15 file. Okay, all in favor say "aye."
16 ROUSSEAU: That was only--that was only one of about
17 four, though, is what the point was.
18 IRVING: Gerardot, what was the other one?
19 ROUSSEAU: Right. Did you get that?
20 IRVING: Koester Ditch? Why isn't that--
21 BLOOM: Did we vote on this?
22 IRVING: Yes.
23 BLOOM: Okay.
24 IRVING: All in favor say "aye."
25 BLOOM: Aye.

0050
1 ROUSSEAU: Aye.
2 IRVING: Aye. Geez, the abuse you have to take.
3 Okay, item number 16--oh, Mike, I guess we're done
4 with you.
5 FITCH: Okay. Thank you. That's all I--that's all I
6 have. Thank you very much. Short and sweet today.
7 ROUSSEAU: Nice job, Mike.
8 IRVING: Mike, feel free to come back and visit
9 again.
10 BLOOM: Thanks.
11 IRVING: Okay, number 16 is change orders for the
12 Allen County Justice Center, Weigand Construction for
13 \$6,057.51; Rosema Corporation, Change Order #13, for
14 \$2,445.00; Montgomery Kone, which is Change Order #1,
15 a contract addition of \$890.00; and Montgomery Kone,
16 Change Order #2, for a contract reduction of
17 \$47,978.00. Way to go!
18 BLOOM: Well, this isn't "my" jail, but I have been
19 reviewing these claims--
20 IRVING: I thought it was your jail.
21 BLOOM: --I've been reviewing the claims. We've
22 changed some areas around the elevator doors, and we
23 --the 47,978 [\$47.978.00] is actually a delete on the
24 elevator equipment on--
25 IRVING: Great.

0051
1 BLOOM: --Elevator 3. And, I'd like a motion,
2 please. Or, I'll make it.

3 IRVING: So moved.
4 ROUSSEAU: I'll second it.
5 IRVING: All in favor say "aye."
6 BLOOM: Aye.
7 ROUSSEAU: Aye.
8 IRVING: Aye. Well, I didn't mean "my" Juvenile
9 Justice, it's my project.
10 BLOOM: Whatever.
11 IRVING: Is this your--okay.
12 BLOOM: Whatever.
13 IRVING: Okay, we're going to revise the Inter-Local
14 Agreement for services in development, production and
15 playback of county programs. And, I think we have
16 our PIO.
17 McGAULEY: You do have your PIO. John McGauley,
18 Public Information Officer. We're asking for your
19 approval today of a slightly revised contract with
20 the Allen County Public Library, for production of
21 our television broadcasts of meetings such as this
22 one. The only change here, between this version, and
23 the one you signed back in October, is the channel
24 number. We have moved, several months ago, from
25 Channel 58, to Channel 55, just updating the

0052
1 contract.
2 BLOOM: So, we're not giving Larry more money? This
3 is just changing channels? I was going for it,
4 Larry.
5 McGAULEY: And Larry appreciates it.
6 BLOOM: I'll make a motion--I'll make a motion that
7 we revise the Inter-Local Agreement.
8 ROUSSEAU: So moved--or, second.
9 IRVING: All in favor say "aye."
10 ROUSSEAU: Aye.
11 BLOOM: Aye.
12 IRVING: Aye. Thank you very much, John. May I have
13 a motion for approval of the waiver.
14 ROUSSEAU: So moved.
15 BLOOM: Second.
16 IRVING: All in favor say "aye."
17 ROUSSEAU: Aye.
18 BLOOM: Aye.
19 IRVING: Aye. Thank you very much. Do we have any
20 comments from the public? (No response.) Well,
21 hearing none, have a very nice week. Thank you.
22 (Adjourned 10:51 a.m.)
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1 STATE OF INDIANA)
) SS:
2 COUNTY OF ALLEN)
3 REPORTER'S CERTIFICATE
4 I, Rhonda M. Mullholand, a Notary Public in
5 and for the State of Indiana, County of Allen, do
6 hereby certify that the above and foregoing is a true
7 and accurate transcript of the Board of
8 Commissioners' of the County of Allen, Legislative
9 Session, held before me on January 22, 2003, in the

10 Allen County Commissioners' Courtroom, Room 200,
11 City-County Building, 1 East Main Street, Fort Wayne,
12 Allen County, Indiana; that I am not related to,
13 employed by or interested in any of the parties to
14 this cause of action.

15 IN WITNESS WHEREOF, I have hereto affixed my
16 hand and seal this 24th day of January, 2003.

17
18

Rhonda M. Mullholand, Notary Public
Residing in Allen County, Indiana

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20

My Commission Expires:
June 21, 2009

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