



**BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN**  
Citizens Square Suite 410 · 200 East Berry Street · Fort Wayne, IN 46802  
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**RICHARD E. BECK    THERESE M. BROWN    F. NELSON PETERS**

**MINUTES**

**Commissioners' Legislative Session**  
**10:00 AM Friday, July 19, 2019**  
**Council Chambers Courtroom – Citizens Square**

Commissioners Present: Nelson Peters, Therese Brown and Rich Beck

|                 |                  |                      |
|-----------------|------------------|----------------------|
| Others Present: | Chris Cloud      | Commissioners Office |
|                 | Mike Green       | Commissioners Office |
|                 | Bill Fishering   | County Attorney      |
|                 | Bill Hartman     | Highway Director     |
|                 | Vance Hernandez  | Building Maintenance |
|                 | Amanda Lawrence  | SJCA Engineers       |
|                 | Rosa S Rodriguez | Journal Gazette      |

Commissioner Peters called the meeting to order at 10:03 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Consider approval of the minutes of July 12, 2019.** Commissioner Beck made a motion to approve minutes of July 12, 2019. Commissioner Brown seconded the motion. Motion carried 3-0.
- 2. Consider approval of Amendment # 1 between the Board of Commissioners and A & Z Engineering, LLC for Liberty Mills Rd -West County Line Rd/ CR 900 N Roundabout, INDOT Des. No. 129238, Allen County Project # 05-210, for additional Construction Inspection services; in the amount of \$2,780.00.** Bill Hartman, Highway Director, stated this that during the construction they had to redesign some culvert drainage and remodel the splitter islands for the roundabout and re-profile the north end of the project to make the project fit the existing conditions and avoid utilities that we encountered that we didn't expect. Commissioner Brown made a motion to approve Amendment # 1 between the Board of Commissioners and A & Z Engineering, LLC for Liberty Mills Rd -West County Line Rd/ CR 900 N Roundabout, INDOT Des. No. 129238, Allen County Project # 05-210, for additional Construction Inspection services; in the amount of \$2,780.00. Commissioner Beck seconded the motion. Motion carried 3-0.
- 3. Consider approval of Change Order # 1 and Final for Bid Ref # 25-18 for River Rd Bridge # 249 over Hamm Interceptor, Project # 0100516; in the amount of \$9,905.01 increase.** Bill Hartman, Highway Director, stated the piling on the bridge was intended to imbed in the center piers all the way up to the caps. As bid, they were not. They were only about 6 feet or so up into the piers and those piers are approximately 20 feet high and imbedded into rock. We needed to add another 72.72 feet of piling which at \$125 per foot made the \$9,905 increase in the contract. Commissioner Brown made a motion to approve Change Order # 1 and Final for Bid Ref # 25-18 for River Rd Bridge # 249 over Hamm Interceptor, Project # 0100516; in the amount of \$9,905.01 increase. Commissioner Beck seconded the motion. Motion carried 3-0.
- 4. Consider approval of Project Acceptance for Bid Ref # 25-18 for River Rd Bridge # 249 over Hamm Interceptor, Project # 0100516, with the Final Contract amount of \$700,465.11.**

Commissioner Brown made a motion to approve Project Acceptance for Bid Ref # 25-18 for River Rd Bridge # 249 over Hamm Interceptor, Project # 0100516, with the Final Contract amount of \$700,465.11. Commissioner Beck seconded the motion. Motion carried 3-0.

5. **Consider approval of Addendum to Interlocal Agreement between the Board of Commissioners and City of Fort Wayne for Diebold Rd from North Clinton St to Dupont Rd, Project # 1200218 (From Berger Auto to North Clinton St); in the amount of \$4,522,992.65.** Bill Hartman, Highway Director, stated this is the cost of the overall agreement. We will share this half and half with the City of Fort Wayne so our portion will be \$2,276,496. Commissioner Beck made a motion to approve Addendum to Interlocal Agreement between the Board of Commissioners and City of Fort Wayne for Diebold Rd from North Clinton St to Dupont Rd, Project # 1200218 (From Berger Auto to North Clinton St); in the amount of \$4,522,992.65. Commissioner Brown seconded the motion. Motion carried 3-0.
6. **Consider approval of Encroachment Agreement between the Board of Commissioners and Town of Leo-Cedarville to install a “Welcome to Leo-Cedarville” sign in the right-of-way along Grabill Rd.** Bill Hartman, Highway Director, stated this is on the north side of Grabill Road and just immediately west of Sunrise Court. Commissioner Beck made a motion to approve Encroachment Agreement between the Board of Commissioners and Town of Leo-Cedarville to install a “Welcome to Leo-Cedarville” sign in the right-of-way along Grabill Rd. Commissioner Brown seconded the motion. Motion carried 3-0.
7. **Consider approval of Interlocal Cooperation Agreement between the Board of Commissioners and City of Fort Wayne for Animal Care and Control Services.** Chris Cloud, Chief of Staff, stated that since 1993 we have had a contract with the City of Fort Wayne Animal Care and Control Services. When the new director of Animal Care and Control took over about 18 months ago she thought it would be a good to revise that contract. Since that time in looking at how best to restructure it, our contract with them is actually composed of several parts. There is the part where they take animals that the Sheriff’s animal control officers bring such as stray or aggressive animal calls that come in. The City’s Animal Care & Control facility would house them and try to reconnect them with owners or put them up for adoption or whatever. The second part of this contract historically has been for rabies investigations when a dog or other animal bites someone the Animal Care & Control folks with the Fort Wayne would test the animal to ensure they didn’t have rabies. That is a Health Dept. requirement so they perform that function for us under the contract. The third part is stray animals that residents of unincorporated Allen County may find and bring in to the animal shelter. We paid the same flat fee for roughly 20+years. That fee needed to be revised and also we wanted to rethink the structure of the agreement. Previously we paid \$97,844 per year as a flat fee. We are breaking it out to a \$75,000 flat fee for the rabies services and the service to house animals that the Sheriff brings in. What our variable costs will be are when animals are brought in from the residents of unincorporated Allen County. We have a historical idea of what that might be but that number does vary from year to year. We will as part of this agreement pay a flat fee of \$75,000 annually for the other two services and then a \$15 per day with a cap of 5 day per animal cost. In the agreement, Fort Wayne Animal Care and Control is tasked with trying to get the money back first from the animal owner so if they come to reclaim their animal there is a cost to them that is taken off our cost. In doing the rough math our worst case scenario each year might be between \$150k-\$170k. We have budgeted for that but at a minimum we will have a flat fee of \$75,000 and everything else will be variable. They have agreed to provide reports monthly which the Auditor will look through to verify that the people who are dropping animals off were actually from unincorporated Allen County so we are not assessed anything for a resident of Fort Wayne because they cover that under city taxes. This has been a long standing relationship and it definitely helps us out not having to have our own shelter facility. New Haven is linked in with us but we do bill back New Haven. Commissioner Brown made a motion to approve Interlocal Cooperation Agreement between the Board of Commissioners and City of Fort Wayne for Animal Care and Control Services. Commissioner Beck seconded the motion. Motion carried 2-1 (Peters).
8. **Approval of amended and restated permanent drainage easement between the Board of Commissioners and Dupont Corner Investors, LLC.** Bill Fishing, County Attorney, stated that

when the Commissioners did the first phase of Diebold Road they obtained an easement across a piece of property for Dupont Corners to install a drainage facility which is a fancy word for a pipe. This was done to drain the road. Dupont Corners is about to sell the piece of property across which that facility (pipe) runs and wanted us to amend our drainage easement from the standard county highway drainage easement to a little more uniform easement. Basically it takes out our ability to put a highway across that piece of property as well as allows them to put a parking lot across the top. The agreement does require that if we have to fix our pipes, it is the responsibility of the owner to redo the parking lot. We have no responsibility there at all. We are generally in favor of the project because as you know this is in a TIF zone and the construction of a restaurant will increase the revenues of the TIF zone and help us repay the Diebold Road project. Commissioner Brown made a motion to approve the amended and restated permanent drainage easement between the Board of Commissioners and Dupont Corner Investors, LLC. Commissioner Beck seconded the motion. Motion carried 3-0.

- 9. Consider approval of grant agreement between the Board of Commissioners and Indiana Department of Natural Resources for Next Level Trails Program in the amount of \$3,297,742.00.** Chris Cloud, Chief of Staff, stated that we were recently awarded one of the Governor's Next Level Trails grants for our regional trail, the Pufferbelly, which actually eventually connects to a state park. We were awarded the construction costs of our contract. This is the standard agreement and has been reviewed by several folks internally and conforms to a typical highway grant agreement with the State. Highway is comfortable with being able to comply with the reporting and financial requirements of the contract. Commissioner Beck made a motion to approve grant agreement between the Board of Commissioners and Indiana Department of Natural Resources for Next Level Trails Program in the amount of \$3,297,742.00. Commissioner Brown seconded the motion. Motion carried 3-0.
- 10. Consider approval of appointment to the Fort Wayne – Allen County Airport Authority Board of Directors.** Chris Cloud, Chief of Staff, stated the name before them for appointment is Kim Wagner. Commissioner Brown made a motion to approve the appointment. Commissioner Beck seconded the motion. Motion carried 3-0.
- 11. Consider approval of license agreement between the Board of Commissioners and Nelson Tree Service, Inc.** Chris Cloud, Chief of Staff, stated Nelson Tree Service is a subcontractor to AEP and they are the ones who trim trees under powerlines. They were losing their long term place to park their trucks after hours and on weekends and needed a place to do that at least temporarily until they found another long term place. We have an unused dirt lot by the Kidder Bldg. so they will for at least the rest of this year and next spring using that for after hours and weekend parking for their tree trimming trucks in a designated area. They are fully aware that we will possibly be selling that property next year sometime so they may only get this season out of it. There is no fee for service but they do have liability insurance. Commissioner Brown made a motion to approve license agreement between the Board of Commissioners and Nelson Tree Service, Inc. Commissioner Beck seconded the motion. Motion carried 3-0.
- 12. Consider approval of claims for payment.** Commissioner Beck made a motion to approve the claims as submitted in the amount of \$1,369,971.78. Commissioner Brown seconded the motion. Motion carried 3-0.
- 13. Other Business: Consider approval of Amendment #1 – Independent Contractors Agreement between Ascent Analytics and Board of Commissioners on behalf of Youth Services Center of Allen County.** Chris Cloud, Chief of Staff, stated that last year the Commissioners signed an agreement on behalf of Youth Services Center with Ascent Analytics. Jeff Schumacher was going to help YSC with their accreditation process which is a new federal requirement and they were getting a head start on it. They submitted their application for accreditation and the accrediting body had several things they needed worked on or amended, both in paperwork, processes and procedures, etc. The funding for Jeff's contract expired in the way it was written. As Chris Dunn at YSC needs Jeff's services to get the remaining accreditation items figured out and finalized and in place, this amendment provides for an additional opportunity to provide a monthly allotment to cover those costs. Commissioner Brown made a motion to approve Commissioner Beck seconded the motion. Motion carried 3-0.

**14. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of July 19, 2019.** Commissioner Beck made a motion to approve the waiving of the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of July 19, 2019. Commissioner Brown seconded the motion. Motion carried 3-0.

**15. Comments from the Public**

**16. Motion to Adjourn.** Meeting adjourned at 10:21 a.m.

*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, 200 East Berry Street, Suite 380, Fort Wayne, IN 46802, or by phone at (260) 449-7217.*