



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

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NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

**Commissioners' Legislative Session
10:00 a.m. Friday, August 14, 2015
Council Chambers Courtroom – Citizens Square**

Commissioners Present: Nelson Peters and Linda Bloom
Commissioners Absent: Therese Brown

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Bill Fishing	County Attorney
	Charlie Edwards	Sheriff Dept.
	CJ Steigmeyer	Coliseum
	Robert Bolenbaugh	AC Purchasing
	Bill Hartman	Highway
	Dan Freck	Maintenance
	Michelle Wood	DPS
	Karen Lime	Mardiejo Hills
	Curt Sylvester	La Cabreah
	Eldon Anderson	La Cabreah
	Dennis Massey	La Cabreah
	Scott Bodecker	Valley Place
	David Bojrab	St. John Chrysostou

Commissioner Peters called the meeting to order at 10:06 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of July 31, 2015.** Commissioner Bloom made a motion to approve the minutes of July 31, 2015. Commissioner Peters seconded the motion. Motion carried 2-0.
- 2. Approval of School Resource Officer agreement between the Board of Commissioners and the Metropolitan School District of Southwest Allen County on behalf of the Sheriff's Department.** Charlie Edwards, Sheriff's Dept., presented this item. He stated this is the annual contract they have with SW Allen County Schools for a school resource officer. This is the same one from last year and the year prior. Nothing has really changed on it. Commissioner Peters asked if these resource officers take away from our manpower. Charlie Edwards stated that at far as taking manpower off the streets – No. They just went back to council and were approved for 2 more officers because they now have them in each district. So will be expanding the program. It's been very successful. It's not just a feel good and not just security in the schools. It's also an educational part that they do in the schools. Commissioner Bloom made a motion to approve the of School Resource Officer agreement between the Board of Commissioners and the Metropolitan School District of Southwest Allen County on behalf of the Sheriff's Department. Commissioner Peters seconded the motion. Motion carried 2-0.
- 3. Approval of agreement between the Board of Commissioners and RLR Associates, Inc. for an Identity and Wayfinding Signage Master Plan on behalf of Memorial Coliseum.** CJ Steigmeier, VP of Finance and COO for Memorial Coliseum presented this item. He stated this contract is for RLR to design the signage and wayfinding at the Coliseum for the outside and inside. It's a whole facility design. Back in March there was a contract signed originally. The first part of this piece included the conceptual

design phase and this is the actual final design phase as well as construction administration for that. Commissioner Bloom made a motion to approve the agreement between the Board of Commissioners and RLR Associates, Inc. for an Identity and Wayfinding Signage Master Plan on behalf of Memorial Coliseum. Commissioner Peters seconded the motion. Motion carried 2-0.

4. **Approval of Sales Purchase Agreement between the Board of Commissioners between the Board of Commissioners and Lassus Brothers Oil, Inc for bulk fuel deliveries.** Robert Bolenbaugh, Purchasing Director, presented the fuel agreement for next year with the Lassus Brothers for our county fleet. The price has been locked in at \$2.14 per gallon not to exceed 12,500 gallons per month. This program has been a real good program for Allen County. It has allowed our fleet to fuel in the field instead of driving to one of our 3 fueling locations so it saves time, money, and wear and tear. Commissioner Bloom made a motion to approve the Sales Purchase Agreement between the Board of Commissioners between the Board of Commissioners and Lassus Brothers Oil, Inc. for bulk fuel deliveries. Commissioner Peters seconded the motion. Motion carried 2-0.
5. **Approval of Dedication of right of way for Ernst Rd from Prairie Crossing, LLC on Ernst Rd, east of Homestead Rd.** Bill Hartman, Highway Director, presented this item. He stated we are going to replace a bridge on Ernst Road just east of Homestead Road and this is the right of way dedication so we can accomplish that. Commissioner Bloom made a motion to approve the Dedication of right of way for Ernst Rd from Prairie Crossing, LLC on Ernst Rd, east of Homestead Rd. Commissioner Peters seconded the motion. Motion carried 2-0.
6. **Approval of the Change Order #9 for Flutter Rd from St Joe Road to Schwartz Road, INDOT Des #0400583, Contract #R-29741-A, LPA Project #05-276. Cost - \$2,750.00 (Increase).** Bill Hartman, Highway Director, presented this item. He stated this is for a traffic signal modification at Maplecrest and Flutter. It includes two new hand holds and approximately 1500 feet of conduit so that the signals will operate properly. Commissioner Bloom made a motion to approve Change Order #9 for Flutter Rd from St Joe Road to Schwartz Road, INDOT Des #0400583, Contract #R-29741-A, LPA Project #05-276. Cost - \$2,750.00 (Increase). Commissioner Peters seconded the motion. Motion carried 2-0.
7. **Approval of the Change Order #1 for Bethel/Huguenard/Till Intersection, INDOT Des #1005320, Contract #R-34237-A, LPA Project #1200207. Cost - \$600.00 (Increase).** Bill Hartman, Highway Director, stated that existing pipes were encountered during the excavation to construct the new round about at this location. In about 8 locations they need to be bulk headed and this is the charges for doing that. Commissioner Bloom made a motion to approve Change Order #1 for Bethel/Huguenard/Till Intersection, INDOT Des #1005320, Contract #R-34237-A, LPA Project #1200207. Cost - \$600.00 (Increase). Commissioner Peters seconded the motion. Motion carried 2-0.
8. **Approval of bid awards for the following Projects:**
 - a. **Ernst Road Improvements -New Pavement & New Bridge Construction from Homestead Road to ±1600' east of Homestead Road and HMA Resurfacing of Ernst Road from Aboite Road to Homestead Road.**
 - b. **Maysville Road Bridge #528 over Bullerman Ditch - Bridge Rehabilitation**

Bill Hartman, Highway Director, presented these items.

He stated that on item 8a – the low bid was \$1,204,938.55. The engineers estimate was \$1,301,921. Commissioner Bloom made a motion to approve the Ernst Road Improvements -New Pavement & New Bridge Construction from Homestead Road to ±1600' east of Homestead Road and HMA Resurfacing of Ernst Road from Aboite Road to Homestead Road. Commissioner Peters seconded the motion. Motion carried 2-0.

Bill Hartman stated that on item 8b – the bid was \$498,937.35. The engineers estimate was \$593,067.57. Commissioner Bloom made a motion to approve Maysville Road Bridge #528 over Bullerman Ditch - Bridge Rehabilitation. Commissioner Peters seconded the motion. Motion carried 2-0.

9. Approval of rezoning petition 2015-0028 to rezone 38.7 acres on the north side of the 100 to 400 blocks of Badiac Road from A1/Agricultural to R1/Single Family Residential for an 84-lot single family residential development. Michelle Wood, DPS, presented this item. She stated this item is for Talis Park which is for the 84 lot single family residential development to be located on the north side of Badiac Road. It is also situated between LaCabreah to the west and Valley Place to the east and Eagle Lake to the south and there is an agricultural field existing to the north. This is on the west side of Coldwater Road off of Badiac and the nearest north road would be Carroll Road. The existing zoning of the parcel is A1/Agricultural. Surrounding this site is mostly R1/Single Family Residential and then there is some C1 and C2 office and retail zoning along Coldwater and as you go further south towards Dupont there are a lot more commercial zoning. The proposal is for 84 lots and the access does come off of Badiac Road and then as per the AC Zoning Ordinance, it does connect into LaCabreah at Dorchester and it does show a stub street to the north into the undeveloped agricultural ground. The remaining streets are cul de sacs within the subdivision. There will be lane improvements done on Coldwater Road and then at the entrance on Badiac. Badiac is a City street and right now the City is still looking into the condition of that. They have taken current core samples and video of the existing condition and then as the project progresses, they'll come back and revisit that. We don't have a commitment for actual widening or improvements at this time but Michelle stated she thinks that is being talked about but she can't guarantee anything because that is a City street. There will be improvements on Coldwater, a turn lane to come in and then the remaining streets are under the Highway Department and they meet our typical residential standards. Overall the development proposed plat meets all standards of the Allen County Zoning Ordinance. A public hearing was held and there was discussion from all 3 of the neighboring subdivisions. Some of the things that were brought up were connection into LaCabreah, the condition of Badiac Road, the proposed size of the lots and proposed costs of the homes in this subdivision vs. some of the ones surrounding it. At the business meeting Badiac was discussed a little bit. Right now the agreement is to return it to preconstruction conditions. Again, still working on trying to get more improvements on that. They did have a unanimous approval of the plat and a unanimous do-pass recommendation of the zoning and it was a 7-0 vote. Commissioner Peters asked about the criterion laid out in Indiana Code and stated that if affirmed, the Commissioners really don't have a choice but to pass the Zoning. He read off each criterion and asked that Michelle respond to them. She did in great detail and it was affirmed that each of them met the requirements. Commissioner Peters then deviated from the normal meeting format and provided the opportunity for public input from neighbors in the area to make brief statements regarding their concerns. Curt Sylvester of LaCabreah addressed some concerns which included water and drainage issues and swales being located on private property not common property. Requested wording be included in covenants by the developers so that residents are aware that swales are to be left opened and not closed blocking the flow of water. Requested an ordinance be adopted that says the swales must be left open. He brought up the need for good traffic control for security and safety. He also spoke about the compatibility issues with the minimums and asked that the developer look at raising those minimums and standards. He also said he felt property values would go down. Mr. ??? addressed the transition from smaller lots to larger lots and suggested they transition to the smaller lots with some intermediate size lots in between. He brought up concerns about Badiac Road. He brought up concerns about swales. Requested some existing trees be kept on the 38 acres. Requested some significant meaningful screening between Valley Place and the Talis Park project. Karen Lime, 11521 Gongawa Drive on the corner of Badiac Road stated that one of her big concerns is water. She had problems in her yard and the neighbor behind her had water problems too. There is also water flow problems along Badiac. There are safety issues with people speeding on Badiac. Commissioner Peters stated he has had the opportunity to speak with the developer and told him some of the concerns he had been hearing and the developer responded and has put in writing that he would put up a sign at the entrance of LaCabreah stating that there would be no Talis Park construction traffic. Additionally, the developer said that should the approval come about, that they would block off the stub from LaCabreah into the new subdivision. As far as the screening goes, and perhaps if this goes through we could push a little further, the developer did suggest 6 foot pines along lots 75, 76, 77, and 78 in the new subdivision. Commissioner Peters said the developer did talk about Badiac and said that the City is actually going to widen some parts of Badiac this year. The developer did tell Commissioner Peters that he was scheduled to meet with the City further. They are going to widen and lengthen the Coldwater passing ? allowing for a little bit safer ingress and egress into Badiac Road and he did suggest that they would maintain the road during the construction time. Regarding some of the concerns that Mr. Sylvester brought up, the Highway Director suggested that there are going to be improvements to Dupont Road. A timeframe

wasn't talked about but in that timeframe with the improvements to Dupont Road, there will also be improvements to the access at LaCabreah. Those types of things will likely occur just because that road is being improved. Commissioner Peters said our surveyor does a great job engineering programs and looks out for the best interests of the citizens with respect to drainage and making sure the water gets to where it needs to. Commissioner Peters stated he is confident that should this go through that the plans will be such that they'll not only positively affect anybody in the new subdivision but it will likely have a positive effect on some of the adjacent stuff as well. Commissioner Bloom stated citizens can contact the commissioner's office or the surveyor's office if they see things happening that they don't think are correct or that they are confused by. Mr. ??? asked if they could have a contact person and phone# with Oakmont and DA Brown so that they could call when they have those questions and they wouldn't have to go through the Commissioner's office every time there was a question. Commissioner Peters stated he thought we could commit to that and make that happen if there were only a couple citizen representatives that questions/concerns were funneled through so they wouldn't have every resident calling them. Commissioner Bloom made a motion to approve rezoning petition 2015-0028 to rezone 38.7 acres on the north side of the 100 to 400 blocks of Badiac Road from A1/Agricultural to R1/Single Family Residential for an 84-lot single family residential development. Commissioner Peters seconded the motion. Motion carried 2-0.

- 10. Approval of memorandum of understanding between the Board of Commissioners and the Allen County Redevelopment Commission for a Community Corrections work crew.** Chris Cloud, Exec. Asst., stated this is the standard Community Corrections work crew agreement. The Redevelopment Commission is cleaning out a farmhouse they own out in the Pleasant Center area and this is the work crew to clean out the farmhouse so it can be demolished. Commissioner Bloom made a motion to approve the memorandum of understanding between the Board of Commissioners and the Allen County Redevelopment Commission for a Community Corrections work crew. Commissioner Peters seconded the motion. Motion carried 2-0.
- 11. Approval of Right of Way for Lafayette Center Road.** Chris Cloud, Exec. Asst., stated this is parcels 45 and 72. Commissioner Bloom made a motion to approve the Right of Way for Lafayette Center Road. Commissioner Peters seconded the motion. Motion carried 2-0.
- 12. Approval of claims submitted for payment.** Chris Cloud, Exec. Assistant, stated the claims before them today total \$3,603,331.66. Commissioner Bloom made a motion to approve the claims submitted for payment. Commissioner Peters seconded the motion. Motion carried 2-0.
- 13. Other Business:**
- 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 August 14, 2015.** Commissioner Bloom made a motion to approve waiving the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of August 14, 2015. Commissioner Peters seconded the motion. Motion carried 2-0.
- 15. Comments from the Public.**
- 16. Motion to Adjourn.** Meeting adjourned at 11:07 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.