



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, December 18, 2015
Council Chambers Courtroom – Citizens Square**

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

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Bill Fishing	County Attorney
	John Feighner	AC Sheriff Dept.
	Spencer Feighner	Sheriff Dept. & Youth Services
	Chris Dunn	YSC
	Chris Angelatta	YMCA of Greater Ft. Wayne
	Dawn Ritchie	City of Ft. Wayne - Greenways
	Jeff Stevens	ACCC
	Dan Freck	Maintenance
	Chip Hampel	Charles E. Hampel
	Bill Hartman	Highway Department

Commissioner Peters called the meeting to order at 10:04 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of December 11, 2015.** Commissioner Brown made a motion to approve the minutes of December 11, 2015. Commissioner Peters seconded the motion. Motion carried 2-0.
- 2. Consider approval of contract between the Board of Commissioners and Home Front Legal Services LLC for class/collective action administration.** John Feighner, Attorney for Sheriff in the Myatt Class Action litigation. He stated the case was tried last January and in post-trial proceedings we are ready to distribute the funds to the individual class members. As you might expect, since very few of them are still in the jail, most of them have been released and may have moved or relocated within the city or elsewhere. In other class actions a company called Home Front Legal Services has been used. The Auditor and I have discussed it's probably most efficient to have a third party administrator, a neutral person, be managing this. We would be writing the checks out of the County fund and will keep track of the distribution and will know when the checks are cashed. The district court judge wanted us to use this method. We have a contract with Home Front Legal Services which is an Indianapolis company. It is dated December 14th. Chris Meyers the attorney for the class has also approved it. It is part of the cost of the settlement. The Sheriff and I have discussed the payment of the cost. The total could be as high as \$5,800. Part of that is because we will probably have to send several mailings out to find people to do best efforts to get them their funds. We are scheduled to report to the district court in mid-February. County Council approved the settlement back in November and the funds are available. Mr. Feighner said he recommended the Commissioners approval. Commissioner Brown made a motion to approve the contract between the Board of Commissioners and Home Front Legal Services LLC for class/collective action administration. Commissioner Peters seconded the motion. Motion carried 2-0.
- 3. Consider approval of amendment number one to the agreement between the Board of Commissioner and A'viands LLC for the provision of meals for the Allen County Jail and Work**

Release on behalf of the Sheriff's Department. Spencer Feighner, Attorney for Allen County Sheriff Dept., presented this item. He stated that one year ago the Commissioners approved an agreement with a company called A'viands for the provision of food to the AC Jail and Work Release. That contract called for a one year lock in on price and after that it would be tied to CPI along with the agreement of parties involved. Amendment #1 before them is simply addressing that CPI increase in some spots. As with the previous agreement its actually tied to the population of the jail as long as it falls within one of those numbers there is a corresponding cost for each person. The smaller the population they actually have us a little bit of a decrease in price but as it goes up, it moved a cent or two depending on what the actual jail population is at any given time. Work Release is uniform throughout. That went from \$1.56.9 cents up to \$1.60.8 cents. Commissioner Brown made a motion to approve amendment number one to the agreement between the Board of Commissioner and A'viands LLC for the provision of meals for the Allen County Jail and Work Release on behalf of the Sheriff's Department. Commissioner Peters seconded the motion. Motion carried 2-0.

- 4. Consider approval of agreement between the Board of Commissioners and the YMCA of Greater Fort Wayne for Safe Place program on behalf of YSC.** Spencer Feighner, Attorney for Allen County Sheriff Dept., presented this item. He stated there is a new program that the YMCA is taking up on behalf of a couple of different agencies. They asked for our help in assisting with any potential need for overnight residents. It is basically a runaway program. Chris Angelatta, Chief Operating Officer for the YMCA, stated they run the Youth Service Bureau here in Fort Wayne. National Safe Place is program that the Indiana Youth Services Association is trying really hard to grow around the state. We are one of those agencies that they believe could deliver the program here so we were given an opportunity to run the program through some small funding from them. Startup funding of about \$8,400 so we have the ability to provide this program as a runaway prevention program. The idea is having safe place locations around the community that youth could walk into. Maybe they are afraid to go home or school and have some issue that they need to be taken care of and don't know where to go. So instead of the child running away, a safe place is there. There is also a 24 hour hotline and a text for help service. All these things are things that we are funding and willing to do and ready to go. We have to communicate to approximately 5,000 youth in this first year and actually individually communicate with 5,000 youth. Actually physically put a card into their hand to communicate the program to them. We've developed over the years great relationships with the schools to do those things as well as the kids that we already serve in the SOCAP program. We think that this opportunity is a great opportunity for the county and it is a service that is not provided by anybody else here. There isn't a youth shelter here so there is not a place for an unaccompanied youth to be. We do have a requirement through National Safe Place certification to have an option for an overnight stay. He stated they are working with a couple of places to do that and the Youth Center is the logical place for us to work with so Chris and his staff have been willing to work with us in that. Hence the contract and our opportunity to work with the county in a more formal way. Commissioner Brown asked Chris Dunn if he would be able to recoup any of the expenses for the costs associated if an when there is someone that needs your services. Chris Dunn stated they don't expect there to be any expenses upfront that they will need to recoup. Right not they are not expecting a large number of kids to need this service. If they would start to see numbers increasing, they would come back and revisit this. DCS is directly involved in this program and both judges in the juvenile court are on board with this program. Commissioner Peters asked what happens if they are at full capacity. Chris Dunn stated that has already happened and they have to turn kids away. Commissioner Brown made a motion to approve the agreement between the Board of Commissioners and the YMCA of Greater Fort Wayne for Safe Place program on behalf of YSC. Commissioner Peters seconded the motion. Motion carried 2-0.
- 5. Consider approval of subordination agreement between the Board of Commissioners and CenturyLink for utilities along Covington Road.** Dawn Ritchie, City of Fort Wayne, presented this item. She stated the City of Fort Wayne, Allen County and Fort Wayne Trails Inc. are working with INDOT to extend the existing 3 mile long trail on the north side of Covington Road from the Beal-Taylor Ditch, which sits in front of Sycamore Hills Golf Club, over to the intersection at West Hamilton Road to connect the trail with a junior high and an elementary school. INDOT will be bidding the project in April with federal funds. When we use federal funds, the Federal Highway Administration expects us to subordinate any existing utility easements to protect the future use of that trail. There is currently a CenturyLink easement at the northwest corner of W. Hamilton and Covington Road and their pedestal is

in the way of the trail. Dawn stated she wanted to give recognition to CenturyLink because they have every right to be compensated for the subordination of their easement and for the relocation of their facility since they already had an easement. But they understand the importance of this trail connecting children or students with those schools so they agreed to subordinate their easement at no cost to us and also they will move their pedestal at no cost to us. We are very thankful for that. Commissioner Brown made a motion to approve the subordination agreement between the Board of Commissioners and CenturyLink for utilities along Covington Road. Commissioner Peters seconded the motion. Motion carried 2-0.

- 6. Consider approval of non-revocable license agreement between the Board of Commissioners and Indiana Michigan Power Company for use of distribution easement.** Dawn Ritchie, City of Fort Wayne, stated that along the same trail project, the property just to the east of The Chapel Church, Indiana Michigan Power has an existing 30 foot wide utility easement. We did acquire the right of way necessary for the trail. The trail fortunately will not impact any of their poles. They were not willing to sign a subordination agreement but they were willing to sign a non-revocable license agreement. INDOT replied that that would be OK with them because since it is an overhead utility, it poses a much lessor risk to damaging the trail. This basically still provides I & M's easement as being the dominant easement here. I & M does promise that there are going to operate their vehicles in a manner that is conducive to the safety of trail users and they will do their best to limit their use of the trail and do their best to avoid any damage to the trail. However, if they do damage the trail, they will not be responsible for fixing it. In the same regard, the County will use reasonable care at all times with respect to I & M's property when we are working on the trail. Commissioner Brown made a motion to approve the non-revocable license agreement between the Board of Commissioners and Indiana Michigan Power Company for use of distribution easement. Commissioner Peters seconded the motion. Motion carried 2-0.
- 7. Consider approval of independent contractor agreement between the Board of Commissioners and Jule Godsey for mental health assessments on behalf of Community Corrections.** Jeff Stevens, Sr. Finance Manager-Community Corrections, stated this is another assessment contractor agreement for our IJC treatment marketplace grant. Community supervision grant. We are replacing one of our existing contractors that is leaving. Commissioner Peters stated that this is about the 4th one of these to come back. He said there has been some discussion on just providing Community Corrections the authority within parameters to approve and sign the contracts for the turnover that is occurring in this position. He asked Jeff if he saw any issues with that. Jeff said not at all. Commissioner Brown made a motion to approve the independent contractor agreement between the Board of Commissioners and Jule Godsey for mental health assessments on behalf of Community Corrections. Commissioner Peters seconded the motion. Motion carried 2-0.
- 8. Consider approval of resolution authorizing Kim Churchward to approve subsequent mental health assessment independent contractor agreements.** Commissioner Brown made a motion to approve the resolution authorizing Kim Churchward to approve subsequent mental health assessment independent contractor agreements. Commissioner Peters seconded the motion. Motion carried 2-0.
- 9. Consider approval of agreement between the Board of Commissioners and Collins Industrial Services for floor repair at the Allen County Jail.** Dan Freck, Director of Buildings and Grounds, stated that we are looking at a project within the inside works of the Allen County Jail. It is probably a 3 part repair. We have to remove some existing tile to the floor that was installed in 2000-2001. We call that the tilt skillet area in the kitchen. There is a 200 sq. ft. area where the tile has cracked and separated. Some of that leakage has been going down into the basement. We want to tear that up and do an assessment on the concrete base and then repair with an epoxy slurry mix. We don't have to do the complete kitchen floor. Then there is some broken tile by a main door that will be part of this project as well. The third part of this project will be going into the kitchen wash/trash area where all of the utensils and cleaning supplies are cleaned up and then run through the dishwasher. That one has been done once before, 5 years ago, and it has not held up. This was put out for a bid and Collins was low bid. We have used them on a recent project and they have done a good job for us. This will be about a 5 day process. Commissioner Brown made a motion to approve the agreement between the Board of Commissioners and Collins Industrial Services for floor repair at the Allen County Jail. Commissioner Peters seconded the motion. Motion carried 2-0.

10. Update on Jail Bond refunding. Chip Hampel, Municipal Advisor for the County, gave this update. He stated the sale of the bonds occurred last week on Wed., Dec. 9th. We were trying to get the sale in before the end of this year and also to get in before this week's Fed meeting. The ability to do anything in the market when the Fed's are actually meeting is pretty minimal. Nobody wants to commit. We did do that. The last 3 weeks the market has been very volatile. Some days there were people very interested and other days there wasn't anybody to be found. The underwriting went pretty well. Of about \$7.5 million worth of bonds, they underwrote about \$2.8 which means that took that into their inventory and then have to work that out over time. They are essentially at risk for the change in rate. When they make that commitment, your rates are locked in. The result of that sale the net savings at this point based on the interest rates that have been locked in and so on will be \$356,000 over the remaining life. There needs to be a small caveat at this point. We had a couple of issues related to the cost of issuance that we may have to convert from an upfront over time which may change this number a little bit. But until we get the particular issue, which seems to be title insurance at this point, we just don't know what's going to happen. Commissioner Peters asked if title insurance issues are likely to be a big cost. Chip stated his expectation right now is that it might adjust it \$5,000. Attorney Fishing stated it wouldn't be more than \$10,000. Commissioner Peters thanked Chip for the update.

11. Consider approval of Bid Award to Primco, Inc. for Bid Ref # 30-15 for 2015 Concrete Street Repair in Pheasant Run Subdivision. Bill Hartman, Highway Director, stated the engineers estimate was \$428,329 and the bid came in at 422,011.79 which is \$6,217 under the estimate. Commissioner Brown made a motion to approve the Bid Award to Primco, Inc. for Bid Ref # 30-15 for 2015 Concrete Street Repair in Pheasant Run Subdivision. Commissioner Peters seconded the motion. Motion carried 2-0.

12. Consider approval of Bid Award for Bid Ref # 31-15 for Tecumseh Street Bridge # 537, Project # 0302814. Bill Hartman, Highway Director, stated we did real well with this one. The engineers estimate was \$309,021.25 and the bid is \$177,462.32. Commissioner Brown made a motion to approve the Bid Award for Bid Ref # 31-15 for Tecumseh Street Bridge # 537, Project # 0302814. Commissioner Peters seconded the motion. Motion carried 2-0.

13. Consider approval of Supplemental agreement # 1 between the Board of Commissioners and Butler, Fairman and Seufert, Inc. for additional Preliminary Services for Washington Center Rd Bridge # 95 over Spy Run Creek. Cost - \$30,800.00 (Increase). Reason: Design & Environmental Engineering Services – Extension of construction limits and scope of work revision, also hydraulic model will be revised and resubmitted to INDOT. Bill Hartman, Highway Director, stated this cost is \$30,800 of which we pay 20%. This is the result of the field check onsite. Originally it was scoped, primarily by the City, to be a 3 lane bridge and it was determined that it should be bumped up to a 4 lane bridge. Commissioner Brown made a motion to approve Supplemental agreement # 1 between the Board of Commissioners and Butler, Fairman and Seufert, Inc. for additional Preliminary Services for Washington Center Rd Bridge # 95 over Spy Run Creek. Cost - \$30,800.00 (Increase). Commissioner Peters seconded the motion. Motion carried 2-0.

14. Consider approval of Warranty Deeds for Ryan/Bruick Rd Project # 1300313

a. Parcel 6 – Paulding Putnam Electric

b. Parcel 19 – Werling

Bill Hartman, Highway Director, stated this is the first 2 parcels out of 26 for this project. Commissioner Brown made a motion to approve the Warranty Deeds. Commissioner Peters seconded the motion. Motion carried 2-0.

15. Consider approval of Supplemental No # 1 between the Board of Commissioners and Indiana Department of Transportation for funding Liberty Mills Rd/West County Line Rd (CR 900 N), Project # 05-210. Bill Hartman, Highway Director, stated the original agreement set the cap of federal aid at \$1,175,000 and this increases it up to \$1,854,900. Commissioner Brown made a motion to approve Supplemental No # 1 between the Board of Commissioners and Indiana Department of Transportation for

funding Liberty Mills Rd/West County Line Rd (CR 900 N), Project # 05-210. Commissioner Peters seconded the motion. Motion carried 2-0.

16. Consider approval of Street Acceptance and Mileage Certification for the Allen County Highway Department. Bill Hartman, Highway Director, stated we have 2.046 miles of new accepted maintained streets. We've resubmitted 10.237 miles that previously were not on the inventory that INDOT had available. We've reduced Eel River through an internal audit by .825 miles. New Haven has annexed 1.63 miles and Hometown has annexed 7.699 miles and the City of Fort Wayne has annexed 7.31 miles. So we end up just about a mile ahead throughout all that process for next year. The total miles is 1,299.981 miles. Commissioner Brown made a motion to approve the Street Acceptance and Mileage Certification for the Allen County Highway Department. Commissioner Peters seconded the motion. Motion carried 2-0.

17. Sign Request – Hawthorne Park Estates – Requested by Bill Hartman

a. Lurrey Pass at St. Elias Cove – Stop sign

Bill Hartman, Highway Director, stated this request came through the developer. This is the main drive south off of Crawford Road. The second street to the left will now be an all way stop. Commissioner Brown made a motion to approve the sign request. Commissioner Peters seconded the motion. Motion carried 2-0.

18. Consider approval of easement and right of way agreement between the Board of Commissioners and AEP. Chris Cloud, Executive Assistant, stated that AEP is requesting access to land the county owns at Adams Center and Paulding Road. Part of this is to run some distribution lines. It will involve removal of trees and they will be reimbursing us for those trees and allowing us to hire the company and landscaper. Between purchasing and some right of way and the tree reimbursement we are getting \$53,062.50. Commissioner Brown made a motion to approve the easement and right of way agreement between the Board of Commissioners and AEP. Commissioner Peters seconded the motion. Motion carried 2-0.

19. Approval of claims submitted for payment. Commissioner Brown made a motion to approve the claims submitted for payment in the amount of \$1,603,901.02. Commissioner Peters seconded the motion. Motion carried 2-0.

20. Other Business: Plats for Approval

Talis Park – Section I

Whisper Rock – Section II

Shearwater – Section V

Stratford Forest – Section VII

Commissioner Brown made a motion to approve the Plats. Commissioner Peters seconded the motion. Motion carried 2-0.

21. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of December 18, 2015. Commissioner Brown 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 December 18, 2015. Commissioner Peters seconded the motion. Motion carried 2-0.

22. Comments from the Public.

23. Motion to Adjourn. Meeting adjourned at 10:47 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.