

## **MINUTES OF AUGUST 26, 2009 AGENDA MEETING**

Commissioner Sneary opened the meeting at 9:00 a.m. on the 26<sup>th</sup> day of August, 2009 with the following members present: Commissioner Greg Sneary, Commissioner W. Dan Reiff, Commissioner Sam Bassitt, County Administrator Becky Saine and Clerk of the Board Kelli Singhaus.

Jim Wingate led the Pledge of Allegiance.

Commissioner Reiff moved for the approval of the minutes of August 18, 2009. Motion seconded by Commissioner Bassitt. The roll was called and the minutes were approved as submitted.

### **Action Items:**

#### **Resolution #628-09. *Approve travel expenses.***

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

#### **Resolution #629-09. *Authorize intradepartmental transfers.***

Commissioner Reiff moved to adopt the Resolution. Commissioner Bassitt seconded the motion. The roll was called and the Resolution was approved unanimously.

#### **Resolution #630-09. *Supplemental appropriation to the Jennings Creek Fund #4160.***

Becky Saine, County Administrator, requested a new appropriation in the amount of \$300.00. This is necessary to repay an outstanding balance to the general fund.

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

#### **Resolution #631-09. *Supplemental appropriation to the Revolving Loan Fund #2410.***

Becky Saine, County Administrator, requested an increase in the appropriation of \$275,000 for a new appropriation of \$740,000. This is necessary to issue a new revolving loan.

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

#### **Resolution #632-09. *Supplemental appropriation to the Ditch Rotary/Maintenance Fund #2099.***

Laura Clark, Account Clerk, requested an increase in the appropriation of \$4,000 for a new appropriation of \$70,000. This is necessary to meet year end expenses.

Commissioner Reiff moved to adopt the Resolution. Commissioner Bassitt seconded the motion. The roll was called and the Resolution was approved unanimously.

#### **Resolution #633-09. *Supplemental appropriation to various ditch funds.***

Laura Clark, Account Clerk, requested an increase in the appropriation of \$25,393.34 for a new appropriation of \$70,010.51. This is necessary for the reimbursement of labor, material and equipment.

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

**Resolution #634-09. *Supplemental appropriation to the D.A.R.E. Fund #2825.***

Becky Saine, County Administrator, requested a new appropriation in the amount of \$10,812.00. This for the establishment and appropriation of the D.A.R.E. Officer salary accounts for the remainder of 2009.

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

**Resolution #635-09. *Authorize a warrant to return an advance of funds from the Jennings Creek Joint County Ditch Fund #4160 to the General Fund #1001.***

Becky Saine, County Administrator, requested the transfer of \$300.00 from the Jennings Creek Joint County Ditch – Advance Out to the General Fund – Advance In. This is necessary for the repayment of an advance made on November 20, 2008.

Commissioner Reiff moved to adopt the Resolution. Commissioner Bassitt seconded the motion. The roll was called and the Resolution was approved unanimously.

**Resolution #636-09. *Approve a Public Official Bond for the Allen County Treasurer.***

Said bond is with Auto-Owners Insurance in the amount of \$75,000 for a four year term commencing September 7, 2009 and expiring September 1, 2013.

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

**Resolution #637-09. *Resolution acknowledging Jim Link, Allen County Treasurer, as the authorized person to invest public funds with UBS Financial Services, Inc. on behalf of Allen County.***

This agreement acknowledges that Jim Link, Allen County Treasurer, is the authorized person to invest public funds on behalf of the county.

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

**Resolution #638-09. *Authorize payment of an administrative fee to the Cooperative Purchasing Program.***

Said payment is in the amount of \$300 for FY'2010 beginning July 1, 2009 through June 30, 2010.

Commissioner Reiff moved to adopt the Resolution. Commissioner Bassitt seconded the motion. The roll was called and the Resolution was approved unanimously.

**Resolution #639-09. *Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.***

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

**Resolution #640-09. *Consideration of a Type 2 petition for a non-withdrawal annexation of approximately 5.225 acres of land situated in American Township to the City of Lima.***

Tim Piper, Allen County Engineer, spoke with concerns as it relates to non-withdrawal annexations. Piper feels these are items that need addressed. He believes further dialogue is needed with the City of Lima, Township Trustees and Villages. The following is a list of items that need addressed:

1. Police Protection
2. Fire Protection
3. Maintenance of existing storm/sanitary sewer waterlines
4. Providing sewer/waterlines for new development
5. Dedication of proposed roads as part of a new development
6. Maintenance/responsibility of existing streets
7. Stormwater permit/compliance
8. Driveway/road cut permits
9. Tax revenue/property taxes, including taxes which government is authorized to grant for abatement
10. Auto registration - As soon as an annexation plat is recorded in the Recorder's Office and the roadway is not being taken as part of the annexation, ODOT recognizes the registration fee for motor vehicles for the public entity it is being annexed to. In this instance, even though the township will maintain the roadway, the City of Lima will receive the registration fee for that portion.
11. Which entity will be responsible for addressing? Federal/state funding?
12. When there is a new commercial/housing development, which regulation standards will be used?

Piper stated that a checklist needs to be implemented. The checklist then could be utilized to by all three (3) entities in reaching an agreement. Piper further stated that he did have some communication with Amy Odum from the City of Lima last year regarding non-withdrawal annexations but has since fallen through the cracks. He needs to touch base again with her.

Paul Basinger, American Township Trustee, provided a list of concerns the trustees had regarding the non-withdrawal annexation. He stated that he realized the Board was under time constraints but since the time hadn't expired, he requested that the Board review the list and not make a decision regarding the annexation at today's meeting. Basinger further stated that the trustees have made attempts with the City of Lima for over year to come up with a non-withdrawal annexation. The last proposal made by the trustees has been sitting with the City of Lima and they have been unable to receive any communication from them. He stated that Perry Township has an agreement with the City of Lima – why can't they work with the American Township Trustees to develop same. Basinger also feels that the petitioners are aware of what this non-withdrawal annexation entails. He stated that this is the first time a non-withdrawal annexation has been made by residents.

Dale Vandemark, Agent for the Petitioners, stated that the petitioners do wish to proceed. He thanked the Commissioners for holding an informal meeting to address issues and concerns of the County Engineer and American Township Trustees. He stated that the annexation process is primarily statutory and if guidelines are met, a decision is made based according to same. He believes the questions raised are not relative to the decision not being made in their favor.

Paul Basinger, American Township Trustee, stated that when the lines were drawn for this annexation, the roadway was excluded. Why? All other annexations have always included the roadway.

Larry Vandemark, American Township Trustee, stated that the City of Lima has done this before and not included the street. If the City of Lima is going to file an annexation petition, the street needs to be included. The fire and police departments of the City of Lima and American Township have been able to work things through, why can't they get the same from the City of Lima?

Sam Bassitt stated that they could delay making a decision, but whatever information received in the next couple of days, the Board would still be compelled to approve the annexation based on the information before them.

Greg Sneary stated that the Board went through an official review with the attorney. One or two days is not going to make a difference on whether to go forward.

Sam Bassitt stated that out of due respect, the Board has no choice to take action. He agrees that a relationship needs to be developed with the City of Lima, townships and village and address these issues prior to filing an annexation petition.

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

**Discussion Items:**

**A. Jim Wingate, Adult Probation,** presented the following:

1. Request to adopt **Resolution #641-09**, authorize submission of a grant application to the Office of Criminal Justice Services for the ASORRC Grant. Wingate stated that he has been in contact with the Office of Criminal Justice Services as it relates to the ASORRC Grant. Wingate requested that the cash match be waived. He has not received a definitive yes or no but was requested by the State to submit application. The amount of the grant is \$152,851.79 for a period beginning January 1, 2010 through December 31, 2010. Wingate stated that he should hear back from the State by the first of November as to whether the cash match has or has not been waived.

Commissioner Reiff moved to adopt the Resolution. Commissioner Bassitt seconded the motion. The roll was called and the Resolution was approved unanimously.

**B. Dana Sterling, Building and Grounds,** presented the following:

1. Request to adopt **Resolution #642-09**, authorize Change Order #4 with Westerheide Developers, Inc. for the Allen County Title and License Services Building. Sterling stated that the change order consisted of installation of hand rails, soffit vents, etc. as well as deducts per owner's instruction, dedication plaque. Said change order resulted in a decrease of (\$3,254.26) for a new contract amount of \$1,204,845.74.

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

2. Request to adopt **Resolution #643-09**, declare an emergency for repairs to a property located at 3125 Ada Road, Lima, Ohio, pursuant to Section 307.86 of the ORC. The facility has been operating with a high pressure steam boiler which has been deemed condemned. The facility currently houses approximately 100 college students and the boiler is in need of replacement. The approximate cost to install a hot water boiler with a heat exchange as well as some asbestos abatement is \$41,000.

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

**C. Soil and Water** (no one present)

1. Request to adopt **Resolution #644-09**, authorize to proceed with the construction of the Brenneman-Peters Group Project #1273. This is per the recommendation of the Board of Supervisors of the Allen Soil & Water Conservation District.

Commissioner Reiff moved to adopt the Resolution. Commissioner Bassitt seconded the motion. The roll was called and the Resolution was approved unanimously.

**D. Esther Baldrige, Board of MR/DD**, presented the following:

1. Request to adopt **Resolution #645-09**, authorize to declare various county property obsolete and authorize the sale of same by internet auction. Baldrige stated they had some steel cabinets, sinks, two (2) Buses and two (2) vehicles to place on Gov-Deals.

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

2. Request to adopt **Resolution #646-09**, amend Resolution #670-08, declare vehicles obsolete and authorize sale of same by internet auction. Pursuant to Resolution #670-08, the Board of Commissioners approved the disposal of five (5) vehicles/buses. The agency is currently utilizing the 1995 Ford Bus that was approved to be sold on Gov-Deals and is requesting amendment of the resolution to remove the bus from the listed items to be sold.

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

**E. County Engineer's Office**, presented the following:

1. Request to adopt **Resolution #647-09**, approve Change Order #1 with the Shelly Company for the reconstruction and widening of Eastown Road – Phase 2. Per Mark Stockman, Chief Deputy Engineer, Shelly Company submitted Change Order #1 resulting in a decrease to the contract in the amount of (\$65,360.61). Said change order included additions in the amount of \$35,970.89 and non-performance items resulting in a deduct amount of (\$101,331.50). New contract amount is \$5,611,201.56.

Commissioner Reiff moved to adopt the Resolution. Commissioner Bassitt seconded the motion. The roll was called and the Resolution was approved unanimously.

2. Request to adopt **Resolution #648-09**, accept Change Order #1-Final with Miller Contracting Group, Inc. for the construction of the Pike Run Petitioned Ditch #1150. Nathan Davis, Assistant Drainage Engineer, requesting approval of Change Order #1. Said change order results in a decrease of (\$17,596.00) for a new contract amount of \$549,984.00.

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

**F. Marcel Wagner, Economic Development Group**, presented the following:

1. Request to adopt **Resolution #649-09**, approve a Revolving Loan Fund application by Keyburg Properties dba S.I.Distributors. Mr. Dave Burgei and Mr. Todd Keiser with Keyburg Properties were also present. This is the former Benchmark facility which is located in Spencerville. The amount of the loan is \$160,000 and will be used to purchase the former Benchmark facility. The project will create ten (10) new jobs in Allen County and will the company to expand their business operations. Mr. Burgei, principle of the company, stated that they are currently located in Auglaize County, north of St. Mary's. They are a distributor of farm equipment parts as well as Holland grills.

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

**G. Bruce Wells, Community Development Coordinator**, presented the following:

1. Request to adopt **Resolution #650-09**, authorize commitment of CDBG Program Income Funds for a property located on South Thayer Road, Bath Township. The homeowner on South Thayer Road experienced problems with her well. Service to repair the well has been provided by Hughes Plumbing in which Wells has agreed to assist with the cost of the repair in the amount of \$1,200 to be paid from CDBG Program Income.

Commissioner Reiff moved to adopt the Resolution. Commissioner Bassitt seconded the motion. The roll was called and the Resolution was approved unanimously.

2. Request to adopt **Resolution #651-09**, approve submission of a request to amend and authorize the acceptance of the amendments to the FY'2008 Formula Grant Agreement. The FY'08 Formula allocations include \$83,000 for Bath Township for the construction of the second phase of the Roberts Avenue storm drainage system and \$35,000 for the purchase of generators for the Village of Beaverdam. The bid for the Bath Township project came in less and with an anticipated change order, it is estimated that no more than \$70,000 will be needed for said project, leaving \$13,000 unencumbered. The Beaverdam project will likely come in over the project estimate due to the suggested upsizing of the generators and will likely be short even with the villages contribution. Wells requested to apply to the Ohio Department of Development requesting reallocation of the FY'08 Formula Grant monies, utilizing the additional \$13,000 from the Bath Township Project for the Village of Beaverdam Project.

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

3. Request to adopt **Resolution #652-09**, authorize Clerk of Board to post notice and advertise to receive bids for the Village of Beaverdam Water & Sewer Facilities Project, FY'08 Formula Program. The Village of Beaverdam was allocated \$35,000 under the FY'08 Formula toward the purchase of two generators for their waste treatment and water treatment facilities. Bid opening will be September 15, 2009 at 10:00 a.m.

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

4. Request to adopt **Resolution #653-09**, authorize a contract with Hohenbrink Excavating LLC for the FY'08 Formula Grant – Bath Township Flood & Drainage Project. Mr. Wells requested the resolution be tabled until further notice as he is waiting approval of the contract documents by the Prosecutor's Office.

Commissioner Reiff moved to table the resolution. Commissioner Bassitt seconded the motion. The roll was called and the resolution was tabled until further notice.

**H. Mary Early, Family Children First Council**, presented the following:

1. Request to adopt **Resolution #654-09**, authorize submission of an Assurance Statement to the Ohio Family Children First Council for Family Centered Services and Supports Funding SFY'10. Mary Early stated that the county is eligible to receive \$47,000 in funding. These monies were previously received by Mental Health. These monies do not include administrative funds or for educational purposes. These monies are geared for kids with multiple system involvement.

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

**I. Sheriff's Office**, presented the following:

1. Request to adopt **Resolution #655-09**, authorize submission of a grant application to the Office of Criminal Justice Services for the West Central Ohio Crime Task Force Project. Lt. Clyde Breitigan requested to submit an application to the Office of Criminal Justice Services in the amount of \$75,031.24 with a cash match of \$25,010.41 for a total amount of \$100,041.65. This grant has been applied for and received over the last twenty years. The cash match portion of said grant is divided amongst various departments.

Commissioner Reiff moved to adopt the Resolution. Commissioner Bassitt seconded the motion. The roll was called and the Resolution was approved unanimously.

2. Request to adopt **Resolution #656-09**, approve an amendment to an agreement with Evercom Systems, Inc., a Securus Technologies, Inc. Company. Lt. John Allen stated that this amendment shall provide to the County prepaid phone cards to sell to the inmates. The system currently does not allow calls to cellular phones or to phone installed through roadrunner.

Commissioner Sneary moved to adopt the Resolution. Commissioner Reiff seconded the motion. The roll was called and the Resolution was approved unanimously.

**Executive Session**

Commissioner Sneary moved to go into Executive Session at 9:52 a.m. to discuss a possible suspension of an employee at the Department of Job and Family Services. Motion seconded by Commissioner Bassitt. The roll was called and was approved unanimously.

Present: Greg Sneary, Dan Reiff, Commissioner Sam Bassitt, Becky Saine, Kelli Singhaus and Lynn Shock.

Commissioner Sneary moved to adjourn from Executive Session at 9:58 a.m. Motion seconded by Commissioner Reiff. The roll was called and was approved unanimously.

Request to adopt **Resolution #657-09**, approve a three (3) day suspension of an employee at the Department of Job and Family Services.

Commissioner Bassitt moved to adopt the Resolution. Commissioner Sneary seconded the motion. The roll was called and the Resolution was approved unanimously.

**Announcements, Proclamations, Recognition and Commendations**

Tim Piper, Allen County Engineer, announced that Ronald J. Meyer II recently received notice from the Ohio State Board of Registration for Professional Engineers and Surveyors that he passed the April 2009 NCEES Principles and Practice of Surveying Exam which makes him a Registered Professional Surveyor in the State of Ohio. Meyers is also a Registered Professional Engineer in the State of Ohio. To become dual licensed as a Professional Engineer and a Professional Surveyor, one must have four years experience in engineering, four years experience in surveying and 16 hours of testing for each license.

With no further business to come before the Board, Commissioner Sneary moved to adjourn. Commissioner Bassitt seconded the motion. Meeting was adjourned.

Submitted by:

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Kelli A. Singhaus  
Clerk of the Board

Approved by:

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Greg Sneary

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W. Dan Reiff

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Sam Bassitt