

**IN THE MATTER OF SETTING A DATE AND TIME AT WHICH TO RECEIVE BIDS FOR THE PURCHASE OF A FOUR DOOR CAB AND CHASSIS TO BE USED BY THE COUNTY HIGHWAY DEPARTMENT.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 4th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, Auglaize County Engineer Douglas Reinhart requested that bids be solicited for the purchase of one (1) four (4) door cab and chassis to replace a 1992 bridge truck presently used by the County Highway Department staff; and,

**WHEREAS**, there is an optional trade-in of a 1995 Ford LN 7000 being offered; this trade-in is contingent on a prior sale; and,

**WHEREAS**, Engineer Reinhart requested that the Board set a date and time to receive sealed bids for said cab and chassis purchase.

**THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio, does hereby set Tuesday, December 23, 2008, at 9:30 a.m. as the date and time at which to receive bids for the purchase of a four (4) door cab and chassis to be used by the County Highway Department staff.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this  
4th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, Yes  
Douglas A. Spencer

Ivo J. Kramer, YES  
Ivo J. Kramer

cc: County Engineer

**IN THE MATTER OF DOCUMENTING THE RECEIPT OF BIDS FOR THE HELMSTETTER DITCH PROJECT; AWARDING THE CONTRACT TO EDGE EXCAVATING, LLC.**

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The Board of Auglaize County Commissioners met in regular session on the 4th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on November 4, 2008, Resolution #08-423 the Board of County Commissioners set December 2, 2008 as the date to receive bids for the Helmstetter Ditch project; and,

**WHEREAS**, those present for the bid opening were Co. Engineer Doug Reinhart, Asst. Co. Engineer Kevin Schnell, T J Place of Soil & Water Conservation and several bidders; and,

**WHEREAS**, five (5) bids were received for this project; same being:

Buck Tree Service (incomplete bid)	\$7,393.18
Edge Excavating	\$7,448.24
All Purpose Contracting, inc.	\$7,961.80
Cy Schwieterman, Inc.	\$7,966.83
J & M Excavating	\$8,723.37
Engineer's Estimate -----	\$7,977.79

and,

**WHEREAS**, the lowest bid of Buck Tree Service was lacking a bond and therefore declared an incomplete bid; and,

**WHEREAS**, bids were given to the County Engineer personnel for review and comparison and upon review of the remaining bids, as received, the County Engineer recommended the award be presented to Edge Excavating, LLC for the Helmstetter Ditch project as its bid is a good and complete bid.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby award the bid for the construction of Helmstetter Ditch project to Edge Excavating, LLC in the amount of \$7,393.18; and,

**BE IT FURTHER RESOLVED** that the County Engineer is hereby directed to prepare the contract and bond and, having secured the signatures of said bidder and its surety, present the same to the Board of County Commissioners for approval; and,

**BE IT STILL FURTHER RESOLVED** that the whole of such work shall be completed and all material furnished by April 1, 2009, provided that the time of furnishing such material and completing such labor shall correspond with the time provided for its use in the progress of the work.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this 4th day  
of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, yes  
Douglas A. Spencer

Ivo J. Kramer, Yes  
Ivo J. Kramer

cc: County Engineer

County Commissioners Office  
Auglaize County, Ohio  
December 4, 2008

NO. 08-476

**IN THE MATTER OF SETTING A DATE AND TIME TO RECEIVE BIDS FOR REPLACEMENT OF  
SANITARY SEWER WITH MANHOLES IN A PORTION OF THE VILLA NOVA SEWER SYSTEM.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 4th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, County Engineer Doug Reinhart informed the Board of County Commissioners that 700 feet of 15" and 18" diameter sanitary sewer with manholes is in need of replacement in a portion of the Villa Nova Sewer system which was originally installed in 1959; and,

**WHEREAS**, Reinhart requested that a date and time be set to receive and open bids for said replacement project.

**THEREFORE BE IT RESOLVED** that the Board of Auglaize County Commissioners does hereby set January 15, 2009 at 10:30 a.m. in the Commissioners Chambers as the date, time and place to received and open bids for the Replacement of sanitary sewer with manholes in a portion of the Villa Nova Sewer system; and,

**BE IT FURTHER RESOLVED** that the County Engineer is hereby authorized and directed to proceed with the necessary legal steps to cause this bid opening.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this  
4th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, Yes  
Douglas A. Spencer

Ivo J. Kramer, Yes  
Ivo J. Kramer

cc: Auglaize County Engineer

**IN THE MATTER OF AUTHORIZING THE COUNTY AUDITOR TO ISSUE A WARRANT TO VILLAGE OF MINSTER FROM THE MVGT PERMISSIVE TAX FUND AS RECOMMENDED BY THE COUNTY ENGINEER.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 4<sup>th</sup> day of December, 2008.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the following letter of request was submitted to the Board of County Commissioners by Doug Reinhart, County Engineer:

Gentlemen:

The Village of Minster has provided to me a paid invoice in excess of \$186,000 for roadways reconstruction improvement completed in the Village during 2008 and qualifies for Permissive License Plate Tax funding. Please authorize the Auglaize County Auditor to reimburse the Village of Minster the \$17,765.02 from their Permissive License Plate Fund.

s/Douglas Reinhart  
Douglas Reinhart, P.E., P.S.  
Auglaize County Engineer

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, respective of Engineer Reinhart's request, does hereby authorize the County Auditor to issue a warrant in the amount of \$17,765.02 made payable to the Village of Minster with funds to be drawn from the MVGT Permissive Tax Fund.

Commissioner KRAMER seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution a follows:

Adopted this  
4th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman  
John N. Bergman

Douglas A. Spencer Yes  
Douglas A. Spencer

Ivo J. Kramer Yes  
Ivo J. Kramer

cc: ✓ County Engineer  
✓ County Auditor  
✓ Village of Minster

**IN THE MATTER OF DOCUMENTING THE RECEIPT OF BIDS FOR THE MCKEE DITCH PROJECT;  
AWARDING THE CONTRACT TO CY SCHWIETERMAN, INC.**

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The Board of Auglaize County Commissioners met in regular session on the 4th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on November 6, 2008, Resolution #08-432 the Board of County Commissioners set December 2, 2008 as the date to receive bids for the McKee Ditch project; and,

**WHEREAS**, those present for the bid opening were Co. Engineer Doug Reinhart, Asst. Co. Engineer Kevin Schnell, T J Place of Soil & Water Conservation and several bidders; and,

**WHEREAS**, seven (7) bids were received for this project; same being:

Cy Schwieterman, Inc.	\$69,879.25
All Purpose Contracting, inc.	\$71,787.90
Edge Excavating	\$73,036.74
D. E. Phillips Excavating	\$75,062.50
Don Snyder Excavating	\$75,243.00
Gallaspie Drainage & Excavating	\$76,407.59
Miller Contracting Group	\$78,878.50
Engineer's Estimate -----	\$79,195.29

and,

**WHEREAS**, bids were given to the County Engineer personnel for review and comparison and upon review of the bids, as received, the County Engineer recommended the award be presented to Cy Schwieterman, Inc. for the McKee Ditch project as its bid is a good and complete bid.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby award the bid for the construction of McKee Ditch project to Cy Schwieterman, Inc. in the amount of \$69,879.25; and,

**BE IT FURTHER RESOLVED** that the County Engineer is hereby directed to prepare the contract and bond and, having secured the signatures of said bidder and its surety, present the same to the Board of County Commissioners for approval; and,

**BE IT STILL FURTHER RESOLVED** that the whole of such work shall be completed and all material furnished by April 15, 2009, provided that the time of furnishing such material and completing such labor shall correspond with the time provided for its use in the progress of the work.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this 4th day  
of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman . yes  
John N. Bergman

Douglas A. Spencer . yes  
Douglas A. Spencer

Ivo J. Kramer . yes  
Ivo J. Kramer

cc: County Engineer

County Commissioners' Office  
Auglaize County, Ohio  
December 4, 2008

No. 08-479

**IN THE MATTER OF AUTHORIZING AN APPROPRIATION ADJUSTMENT OF FUNDS AND AN APPROPRIATION TRANSFER OF FUNDS FOR THE 2008 FLEX SPENDING FUND AND A BUDGET ADJUSTMENT WITHIN THE BOARD OF ELECTIONS APPROPRIATION.**

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The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 4th day of December, 2008.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board did receive correspondence from County Auditor Janet Schuler requesting an appropriation adjustment of funds and an appropriation transfer of funds for the 2008 Flex Spending fund; and

**WHEREAS**, the Board also received correspondence from Elections Director Carolyn Campbell requesting a budget adjustment within the Board of Elections appropriation.

**THEREFORE, BE IT RESOLVED** that the Board does authorize the County Auditor to make the appropriation adjustment of funds, the appropriation transfer of funds, and the budget adjustment as follows:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
<b>2008 FLEX SPENDING</b>		
184-0184-539700 Claims	\$ 82.00	184-0184-539800
184-0184-539800	\$ 82.00	001-1100-400100 County General
<b>BOARD OF ELECTIONS</b>		
001-0301-530201 Poll Worker	\$ 5,000.00	001-0301-530600 Contract Services

Commissioner KRAMER seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this 4th day  
Of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman . yes  
John N. Bergman

Douglas A. Spencer . yes  
Douglas A. Spencer

Ivo J. Kramer . Yes  
Ivo J. Kramer

Cc: ✓ County Auditor  
✓ Board of Elections

County Commissioners' Office  
Auglaize County, Ohio  
December 4, 2008

No. 08-480

**IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS WITHIN THE AUGLAIZE ACRES FUND.**

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The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 4th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board did receive correspondence from Administrator Nick Scheck requesting budget adjustments within the Auglaize Acres fund.

**THEREFORE, BE IT RESOLVED** that the Board does authorize the County Auditor to make the following budget adjustments:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
<b>AUGLAIZE ACRES FUND</b>		
097-0097-510201 Medicare	\$ 4,200.00	097-0097-510100 Official Salary
097-0097-530400 Equipment	\$ 1,000.00	097-0097-510200 Employee Salaries
097-0097-530500 Contract Repairs	\$ 5,000.00	097-0097-510200 Employee Salaries
097-0097-530700 Travel	\$ 4,582.00	097-0097-510200 Employee Salaries
097-0097-530800 Advertising	\$ 2,359.00	097-0097-510200 Employee Salaries
097-0097-530900 Other Expenses	\$ 2,500.00	097-0097-510200 Employee Salaries
097-0097-535000 Unemployment	\$ 9,000.00	097-0097-510200 Employee Salaries
097-0097-536400 Workers Comp	\$ 2,819.20	097-0097-510200 Employee Salaries

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this 4th day  
Of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman . yes  
John N. Bergman

Douglas A. Spencer . yes  
Douglas A. Spencer

Ivo J. Kramer . Yes  
Ivo J. Kramer

Cc: County Auditor  
Auglaize Acres

**IN THE MATTER OF DOCUMENTING THE RECEIPT OF BIDS FOR THE BURR OAK SINGLE COUNTY DITCH PROJECT: WITHHOLDING AWARD UNTIL RECOMMENDATION OF COUNTY ENGINEER.**  
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The Board of Auglaize County Commissioners met in regular session on the 4th day of December, 2008.

Commissioner Spencer moved the adoption of the following

**RESOLUTION**

**WHEREAS**, on November 6, 2008 Resolution #08-430, the Board of Auglaize County Commissioners set this date to receive bids for the Burr Oak County Ditch project; and,

**WHEREAS**, the following bids for labor and materials was received:

From: Edge Excavating LCC	\$54,218.52
Cy Schwieterman, Inc.	\$55,039.80
Bucks Tree Service (incomplete bid)	\$56,798.47
Don Snyder Excavating	\$57,294.80
D. E. Phillips Excavating	\$58,555.60
Miller Contracting Group	\$59,970.90
Schaub Excavating	\$60,499.30

Engineer's Estimate was \$60,506.59 and,

**WHEREAS**, as noted, the bid of Bucks Tree Service was lacking a bond and therefore declared an incomplete bid; and,

**WHEREAS**, County Engineer personnel was given the bids, as received, for review and comparison with the Board requesting that a bid award recommendation be submitted to said Board by the County Engineer; and,

**WHEREAS**, Asst. Co. Eng. Kevin Schnell informed the Board of County Commissioners that the Engineer's Office wishes to investigate and check prior job references of the lowest bidder.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby document the receipt of the bids for the construction of Burr Oak County Ditch project; and,

**BE IT FURTHER RESOLVED** that the bid award will be made at a later date after the County Engineer staff completes the review and submits to the Board a recommendation as to bid award.

Commissioner KRAMER seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this  
4th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, Yes  
Douglas A. Spencer

Ivo J. Kramer, YES  
Ivo J. Kramer

cc: Auglaize County Engineer

**IN THE MATTER OF SETTING DATE, TIME AND PLACE TO RECONVENE THE FINAL HEARING FOR THE FREEMAN SINGLE COUNTY DITCH**

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The Board of Auglaize County Commissioners met in regular session on the 4th day of December, 2008.

Commissioner Spencer moved the adoption of the following  
**RESOLUTION**

**WHEREAS**, on June 1, 2006, in Resolution #06-240 the Board of County Commissioners recessed the final hearing for the Freeman Ditch project and directed the County Engineer to re-evaluate said Freeman Ditch watershed boundaries and storm sewer design; and,

**WHEREAS**, said re-evaluation has been completed by the County Engineer with revised Engineer's Reports and Schedules for the Freeman Ditch project having been reviewed by the Board of County Commissioners; and,

**WHEREAS**, the Board finds that it is now appropriate to set the date, time and place to reconvene the final hearing for said Freeman Ditch project.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby set December 30, 2008 at 10:00 a.m. in the Administration Building Assembly Room as the date, time and place to reconvene the Final Hearing for Freeman Single County Ditch; and,

**BE IT FURTHER RESOLVED** that the County Engineer is hereby directed to proceed in with the notifications for said hearing.

Commissioner KRAMER seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this  
4th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO  
John N. Bergman .yes  
John N. Bergman  
Douglas A. Spencer .yes  
Douglas A. Spencer  
Ivo J. Kramer .Yes  
Ivo J. Kramer

cc: ✓ Auglaize County Engineer

**IN THE MATTER OF DOCUMENTING THE RECEIPT OF BIDS FOR THE EASTERLY DITCH PROJECT; AWARDING THE CONTRACT TO GENE TOPP DRAINAGE SERVICE.**

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The Board of Auglaize County Commissioners met in regular session on the 4th day of December, 2008.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on November 4, 2008, Resolution #08-421 the Board of County Commissioners set December 2, 2008 as the date to receive bids for the Easterly Ditch project; and,

**WHEREAS**, those present for the bid opening were Co. Engineer Doug Reinhart, Asst. Co. Engineer Kevin Schnell, T J Place of Soil & Water Conservation and several bidders; and,

**WHEREAS**, six (6) bids were received for this project; same being:

Gene Topp Drainage Service	\$34,852.50
Cy Schwieterman, Inc.	\$37,220.50
Buck Tree Service (incomplete bid)	\$37,538.51
Edge Excavating LLC	\$38,040.53
D. E. Phillips Excavating	\$39,429.15
Gallaspie Drainage & Excavating	\$39,689.16
Engineer's Estimate -----	\$40,289.16

and,

**WHEREAS**, the bid of Buck Tree Service was lacking a bond and therefore declared an incomplete bid; and,

**WHEREAS**, bids were given to the County Engineer personnel for review and comparison and upon review of the bids, as received, the County Engineer recommended the award be presented to Gene Topp Drainage Service for the Easterly Ditch project as its bid is a good and complete bid.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby award the bid for the construction of Easterly Ditch project to Gene Topp Drainage Service in the amount of \$34,852.50; and,

**BE IT FURTHER RESOLVED** that the County Engineer is hereby directed to prepare the contract and bond and, having secured the signatures of said bidder and its surety, present the same to the Board of County Commissioners for approval; and,

**BE IT STILL FURTHER RESOLVED** that the whole of such work shall be completed and all material furnished by October 31, 2009, provided that the time of furnishing such material and completing such labor shall correspond with the time provided for its use in the progress of the work.

Commissioner KRAMER seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this 4th day  
of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, yes  
Douglas A. Spencer

Ivo J. Kramer, Yes  
Ivo J. Kramer

cc: County Engineer

County Commissioners' Office  
Auglaize County, Ohio  
December 4, 2008

No. 08-484

**IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS WITHIN THE MR/DD FUND.**

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The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 4th day of December, 2008.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Board did receive correspondence from the Auglaize County Board of MR/DD requesting budget adjustments within the MR/DD fund.

**THEREFORE, BE IT RESOLVED** that the Board does authorize the County Auditor to make the budget adjustments as follows:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
<b>MR/DD FUND</b>		
019-0019-510200 Employee Salaries	\$ 25,000.00	019-0019-530300 Supplies
019-0019-510200 Employee Salaries	\$ 25,000.00	019-0019-530600 Contract Services

Commissioner KRAMER seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this 4th day  
Of December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman . YES  
John N. Bergman

Douglas A. Spencer . YES  
Douglas A. Spencer

Ivo J. Kramer . YES  
Ivo J. Kramer

Cc: ✓ County Auditor  
✓ MR/DD

**IN THE MATTER OF APPROVING CONTRACT FOR CHILD CARE SERVICES BETWEEN THE  
AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND WAPAKONETA YMCA AS  
A FULL SERVICE CARE PROVIDER.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 4th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Auglaize County Department of Job & Family Services presented the Board with a contract for child care services as follows, a full service day care provider:

**Wapakoneta YMCA. – effective December 1, 2008 to November 30, 2009**

and,

**WHEREAS**, the Board was solicited to approve and execute said contract.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio, does hereby approve the contract, as presented, for effective date as mentioned above, between Auglaize County Department of Job & Family Services and Wapakoneta YMCA for child care services for said department; and,

**BE IT FURTHER RESOLVED** that the Board ratifies the execution of said contract.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this  
4th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, 4/5  
John N. Bergman

Douglas A. Spencer, 4/5  
Douglas A. Spencer

Ivo J. Kramer, Yes  
Ivo J. Kramer

Cc: County Job & Family Services Dept. –  
Michael Morrow

**IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF JEFF TOPP EXCAVATING, LLC FOR THE LUEDEKE DITCH PROJECT..**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 4th day of December, 2008.

Commissioner KRAMER moved the adoption of the following

**RESOLUTION**

**WHEREAS**, the Engineer's office has filed with this Board a contract and bond with Jeff Topp Excavating, LLC for labor and materials for said Luedeke Ditch project; and,

**WHEREAS**, the Board of County Commissioners has been requested to approve and execute the contract and bond, as all appears to be in order.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve the contract and bond with Jeff Topp Excavating, LLC as presented, for the Luedeke Ditch project, executing same; and,

**BE IT FURTHER RESOLVED** that the Clerk of the Board is hereby directed to record said contract and bond in the Commissioners' Journal; and,

**BE IT FURTHER RESOLVED** that the Engineer's Secretary prepare assessment billing notices in accordance with the list of assessments as presented by the County Engineer; for each parcel of land, each public corporation and each department, office, or institution of the State of Ohio as given; and,

**BE IT FURTHER RESOLVED** that the County Auditor is hereby directed to place unpaid assessments, after due payment period, on the County tax duplicates.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this  
4th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, Yes  
Douglas A. Spencer

Ivo J. Kramer, YES  
Ivo J. Kramer

cc: County Engineer

# DITCH CONTRACT

Revised Code, Sec. 6131.41

*In the Matter of the* LUEDEKE DITCH

*SINGLE County Ditch Petitioned for by* VERNON LUEDEKE *and others.*

THIS AGREEMENT, *made and entered into on this*                      *day of* NOVEMBER, 2008,  
JEFF TOPP EXCAVATING, LLC *of* 06672 C.R. 66A NEW BREMEN, OHIO 45869  
*and between the County Commissioners of*                      AUGLAIZE COUNTY                      ,  
Ohio, *and hereinafter designated as "First Party," and*                      *hereinafter designated as "Second Party."*

WITNESSETH, THAT SAID "SECOND PARTY," *For and in consideration of the sum of*  
Twenty Four Thousand Seven Hundred and Twenty-Two and 00/100 ( \$ 24,722.00) *Dollars,*  
*to be paid as hereinafter specified, hereby agree to furnish unto said "First Party." all the necessary*  
*materials, and do all the work and labor required to construct the* LUEDEKE DITCH *improvement*  
*petitioned for by* VERNON LUEDEKE *, and others, in accordance with plans, drawings and*  
*specifications for the same hereto attached, which plans, drawings and specifications are hereby declared*  
*to be a part of this contract.*

*Said "Second Party" further agrees to furnish said materials and to do the said work and labor*  
*promptly, in a good substantial and workmanship manner, under the direction of the County Engineer in*  
*charge, without hindrance or delay to any other branch or class of work on said* LUEDEKE DITCH,  
*and to work in harmony with and to render such assistance to other branches of work as their connection*  
*therewith and the progress of the* LUEDEKE DITCH *may require. The whole to be*  
*completed to the satisfaction and acceptance of said "First Party" on or before the* 1<sup>st</sup> *day of*  
MAY, 2009.

AND SAID "FIRST PARTY," *for and in consideration of the true and faithful performance of*  
*said work and labor and furnishings of said materials as aforesaid, hereby agree to pay unto the said "Second*  
*Party" said sum of* Twenty Four Thousand Seven Hundred and Twenty-Two and 00/100  
( \$ 24,722.00) *Dollars, in installment from time to time, upon the certificate of acceptance of the County*  
*Engineer and as provided by law.*

Now if the said JEFF TOPP EXCAVATING, LLC

of 06672 C.R. 66A NEW BREMEN, OHIO 45869

shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said Contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of

Jeff Topp  
signed

Jeff Topp  
witness

Jeff Topp Excavating LLC  
company

Anna Mae Topp  
witness

06672 Cr. Rd 66A  
street

New Bremen OH 45869  
city, state, zip

The above Contract being good and sufficient is approved this 4th day of Dec., 2008.

John N Bergman  
commissioner

Douglas A. Sencer  
commissioner

Eric Kromer  
commissioner

# BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

*In the Matter of the*

LUEDEKE DITCH

*Single County Ditch No.*

*Petitioned for by* SENATE BILL 160

*and others.*

ON CONTRACT FOR WORK AND LABOR  
and materials

KNOW ALL MEN BY THESE PRESENTS, *That we* JEFF TOPP EXCAVATING, LLC  
of 06672 C.R. 66A NEW BREMEN, OHIO 45869, *as Principal,* and  
FIRST NATIONAL BANK IN NEW BREMEN, *as sureties, are held and firmly bound unto*  
*the state of Ohio for the benefit of* AUGLAIZE COUNTY *and for the benefit of any owner*  
*having a right of action thereon as is provided by law, in the penal sum of* Twenty Four Thousand  
Seven Hundred and Twenty-Two and 00/100 ( \$ 24,722.00) *Dollars, to the payment of which sum,*  
*well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and*  
*administrators.*

*Signed by us, and dated this* day of AUGUST, 2008

*THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, whereas, the above Bound*

JEFF TOPP EXCAVATING, LLC

*have entered into a Contract with said Board of County Commissioners, First, to furnish the materials and*  
*perform the work and labor for the construction of the* LUEDEKE DITCH *improvement*  
*petitioned for by* VERNON LUEDEKE *and others specified in said Contract, to*  
*the satisfaction and acceptance of the County Engineer, on or before the* 1<sup>st</sup> *day of* MAY,  
2009, *for the compensation of* Twenty Four Thousand Seven Hundred and Twenty-Two  
and 00/100 ( \$ 24,722.00) *dollars.*

*Second, to save the County from any loss caused by delay in completing the work or furnishing the*  
*material within the time and in the manner expressed in the contract, bid and specifications;*

*Third, for the payment of claims of any person, arising out of the unlawful acts or negligence of the*  
*contractor in the performance of his contract;*

And Forth, to perform the contract in the time stated in the contract, to furnish and use in the improvement all materials of the grade, kind and quality as stated in the contract and specifications; and to construct the improvement in the manner stated in the contract and specifications.

Now if the said JEFF TOPP EXCAVATING, LLC

of 06672 C.R. 66A NEW BREMEN, OHIO 45869

shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said Contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of

Jeff Topp signed

Mae Topp witness

Jeff Topp excavating LLC company

Anna Mae Topp witness

06672 Cr. Rd 66A street

New Bremen OH 45869 city, state, zip

The above Bond being good and sufficient is approved this 4th day of Dec., 2008.

John N. Bergna commissioner

Douglas A. Spence commissioner

Joe Kramer commissioner

**LETTER OF CREDIT - BONDING CONTRACT WITH  
THE BOARD OF COUNTY COMMISSIONERS  
OF AUGLAIZE COUNTY**

To: Board of County Commissioners  
Auglaize County, Ohio

In Re: PERFORMANCE BONDING FOR THE LUEDEKE DITCH

Gentlemen:

*We, the undersigned, do hereby establish a CONTRACT FOR PERFORMANCE BONDING in the favor of the Auglaize County Commissioners, and have established an account under the name of JEFF TOPP EXCAVATING, LLC , having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869. The minimum amount established for this CONTRACT FOR PERFORMANCE BONDING has been determined by the Board of County Commissioners as being 125% of the estimated costs to complete the LUEDEKE DITCH improvement. The Estimated Construction Costs for said Ditch Improvement plus an additional 25%, has been established at THIRTY ONE THOUSAND NINE AND 50/100 (\$31,009.50) dollars, and will be subject to the following terms and conditions:*

1. *That the amount of the bond as set forth herein is 125% of the total Estimated Construction Costs and Ditch Contract amount for the proposed Ditch Improvement known as the LUEDEKE DITCH.*

2. *The undersigned Contractor for said improvement shall be under contract with the Board of County Commissioners, and shall be completed on or before the 1<sup>st</sup> day of MAY, 2009 to complete the necessary work as detailed on the plans, profiles, and specifications on file with the Board of County Commissioners. Failure to do so will be subject to all penalties as provided in the Ohio Revised Code.*

*If an Extension of Time to complete the Ditch Improvement is needed to be granted in order to complete the LUEDEKE DITCH, then the Contract for Performance Bonding must also be extended for the same Extension of Time in the amount of THIRTY ONE THOUSAND NINE AND 50/100 (\$31,009.50) dollars, however, it cannot be construed that the Board of County Commissioners will grant such an extension of time unless extreme hardship or severe weather effects the established date of completion for said Ditch Improvement.*

*3. It is guaranteed by the undersigned Contractor that the Ditch Improvements as set forth on the plans, profiles, and specifications will be completed to it's entirety and approved by the Auglaize County Engineer on or before the 1<sup>st</sup> day of MAY, 2009. If such a guarantee is breached, then the Board of County Commissioners shall, upon notice of such failure received by us in writing, be authorized to issue drafts against the Performance Bonding Agency, under the name of JEFF TOPP EXCAVATING, LLC, having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869 up to and including the amount of the Estimated Construction Costs plus an additional 25% for the proposed Ditch Improvement known as the LUEDEKE DITCH herein mentioned, for the sole purpose of completing the improvements according to said plans, profiles, and specifications on file with the Board of County Commissioners and shall be in the amount of THIRTY ONE THOUSAND NINE AND 50/100 (\$31,009.50) dollars.*

*4. Upon the enactment of any of the forementioned drafts against the Performance Bonding Agency under the name of FIRST NATIONAL BANK IN NEW BREMEN does further guarantee payment of such drafts to complete the Ditch Improvement, regardless of default, insolvency, or bankruptcy by the Contractor under the name of JEFF TOPP EXCAVATING, LLC having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869 and regardless of any objections of said JEFF TOPP EXCAVATING, LLC, the Contractor, or litigation or disagreement between the Board of County Commissioners of Auglaize County, FIRST NATIONAL BANK IN NEW BREMEN, the Performance Bonding Company.*

5. *Such drafts shall be accompanied by a statement setting forth the fact of failure to complete the Ditch Improvement, and further, that the improvement will be under the authority of the Board of Commissioners of Auglaize County, complete to the extent of the funds for which the draft is drawn to the complete satisfaction of the Board of Commissioners of Auglaize County, with the Auglaize County Engineer having supervisory jurisdiction over such work on behalf of the Board of Commissioners of Auglaize County. All such statements shall be in writing, and shall be received ten days prior to the date on which such funds will be required.*

6. *The amount and date of such drafts drawn hereunder must be endorsed on the face hereof by of*

*JEFF TOPP EXCAVATING, LLC , having an address of 06672 C.R. 66A*

*NEW BREMEN, OHIO, 45869 We do hereby guarantee the Board of Commissioners of Auglaize County that all drafts drawn under and in compliance with the terms of this CONTRACT FOR PERFORMANCE BONDING shall meet with due honor upon presentation and delivery of documents in accordance with the terms and conditions hereof.*

7. *This CONTRACT FOR PERFORMANCE BONDING is limited to the sum herein mentioned and set forth, and in the event this CONTRACT FOR PERFORMANCE BONDING is exercised by the Board of County Commissioners, the amounts payable hereunder shall be the face value of at THIRTY ONE THOUSAND NINE AND 50/100 (\$31,009.50) dollars, which less any amounts of improvements as performed by the undersigned Contractor towards completing said Ditch Improvement in accordance with the plans and specifications, and under the approval of the Auglaize County Engineer. It is also hereby understood that the Board of County Commissioners and/or the Auglaize County Engineer shall not arbitrarily or unreasonably withhold approval of the installations or improvements made for said improvement, and shall specifically state the nature and extent of any objections to these improvements made by the undersigned Contractor before invoking payment under this CONTRACT FOR PERFORMANCE BONDING.*

*In Witness Hereof, FIRST NATIONAL BANK IN NEW BREMEN the Performance Bonding Agency, has hereunto set its hand and seal of the undersigned person (s) who are duly authorized by the Board of Directors to execute this agreement,*

by    
official signature from BONDING AGENCY OR BANK  
JERRY S. LEHMAN, JR.

for FIRST NATIONAL BANK IN NEW BREMEN  
BONDING AGENCY OR BANK

435 S. Washington  
address

New Bremen, OH 45869  
city, state, zip

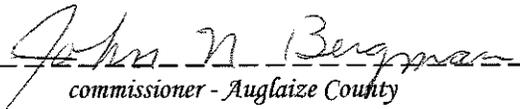
419-629-2761  
phone

All terms and conditions of the this **CONTRACT FOR PERFORMANCE BONDING**

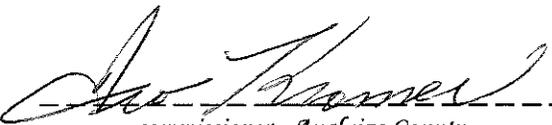
for the development of the **LUEDEKE DITCH** accepted by the Board of Commissioners of

Auglaize County, pursuant to Resolution No. \_\_\_\_\_, passed this 4th day

of December, 2008.

  
\_\_\_\_\_  
commissioner - Auglaize County

  
\_\_\_\_\_  
commissioner - Auglaize County

  
\_\_\_\_\_  
commissioner - Auglaize County

All terms and conditions accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

  
\_\_\_\_\_  
authorized signature for CONTRACTOR

**JEFF TOPP EXCAVATING, LLC**  
COMPANY

06672 C.R. 66A  
address

NEW BREMEN, OHIO 45869  
city, state, zip

(419) 733-7307  
phone

REVISED CODE 1311.252  
**NOTICE OF COMMENCEMENT**

**OF A PUBLIC IMPROVEMENT PURSUANT TO**

State of Ohio )  
) ss:  
County of Auglaize )

Instrument Book Page  
200800007366 DR 572 2164

Joseph R. Lenhart (the "Affiant"), being first duly sworn, says that:

1. Affiant is the County Administrator of the Auglaize County Board of Commissioners, 209 South Blackhoof St. Rm 201, Wapakoneta, Ohio 45895-1972 ("the Public Authority").

2. The Public Authority will be commencing a public improvement identified as follows:

Luedeke Ditch

3 The following lists the name, address and trade of each of the principal contractors working on this public improvement:

<u>NAME</u>	<u>ADDRESS</u>	<u>TRADE</u>	<u>DATE OF AWARD</u>
Jeff Topp Excavating, LLC 06672 C. R. 66A New Bremen, Ohio 45869		farm drainage	December 4, 2008

4. The following lists the names and addresses of the sureties for all of those principal contractors:

<u>PRINCIPAL CONTRACTOR</u>	<u>NAME OF SURETY</u>	<u>ADDRESS OF SURETY</u>
Jeff Topp Excavating	First National Bank of New Bremen	New Bremen, Ohio

5. For the purpose of serving an affidavit pursuant to Revised Code 1311.26, service may be made upon the following representative of the Public Authority:

Joseph Lenhart, County Administrator, Auglaize County Board of Commissioners Office, 209 South Blackhoof St, Rm 201, Wapakoneta, Ohio 45895-1972

Joseph R. Lenhart  
Joseph R. Lenhart, County Administrator

JENNIFER R. KINNAMAN  
Notary Public, State of Ohio  
My Commission Expires November 6, 2010

SWORN TO before me and subscribed in my presence this 4 day of December, 2007.

Jennifer R. Kinnaman  
Notary Public

200800007366  
COMMISSIONERS

***NOTICE OF TIME OF VIEW AND THE FIRST HEARING TO THE OWNERS OF LAND AFFECTED BY THE PROPOSED IMPROVEMENT.***

In the Matter of the Luedeke  
Single County Ditch

Board of County Commissioners  
Auglaize County, Ohio

Petitioned by Vernon Luedeke  
and others

July 19, 2007

**To the Owners of Land Affected by the Proposed Improvement:**

You, and Each of You, are hereby Notified that on the 19th day of July 2007, the above named petitioners Vernon Luedeke and others, (via County Engineer) filed a petition with the Commissioners' Clerk of said County, to locate, install a subsurface tile, remove obstructions, deepen open ditch, install erosion control structures and catchbasins and place under permanent maintenance; the substance and prayer of which said petition is, that the construction of the improvement is necessary and will be conducive to the public welfare, and prays for the making of such improvement on the following course and termini to-wit:

**Commencing at an existing open ditch with its intersection to an open ditch known as the "East Branch" approximately 1750 feet east of the intersection of Washington Pike and Howell Road and approximately 1100 feet North of Washington Pike;**

**Thence in a southerly and easterly direction and paralleling the existing open drainage ditch through a bridge (WAS-130-06.29) on Washington Pike to a point approximately 390 feet south of said bridge.**

**In addition, approximately 420 feet of subsurface drainage tile beginning on the South side of said bridge and continuing in a southerly and easterly direction to the southern property line of the Vernon & Meredith Luedeke property.**

As it is claimed that the improvement will affect property owned by You, you are hereby notified that the Board of County Commissioners of said County has fixed the **28th day of August, 2007 at 10:00 a.m.**, local time, meeting at **06292 Washington Pike, approximately 1750 feet East of the intersection of Howell Rd.**, as the time and place for the view thereon.

Also, the **27th day of September, 2007 at 10:00 a.m.** local time, in the Commissioners Chambers on the 2<sup>nd</sup> floor of the Auglaize County Administration Building, 209 South Blackhoof Street, Wapakoneta, Ohio, be and the same is hereby fixed as the time and place for the first hearing on the petition.

  
Clerk of Board of County Commissioners  
Auglaize County, Ohio

**IN THE MATTER OF APPROVING CONTRACT FOR CHILD CARE SERVICES BETWEEN THE AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND RACHELLE MCGHEE AS TYPE B CARE PROVIDER.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 4th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Auglaize County Department of Job & Family Services presented the Board with a contract for child care services from the following as a Type B day care provider:

**Rachelle McGhee – from December 1, 2008 to November 30, 2009**

and,

**WHEREAS**, the Board was solicited to approve and execute said contract.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio, does hereby approve the contract, as presented, for effective dates as mentioned above, between Auglaize County Department of Job & Family Services and Rachelle McGhee for child care services for said department; and,

**BE IT FURTHER RESOLVED** that the Board ratifies the execution of said contract.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this  
4th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, Yes  
Douglas A. Spencer

Ivo J. Kramer, Yes  
Ivo J. Kramer

Cc: County Job & Family Services Dept. –  
Michael Morrow

**IN THE MATTER OF AUTHORIZING A PAY INCREASE FOR CHARLA LAUTH, EMPLOYEE AT THE AUGLAIZE COUNTY DEPARTMENT OF JOBS AND FAMILY SERVICES.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 4th day of December, 2008.

Commissioner KRAMER moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on May 27, 2008, in Resolution #08-200, the Board of County Commissioners authorized the employment of Charla Lauth, effective May 29, 2008, at the Auglaize County Department of Job and Family Services to the Social Service Supervisor 1 position in said Department; and,

**WHEREAS**, said Board has now received a memorandum from Department Director Michael Morrow stating that "Charla Lauth has successfully completed her 180 day probationary period. I recommend that she receive a 2% raise effective December 11, 2008. Her new hourly rate of pay will be \$18.61."

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio does hereby authorize a 2% pay increase for Charla Lauth, employee at the Auglaize County Department of Job and Family Services upon above recommendation of Job & Family Department Director Michael Morrow; and,

**BE IT FURTHER RESOLVED** that the Board does hereby make the pay increase retroactive to December 11, 2008.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this  
4th day of  
December, 2008

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

<u>John N. Bergman</u>	<u>yes</u>
John N. Bergman	
<u>Douglas A. Spencer</u>	<u>yes</u>
Douglas A. Spencer	
<u>Ivo J. Kramer</u>	<u>yes</u>
Ivo J. Kramer	

cc: County Department of Job & Family Services --  
Michael Morrow