

County Commissioners' Office
Auglaize County, Ohio
May 26, 2009

No 09-192

**IN THE MATTER OF AUTHORIZING A CHANGE ORDER FOR HOUSING REHABILITATION FOR
KAREN STEINKE UNDER THE C.H.I.P. PROGRAM.**

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 26th day of May, 2009.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners did receive a grant through the State of Ohio's Comprehensive Housing Improvement Program for the rehabilitation of housing units within the County; and

WHEREAS, in Resolution #09-154, dated April 23, 2009, the Board approved rehabilitation to the property of Karen Steinke at a cost of \$35,045.00; and

WHEREAS, Poggemeyer Design Group Inc. has advised the Board of the need for a change order in the amount of \$ 1,800.00; said change order for Replacing existing sanitary sewer lateral from house to street and additional stone fill for cistern due to the size; and,

WHEREAS, this change order will alter the new cost to \$36,845.00.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners does hereby authorize the above noted change order for housing rehabilitation work for the Karen Steinke property .

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

Adopted this
26th day of
May, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer , yes
Douglas A. Spencer
Don Regula , yes
Don Regula
John N. Bergman , yes
John N. Bergman

Cc: Gayle Flaczynski – Poggemeyer Design Group
Joe Lenhart – Co. Administrator

IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF CY SCHWIETERMAN, INC. FOR THE KELLERMAYER #2 DITCH PROJECT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 26th day of May, 2009.

Commissioner Regula moved the adoption of the following

RESOLUTION

WHEREAS, the Engineer's office has filed with this Board a contract and bond with Cy Schwieterman, Inc. for labor and materials for said Kellermeyer #2 Ditch project petitioned under Senate Bill 160; 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 Cy Schwieterman, Inc., as presented, for the Kellermeyer #2 Ditch project; 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 Secretary of the County Engineer 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 Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
26th day of
May, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

<u>Douglas A. Spencer</u>	yes
Douglas A. Spencer	
<u>Don Regula</u>	yes
Don Regula	
<u>John N. Bergman</u>	yes
John N. Bergman	

cc: County Engineer

DITCH CONTRACT

Revised Code, Sec. 6131.41

In the Matter of the **KELLERMEYER #2 DITCH**

SINGLE *County Ditch Petitioned for by* **SENATE BILL 160** *and others.*

THIS AGREEMENT, *made and entered into on this* *day of* 2009,
by and between the County Commissioners of **AUGLAIZE COUNTY** ,
Ohio, and hereinafter designated as "First Party," and **CY SCHWIETERMAN, INC.** *of*
10097 KOHLER ROAD, WAPAKONETA, OHIO 45895 *hereinafter designated as "Second Party."*

WITNESSETH, THAT SAID "SECOND PARTY," *For and in consideration of the sum*
of **FORTY SEVEN THOUSAND NINE HUNDRED SEVENTY-FOUR AND 50/100**
(\$47,974.50) *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
KELLERMEYER #2 DITCH *improvement petitioned for by* **SENATE BILL 160** *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 **KELLERMEYER #2**
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 **KELLERMEYER #2 DITCH** *may require. The whole*
to be completed to the satisfaction and acceptance of said "First Party" on or before the **31st** *day of*
DECEMBER, 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 **FORTY SEVEN THOUSAND NINE HUNDRED SEVENTY-FOUR**
AND 50/100 (\$47,974.50) *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

CY SCHWIETERMAN, INC.

of

10097 KOHLER ROAD, WAPAKONETA, OHIO

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

David C. Schwieterman

David Schwieterman

signed

Cassie Hottes

witness

Cy Schwieterman, Inc.

company

10097 Kohler Rd.

street

John Merlak

witness

Wapakoneta, Oh 45895

city, state, zip

The above Contract being good and sufficient is approved this

26th day of May, 2009.

Douglas A. Sever

commissioner

Don Regula

commissioner

John N. Bergman

commissioner

BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the KELLERMEYER #2 DITCH

Single County Ditch No.

ON CONTRACT FOR WORK AND LABOR
AND MATERIALS

Petitioned for by SENATE BILL 160 and others

KNOW ALL MEN BY THESE PRESENTS, That we, CY SCHWIETERMAN, INC.

of 10097 KOHLER ROAD, WAPAKONETA, OHIO, as Principal, and

ERIE INSURANCE COMPANY, 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 FORTY SEVEN

THOUSAND NINE HUNDRED SEVENTY-FOUR AND 50/100 (\$47,974.50) 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 _____, 2009

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

CY SCHWIETERMAN, INC. of 10097 KOHLER ROAD, WAPAKONETA, OHIO

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 KELLERMEYER #2 DITCH

improvement petitioned for by SENATE BILL 160 and others specified in said Contract, to the

satisfaction and acceptance of the County Engineer, on or before the 31st day of DECEMBER,

2009, for the compensation of FORTY SEVEN THOUSAND NINE HUNDRED SEVENTY-

FOUR AND 50/100 (\$47,974.50) 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 **CY SCHWIETERMAN, INC.**

of **10097 KOHLER ROAD, WAPAKONETA, OHIO**

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



Signed



witness

Stammen Ins. Agency

company

310 E. Main St.

street



witness

St. Henry Oh 45883

city, state, zip

The above Bond being good and sufficient is approved this 26th day of May, 2009.



commissioner



commissioner



commissioner

**IN THE MATTER OF AUTHORIZING AN APPROPRIATION BUDGET ADJUSTMENT IN THE
KAH SEWER PROJECT FUND AS REQUESTED BY THE COUNTY AUDITOR.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 26th day of May, 2009.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Janet Schuler, County Auditor has submitted the following request to the Board of County Commissioners:

DATE: May 20, 2009

RE: Appropriation Adjustment

Please make the following adjustment.

FROM	TO	AMOUNT
241.0241.535900	241.0241.540300	\$1477.68

Thank you for your attention to this matter.

Sincerely,
s/Janet Schuler
Janet Schuler
Auglaize County Auditor

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to make the appropriation budget adjustment in the Kah Sewer Project Fund as requested:

From: 241.0241.535900 – Transfer Out
Amount: \$1,477.68
To: 241.0241.540300 – Other Expenses

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

Adopted this
26th day of
May, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer . yes
Douglas A. Spencer

Don Regula . yes
Don Regula

John N. Bergman . yes
John N. Bergman

IN THE MATTER OF SETTING DATE, TIME AND LOCATION AT WHICH TO CONVENE A SPECIAL SESSION ON MAY 29, 2009 OF THE AUGLAIZE COUNTY BOARD OF COMMISSIONERS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 26th day of May, 2009.

Commissioner Regula moved the adoption of the following:
RESOLUTION

WHEREAS, pursuant to Ohio Revised Code Section 305.07, "the Board of County Commissioners may provide by Resolution for the holding of special sessions"; and,

WHEREAS, the Board must set a special session on May 29, 2009 from 8:00 a.m. until the close of business, for the purpose of attending the Auglaize County Economic Development Forum to be held at Minster Machine Customer Education Center in Minster, Ohio.

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby set the above mentioned date, time and place to convene a special session of said Board; and,

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to The Evening Leader, The Wapakoneta Daily News, The Lima News and The Daily Standard to ensure adequate public notice of this special session.

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

Adopted this
26th day of
May, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

cc/newspapers