

County Commissioners' Office
Auglaize County, Ohio
March 3, 2009

No. 09-70

**IN THE MATTER OF AUTHORIZING A BUDGET ADJUSTMENT FOR THE TREASURER
APPROPRIATION.**

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board did receive correspondence from County Treasurer April Bowersock requesting a budget adjustment to cover bank monthly account fees for 2009.

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

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
COUNTY GENERAL 001-1701-538000 – Contingencies	\$ 20,000.00	001-0106-530600 – Contract Services

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

Adopted this 3rd day
Of March, 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: County Auditor
✓ County Treasurer

IN THE MATTER OF DOCUMENTING THE RECEIPT OF BIDS FOR AGGREGATE AND CONCRETE MATERIALS TO BE USED BY THE HIGHWAY DEPARTMENT DURING 2009 AT THE DISCRETION OF THE COUNTY ENGINEER.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, this being the date set by the Board of County Commissioners in Resolution #09-34, the following companies submitted bids for the purchase of rock & gravel aggregate and transit mix concrete to be used by the Highway Department during 2009:

Rock & Gravel Aggregate: Duff Quarry, Inc., Huntsville, Ohio
Con-Ag, Inc., St. Marys, Ohio
Spring Creek Corp., Minster, Ohio
National Lime & Stone Co., Wapakoneta, Ohio

Transit Mix Concrete: Spring Creek Concrete, Minster, Ohio
Ohio Ready Mix, Inc., Huntsville, Ohio
Ernst Concrete, Lima, Ohio

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby document that as the purpose of receiving above mentioned bids is to establish prices for the purchasing of said materials by the County Engineer throughout the year 2009, said bids were given to the Engineer; same being authorized by the Board to use said prices throughout the year to the best advantage of the county, using his own discretion.

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

Adopted this
3rd day of
March, 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: County Engineer

County Commissioners' Office
Auglaize County, Ohio
March 3, 2009

No. 09-72

IN THE MATTER OF AUTHORIZING A BUDGET ADJUSTMENT WITHIN THE FELONY DELQ C & C FUND.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board did receive correspondence from Sally Imondi requesting a budget adjustment within the Felony Delq C & C fund.

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

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
Felony Delq C & C 018-0032-531000 – Work Project	\$ 15,000.00	018-0032-530600 – Contract Services

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

Adopted this 3rd day
Of March, 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: County Auditor
 Juvenile Probation

County Commissioners' Office
Auglaize County, Ohio
March 3, 2009

No 09-73

IN THE MATTER OF AUTHORIZING A REIMBURSEMENT FROM THE KAH SEWER FUND TO THE COUNTY GENERAL FUND.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board did receive the following correspondence from County Auditor Janet Schuler:

As you know at the time of the Kah Sanitary Sewer the County General Fund paid \$ 29,552.45 with the assurance that this money would be repaid to the General Fund.

Balance due County December 31, 2008	\$ 16,253.33
Reimbursement for 2009	<u>1,477.68</u>
Balance remaining	14,775.65

Cash balance February 20, 2009 (before reimbursement)	17,418.15
--	-----------

Please make the following Reimbursement:
From 241.0241.540300 to 001.0700.401802 \$ 1,477.68

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

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
Kah Sewer 241-0241-540300	\$ 1,477.68	County General 001-0700-401802

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

Adopted this 3rd day
Of March, 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: County Auditor
Sanitary Engineer

County Commissioners' Office
Auglaize County, Ohio
March 3, 2009

No 09-74

IN THE MATTER OF AUTHORIZING A TRANSFER OF FUNDS FROM UNCLAIMED FUNDS TO COUNTY GENERAL FUND.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the County Auditor Janet Schuler has notified the Board that it is necessary to make a transfer of funds from Unclaimed Funds into County General.

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

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
UNCLAIMED FUNDS		COUNTY GENERAL
504-0021-539800	\$ 2,490.29	001-0700-401500

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

Adopted this 3rd day
Of March, 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: County Auditor

County Commissioners' Office
Auglaize County, Ohio
March 3, 2009

No 09-75

IN THE MATTER OF AUTHORIZING THE PAYMENT OF THE COUNTY'S MANDATED SHARE OF PUBLIC ASSISTANCE FOR MARCH.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, this being the first meeting day of the month, it is necessary to pay the county's mandated share of Public Assistance for March.

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

From: 001-0905-533400 – Public Assistance Grant
Amount: \$ 8,663.42
To: 006-0400-400101 – Public Assistance

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

Adopted this 3rd day
Of March, 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 Auditor
 Jobs & Family Services

**IN THE MATTER OF AUTHORIZING THE SECUREMENT OF INTEREST COSTS FOR A NOTE
NEEDED FOR THE BALANCE OF MONEY FOR THE BURR OAK DITCH IMPROVEMENT.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, it is necessary, at this time, to a obtain note for the balance of money needed to complete the Burr Oak Ditch improvement; and,

WHEREAS, the County Engineer's office informed the Board of County Commissioners that the amount remaining as the unpaid balance from the total amount assessed and the time period for the note is:

Burr Oak Ditch Sixteen (16) semi-annual installments note \$36,970.37; and,

WHEREAS, the term of this note of sixteen (16) semi-annual installments is reflected in the minutes of the legal hearing held by the Auglaize County Soil & Water Conservation District Board of Supervisors.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby authorize the necessary steps be taken to secure interest costs for a note for the balance of money needed to complete the Burr Oak Ditch project in the amount as mentioned above.

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

Adopted this
3rd day of
March, 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: ✓ County Engineer
✓ County Auditor

IN THE MATTER OF AUTHORIZING EXPENSES FOR THE CORONER AND STAFF TO ATTEND TWO CONFERENCES.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners was informed by Dr. Thomas R. Freytag, M.D., Auglaize County Coroner, that he and his staff will be attending the following workshop:

On May 7 – 9, 2009 – Coroner Dr. Freytag, his investigator and secretary will attend the Ohio State Coroner’s Association Educational Conference in Columbus, Ohio; and,

WHEREAS, expenses requested to be authorized for payment are:

For May 7 – 9 – Lodging Expenses and Meal reimbursement; and,

WHEREAS, Coroner Dr. Freytag also informed the Board that his Investigator, Steve Stienecker will be attending his Master Conference for advanced death investigation which will be held July 27 – 30, 2009 in St. Louis, MO; and,

WHEREAS, expenses for this conference for Investigator Stienecker are requested to be authorized as follows:

Conference cost - \$725.00; CME fee - \$40.00 and Food expenses.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve and authorize the above requested travel expenses and does order bills to be paid upon proper presentation providing all is in accordance with the County Travel Policy.

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

Adopted this
3rd day of
March, 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: Auglaize County Coroner

IN THE MATTER OF AUTHORIZING EXPENSES FOR THE COUNTY PUBLIC DEFENDER TO ATTEND A DUI SEMINAR.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners was informed by S. Mark Weller, Auglaize County Public Defender, that he will be attending a DUI seminar on March 5 & 6, 2009; and,

WHEREAS, the tuition for said seminar has been approved and been made free to Mr. Weller; and,

WHEREAS, Mr. Weller did request authorization to attend said DUI seminar and asked for pre-approval of the following expenses: Lodging - \$93.40; Meals - \$35.00 and Mileage (160 miles) - \$52.00 for a total cost of \$180.40.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve and authorize the attendance of S. Mark Weller, County Public Defender at the so named seminar and does authorize the payment of the above mentioned expenses providing all is in accordance with the County Travel Policy.

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

Adopted this
3rd day of
March, 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: Public Defender – Mark Weller

IN THE MATTER OF AUTHORIZING THE BALANCE OF MONIES NEEDED FOR THE CONSTRUCTION OF THE HELMSTETTER SINGLE COUNTY DITCH PROJECT TO BE PAID WITH FUNDS FROM THE GENERAL DITCH CONSTRUCTION FUND; AUTHORIZING TRANSFER OF FUNDS.

The Board of Auglaize County Commissioners met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following

RESOLUTION

WHEREAS, it is necessary at this time to acquire funding for the balance of monies needed to complete the Helmstetter Single County Ditch improvement with the Engineer's Department informing the Board of County Commissioners that \$1,845.74 remains unpaid from the total amount assessed for said improvement; and,

WHEREAS, , the Board has solicited bids from county financial institutions for a note for said unpaid balance of assessments, however, with the balance being minimal, it is not feasible to obtain a note for this amount; and,

WHEREAS, the General Ditch Construction Fund carries an adequate balance to accommodate the cost of the amount due for the Helmstetter Ditch Construction; and,

WHEREAS, County Auditor Janet Schuler recommends that the Board make payment for the Helmstetter Ditch project balance from this General Ditch Construction Fund, with a 4.6% interest charge, applied for five (5) years.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby authorize the unpaid balance of assessments for the Helmstetter County Ditch project, in the amount of \$1,845.74 be taken from the General Ditch Construction Fund as recommended by County Auditor Janet Schuler; and,

BE IT FURTHER RESOLVED that the Board authorizes the County Auditor to make the following transfer of funds:

From: 300.0300.535900 –General Ditch Construction Fund

Amount: \$1,845.74

To: 322.0100.400100 – Helmstetter Ditch Construction Fund;

and,

BE IT FURTHER RESOLVED that the amount of \$1,845.74 plus a 4.6% interest rate be placed on the property owner's tax duplicates and is to be repaid in ten (10) semi annual payments, commencing with tax duplicates of June, 2009.

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

Adopted this
3rd day of
March, 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: ✓ County Engineer
✓ County Auditor

IN THE MATTER OF AUTHORIZING THE BALANCE OF MONIES NEEDED FOR THE CONSTRUCTION OF THE EASTERLY SINGLE COUNTY DITCH PROJECT TO BE PAID WITH FUNDS FROM THE GENERAL DITCH CONSTRUCTION FUND; AUTHORIZING TRANSFER OF FUNDS.

The Board of Auglaize County Commissioners met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following

RESOLUTION

WHEREAS, it is necessary at this time to acquire funding for the balance of monies needed to complete the Easterly Single County Ditch improvement with the Engineer's Department informing the Board of County Commissioners that \$1,892.62 remains unpaid from the total amount assessed for said improvement; and,

WHEREAS, , the Board has solicited bids from county financial institutions for a note for said unpaid balance of assessments, however, with the balance being minimal, it is not feasible to obtain a note for this amount; and,

WHEREAS, the General Ditch Construction Fund carries an adequate balance to accommodate the cost of the amount due for the Easterly Ditch Construction; and,

WHEREAS, County Auditor Janet Schuler recommends that the Board make payment for the Easterly Ditch project balance from this General Ditch Construction Fund, with a 4.6% interest charge, applied for four (4) years.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby authorize the unpaid balance of assessments for the Easterly County Ditch project, in the amount of \$1,892.62 be taken from the General Ditch Construction Fund as recommended by County Auditor Janet Schuler; and,

BE IT FURTHER RESOLVED that the Board authorizes the County Auditor to make the following transfer of funds:

From: 300.0300.535900 –General Ditch Construction Fund

Amount: \$1,892.62

To: 321.0100.400100 – Easterly Ditch Construction Fund;

and,

BE IT FURTHER RESOLVED that the amount of \$1,892.62 plus a 4.6% interest rate be placed on the property owner's tax duplicates and is to be repaid in eight (8) semi annual payments, commencing with tax duplicates of June, 2009.

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

Adopted this
3rd day of
March, 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: County Engineer
County Auditor

**IN THE MATTER OF APPROVING CONTRACT FOR CHILD CARE SERVICES BETWEEN THE
AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND LIMA ALLEN COUNCIL ON
COMMUNITY AFFAIRS AS A FULL SERVICE CARE PROVIDER.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 3rd day of March, 2009.

Commissioner Bergman 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:

Lima Allen Council on Community Affairs. – effective March 1, 2009 to February 28, 2010;
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 Lima Allen Council on Community Affairs for child care services for said department; and,

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

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

Adopted this
3rd day of
March, 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: County Job & Family Services Dept. –
Michael Morrow

IN THE MATTER OF AUTHORIZING AN EXTENSION OF TIME TO COMPLETE THE SPENCER DITCH PROJECT.

The Board of Auglaize County Commissioners met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following
RESOLUTION

WHEREAS, on August 7, 2008, Resolution #08-293, the Board of County Commissioners approved the contract and bond with D. E. Phillips Excavating for the construction of the Spencer Single County Ditch improvement, setting a completion date for said project of March 1, 2009; and,

WHEREAS, on February 25, 2009, the following correspondence was submitted to the Board of County Commissioners:
Board of Commissioners
Auglaize County

February 25, 2009

Gentlemen,

I would like to give you an update on the status of the construction of the Spencer ditch, in Wayne Township, petitioned by Ron Spencer. As you may or may not remember, the completion date for the construction of this project is March 1, 2009. The contractor is D.E. Phillips Excavating, out of Forest, Ohio, and he has been working on this ditch project since October, 2008.

D.E. Phillips Excavating has at this point in time installed all of the required subsurface drainage items, catch basins, connections and road crossings. He also has completed all of the necessary brush removal work on the one-sided open ditch portion of the project as well.

In order for construction to be 100% complete on the project, it will be necessary for the 3 road crossings on Spencer Road to be properly patched with hotmix. Also, final leveling of the tile trenches and seeding and fertilizing the open ditch banks and yard areas need to be completed.

I have recommended to the contractor that we level the tile trenches once the frost is out of the ground, and the ground is a little more drier and workable, and that the open ditch banks be re-shaped and scuffed prior to seeding them.

We also need to re-establish a soil conservation filter strip area which will be disturbed after the final leveling takes place along the open ditch. Doug Reinhart and I have decided to give D.E. Phillips Excavating a 30 day extension to complete the trench leveling and seeding items.

Doug and I have also decided that D.E. Phillips Excavating will have 14 days from the time the Belle Center or Limo (Shelly Asphalt) plant opens in the spring to repair the road crossings with hotmix asphalt.

Respectfully submitted,
s/Kevin Schnell

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby grant the request for the extension of time to complete the Spencer Ditch Project to April 1, 2009; and,

BE IT FURTHER RESOLVED that the Board does agree with the allowance of 14 days from the time the asphalt plants open in the spring to repair the road crossings with hotmix asphalt; and,

BE IT FURTHER RESOLVED that the contractor's bond and securities for this project shall remain liable as if such extended time had been originally named in the bond and/or contract.

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

Adopted this
3rd day of
March, 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: County Engineer

County Commissioners' Office
Auglaize County, Ohio
March 3, 2009

No 09-83

IN THE MATTER OF AUTHORIZING A BUDGET ADJUSTMENT WITHIN THE MUNICIPAL COURT PROJECT FUND.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 3rd day of March, 2009.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the County Auditor's Office has notified the Board that it is necessary to make a budget adjustment within the Municipal Court Project fund.

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

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
MUNICIPAL COURT PROJECT		
034-0034-535800 – Transfer Out	\$ 165,000.00	034-0034-530900 – Other Expenses

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

Adopted this 3rd day
Of March, 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: County Auditor

IN THE MATTER OF ACCEPTING THE KELLERMEYER #2 DITCH PROJECT FROM AUGLAIZE COUNTY SOIL AND WATER CONSERVATION DISTRICT; SETTING DATE AND TIME TO RECEIVE BIDS FOR SAID PROJECT.

The Board of Auglaize County Commissioners met in regular session on the 3rd day of March, 2009.

Commissioner Requina made the motion to adopt of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners received the following letter of recommendation from the Board of Supervisors of the Auglaize Soil and Water Conservation District:

**AUGLAIZE SOIL AND WATER CONSERVATION DISTRICT'
BOARD OF SUPERVISORS MEETING
February 10, 2009**

The Auglaize Soil and Water Conservation District Board of Supervisors met in official session following the legal hearing of the Kellermeyer #2 Ditch Project at the Auglaize County Administrative Building located at 209 S. Blackhoof St., Wapakoneta, Ohio on Tuesday, February 10, 2009.

John Schwarck, SWCD Chairman called the meeting to order at 11:25 a.m. Other board members present were Gary Truesdale and Jerry Lehman.

Gary Truesdale moved to certify the project and the plans to the Auglaize County Commissioners. Jerry Lehman seconded motion. Jerry Lehman, yes; Gary Truesdale, yes; John Schwarck, yes ; motion carried.

The following certification is being sent to the Auglaize County Commissioners asking them to adopt the Rules and Regulations of Sections 1515.20 to 1515.29 inclusive of the Ohio Revised Code.

We, the Auglaize Soil and Water Conservation District Board of Supervisors certify our findings after due notice, and conduct of a Public Hearing that on this 10th day of February, 2009 in accordance with the requirements of Section 1515.20 of the Ohio Revised Code. The foregoing findings set forth by the Auglaize Board of Supervisors are as follows:

- Construction of improvement will improve water management and development in the project area.
- Cost of improvement was less than benefits to the project area.
- Improvement will benefit the lands by promoting the economical and social development of the area.
- County maintenance will be carried out as required by Section 6137 of the Ohio Revised Code.
- The proposed Kellermeyer #2 Ditch Project addresses the replacement of an existing subsurface tile originally installed through a ditch petition in 1909.
- For the health, safety and welfare of area, the Ohio EPA mandates that an adequate subsurface tile exist for all discharges of septic systems for single-family homes.
- Proposed assessments (varied rate) for each parcel, determined by the Auglaize County Engineer and approved by the Auglaize County Commissioners, were sent by the Soil & Water Conservation Board of Supervisors, by certified mail, return receipt, to each landowner prior to the public hearing as required under section 1515.24 of the Ohio Revised Code.
- Said legal notice clearly stated: "If you are unable to attend the public hearing and have objections concerning the proposed project, notify the Auglaize SWCD Office in writing at least *five days prior* to the hearing. Failure to notify the Auglaize SWCD of your objections will indicate support for the project."

- The Auglaize county Commissioners and County Engineer were in attendance at said public hearing to explain the method of the assessment determination and hear comments for, and objections against the Kellermeyer #2 Subsurface Ditch.
- At said legal hearing the SWCD Board and County Commissioners heard objections to the proposed improvement representing assessments amounting to 23% of the estimated cost of the improvement. Therefore landowners bearing 77% of the cost of the improvement were in favor of the construction of the Kellermeyer #2 Subsurface Drainage Ditch.

Attached is a plan of the improvement and an outline of the total project area and the areas benefited by the improvement, in sufficient detail to permit you to approve the improvement in accordance to sections 1515.20 to 1515.29 inclusive of the Ohio Revised Code. We recommend your approval and cooperation. also, in order to conserve tax dollars; we recommend this project be advertised to be constructed with a ditching wheel machine only. A wheel machine performs the job much quicker and the SWCD personnel make fewer trips to the job site along with less time on the job site during construction.

The meeting was adjourned at 11:30 a.m.

Auglaize Soil and Water Conservation District
s/John L. Schwack

and,

WHEREAS, the Board of County Commissioners, Auglaize County, Ohio does recognize the need for the Kellermeyer #2 Subsurface Drainage Ditch project as recommended by the Auglaize County Soil and Water Conservation District Board of Supervisors; pursuant to the findings by said Board of Supervisors as shown in the above minutes.

THEREFORE BE IT RESOLVED that as the Board of County Commissioners, Auglaize County, Ohio, having been in attendance at the Kellermeyer #2 Ditch legal hearing held February 10, 2009 and hearing all testimony for, and objections against the improvement, is in agreement with the Auglaize Soil and Water Conservation District on the following findings:

- Construction of improvement will improve water management and development in the project area.
- Cost of improvement was less than benefits to the project area.
- Improvement will benefit the lands by promoting the economical and social development of the area.
- For the health, safety and welfare of area, the Ohio EPA mandates that an adequate subsurface tile exist for all discharges of septic systems for single-family homes.

and,

BE IT FURTHER RESOLVED pursuant to the Ohio Revised Code, Section 1515.21, said Board does hereby accept the recommendation for the need of the construction of Kellermeyer #2 Ditch located in St. Marys Township; and does further certify the estimated assessments for this project; and,

BE IT FURTHER RESOLVED, that the Board witnessed at the SWCD public hearing held February 10, 2009 that the landowners determined: The completion date for construction will be December 31, 2009 and the financing for those not paying their assessment in cash shall be eight years (16 semi-annual installments);

BE IT FURTHER RESOLVED, that the Board does set the date and time to receive bids for the Kellermeyer #2 Ditch project for **March 24, 2009 at 10:00 a.m.**, in the office of the Auglaize County Commissioners, Auglaize County Administration Building, Commissioners Chambers, 209 S. Blackhoof St., Wapakoneta, Ohio; and,

BE IT STILL FURTHER RESOLVED that said Board authorizes the County Engineer to proceed with the necessary legal steps to cause the above mentioned sale; and,

BE IT STILL FURTHER RESOLVED that the records, hereby show that a set of plans and specifications for the Kellermeyer #2 Ditch are on file in the office of the Auglaize County Engineer, thus making a permanent record in said Engineer's office for further reference.

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

Adopted this
3rd day of
March, 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: County Engineer
Soil & Water Conservation Office