

**IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 18th day of November, 2010.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

WHEREAS, the Board has been requested to authorize budget adjustments as follows: and,

**Common Pleas Fund**

<b>Amount:</b>	<b>From:</b>	<b>To:</b>
\$ 1,000.00	001.0202.530600 (Contract Services)	001.0203.530900 (Other Expenses)

**Grand Lake Task Force Fund**

\$ 15,000.00	003.0003.530400 (Equipment)	003.0003.530600 (Contract Services)
--------------	-----------------------------	-------------------------------------

**Dog & Kennel Fund**

\$ 1,500.00	005.0002.530700 (Travel)	005.0002.530600 (Contract Services)
\$ 2,000.00	005.0002.538100 (Claims)	005.0002.530400 (Equipment)

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to complete the budget adjustment as mentioned above.

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

Adopted this  
18th day of  
November, 2010

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula, yes  
Don Regula

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, yes  
Douglas A. Spencer

- cc: /County Auditor
- ✓Judge Pepple
- ✓Sheriff Solomon
- Dog Warden

IN THE MATTER OF RECOGNIZING THE UNITED WAY OF AUGLAIZE COUNTY ANNUAL CAMPAIGN.

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 18th of November, 2010.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, Financial Stability, Education & Prevention and Health & Wellness are the building blocks to the quality of life in Auglaize County; and,

**WHEREAS**, The 20 United Way of Auglaize County Partner Agencies bring these building blocks to everyone in Auglaize County; and,

**WHEREAS**, The United Way of Auglaize County has acted to inspire Auglaize County to give, advocate and volunteer to provide these agencies with the resources they require; and,

**WHEREAS**, The United Way of Auglaize County allows the Citizens of Auglaize County to contribute to their quality of life through a variety of volunteer opportunities that impact change in the areas of Financial Stability, Education & Prevention and Health & Wellness.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby proclaim and recognize The United Way of Auglaize County Annual Campaign.

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

Adopted this  
18th day of  
November, 2010

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula , yes  
Don Regula

John N. Berman , yes  
John N. Berman

ABSTAIN , \_\_\_\_\_  
Douglas A. Spencer

cc: United Way – Randy Fisher

County Commissioners Office  
Auglaize County, Ohio  
November 18, 2010

NO. 10-452

**IN THE MATTER OF SETTING DATE AND TIME TO RECEIVE BIDS FOR THE COURT HOUSE  
RENOVATION PROJECT FOR THE AUGLAIZE COUNTY BOARD OF COMMISSIONERS.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 18th day of November, 2010.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, drawings and specifications have been drafted by Garmann/Miller for the Court House Renovation Project; and,

**WHEREAS**, the drawings and specifications have been approved by the State; and,

**WHEREAS**, the Board wishes, at this time, to set a date and time to receive and publicly open bids for said Court House Renovation Project.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners, Auglaize County, Ohio, does hereby set the 21st day of December, 2010 at 2:00 p.m. as the date and time to receive and publicly open bids, at the Auglaize County Board of Commissioners Chambers - Acres, located at 13093 Infirmiry Road, 2nd Floor East, for the Court House Renovation Project.

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

Adopted this  
18th day of  
November, 2010

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula, yes  
Don Regula

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, yes  
Douglas A. Spencer

cc: Garmann/Miller Architects

**IN THE MATTER OF AUTHORIZING THE PURCHASE VARIOUS PIECES OF EQUIPMENT FOR THE HIGHWAY DEPARTMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOP PROGRAM AND THE OHIO DEPT. OF TRANSPORTATION COOPERATION PURCHASE PROGRAM.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 18th day of November, 2010.

Commissioner Spencer moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, Douglas Reinhart, County Engineer submitted correspondence to the Board of County Commissioners stating that he wishes to purchase the following pieces of equipment for the County Highway Department through the Ohio Department of Administrative Services Coop program, in accordance with the ORC 125.04 and the Board's Resolution #10-059:

- Mowing Tractor, replacing a 1995 tractor 5,000+ hrs
- 4 - batwing mowers replacing 2007 models
- Crack patcher, replacing 1 2000 model 2,500 hrs
- Hydraulic excavator replacing 2004 model 5,000+ hrs
- 4 wheel drive loader replacing 2000 model
- Skid loader replacing 2007 model

and,

**WHEREAS**, through the Ohio Department of Transportation Cooperative Purchase program, accordance with ORC 5513.01B and Resolution 09-59, the following piece of equipment will be purchased:

- 1 - Cab and chassis for snow plowing application; this will replace 1993 truck 157,000 miles;

and,

**WHEREAS**, other items to be purchased a semi Tractor replacing 1987 model through the bidding process; and,

**WHEREAS**, these purchases will be completed with 6 % of the 2011 MVGT budget.

**THEREFORE BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby authorize County Engineer Douglas Reinhart to proceed with the purchases being made through the ODAS Co-op Purchasing Program; using 2011 MVGT funds.

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

Adopted this  
18th day of  
November, 2010

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Don Regula, yes  
Don Regula

John N. Bergman, yes  
John N. Bergman

Douglas A. Spencer, Yes  
Douglas A. Spencer

**IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF CY SCHWIETERMAN, INC FOR THE BENNETT DITCH PROJECT.**

\*\*\*\*\*

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 18th day of November, 2010.

Commissioner Spencer moved the adoption of the following

**RESOLUTION**

**WHEREAS**, the Engineer's office has filed with this Board a contract and bond Cy Schwieterman, Inc. for labor and materials for said Bennett 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 Cy Schwieterman, Inc. as presented, for the Bennett 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 Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this  
18th day of  
November, 2010

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

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

cc: County Engineer

# DITCH CONTRACT

Revised Code, Sec. 6131.41

*In the Matter of the*                      BENNETT DITCH

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

THIS AGREEMENT, *made and entered into on this* 18<sup>th</sup> *day of* November 2010,  
*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*                      ONE HUNDRED FOUR THOUSAND EIGHT HUNDRED EIGHTY AND 75/100  
*( \$ 104,880.75)                      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*  
BENNETT DITCH *improvement petitioned for by*                      SENATE BILL 160 PROJECT  
*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*                      BENNETT 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*                      BENNETT 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* OCTOBER, 2011.

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*                      ONE HUNDRED FOUR THOUSAND EIGHT HUNDRED EIGHTY  
AND 75/100 *( \$ 104,880.75)                      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

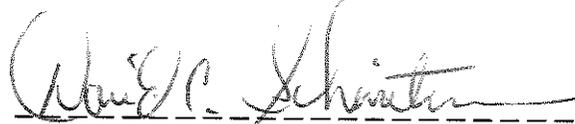
CY SCHWIETERMAN, INC.

of

10097 KOHLER ROAD, WAPAKONETA, OHIO

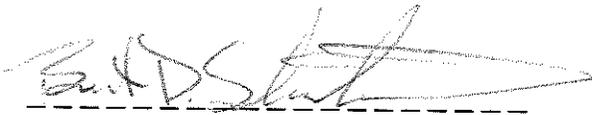
shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said Contract, then this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

Executive in Presence of

  
signed

  
witness

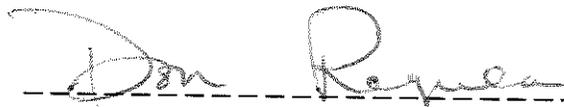
Cy Schwieterman, Inc.  
company

  
witness

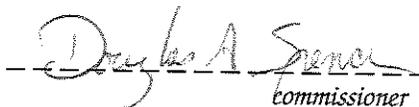
10097 Kohler Rd.  
street

Wapakoneta, Oh. 45895  
city, state, zip

The above Contract being good and sufficient is approved this 18<sup>th</sup> day of November, 2010.

  
commissioner

  
commissioner

  
commissioner

# BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

*In the Matter of the*

BENNETT DITCH

*Single County Ditch No.*

ON CONTRACT FOR WORK AND LABOR  
AND MATERIALS

*Petitioned for by* SENATE BILL 160 PROJECT *and others*

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

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

LETTER OF CREDIT, 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'*

ONE HUNDRED THIRTY ONE THOUSAND ONE HUNDRED AND 94/100

(\$ 131,100.94) *Dollars,* WHICH IS 125% OF THE DITCH CONTRACT, *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* 18<sup>th</sup> *day of* November *, 2010*

*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* BENNETT DITCH *improvement*

*petitioned for by* SENATE BILL 160 PROJECT *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* OCTOBER,

2011, *for the compensation of* ONE HUNDRED FOUR THOUSAND EIGHT HUNDRED

EIGHTY AND 75/100 (\$ 104,880.75) *Dollars.* (DITCH CONTRACT AMOUNT)

*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

*David C. Schwieterman*  
-----  
Signed

*[Signature]*  
-----  
witness

*Cy Schwieterman, Inc.*  
-----  
company

*[Signature]*  
-----  
witness

*10097 Kohler Rd.*  
-----  
street

*Wapakoneta, Oh. 45895*  
-----  
city, state, zip

The above Bond being good and sufficient is approved this 18<sup>th</sup> day of November, 2010.

*Don Reizer*  
-----  
commissioner

*John W. Bergman*  
-----  
commissioner

*Doyle A. Spenser*  
-----  
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 BENNETT 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 CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895. 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 BENNETT DITCH improvement. The Estimated construction costs for said Ditch Improvement plus an additional 25%, has been established at ONE HUNDRED THIRTY ONE THOUSAND ONE HUNDRED AND 94/100 (\$ 131,100.94) 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 BENNETT 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 OCTOBER, 2011 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 BENNETT DITCH, then the Contract for Performance Bonding must also be extended for the same Extension of Time in the amount of ONE HUNDRED THIRTY ONE THOUSAND ONE HUNDRED AND 94/100 (\$ 131,100.94) 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 OCTOBER, 2011. 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 CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895, up to and including the amount of the Estimated Construction Costs plus and additional 25% for the proposed Ditch Improvement known as the BENNETT 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 ONE HUNDRED THIRTY ONE THOUSAND ONE HUNDRED AND 94/100 (\$ 131,100.94) 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 CY SCHWIETERMAN, INC. having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895, and regardless of any objections of said CY SCHWIETERMAN, INC., the Contractor, or litigation or disagreement between the Board of County Commissioners of Auglaize County, FIRST NATIONAL BANK IN NEW BREMEN, OHIO, 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  
CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD  
WAPAKONETA, OHIO 45895. 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 ONE HUNDRED THIRTY ONE THOUSAND ONE HUNDRED AND  
94/100 (\$ 131,100.94) 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  U-P  
official signature from BONDING AGENCY OR BANK  
Jerry S. Lehman, Jr. Vice President/Senior Loan Officer

for First National Bank in New Bremen  
BONDING AGENCY OR BANK

435 South Washington Street New Bremen, OH 45869  
address

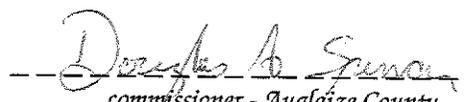
\_\_\_\_\_  
city, state, zip

419.629.2761  
phone

All terms and conditions of the this CONTRACT FOR PERFORMANCE BONDING  
for the development of the BENNETT DITCH accepted by the Board of Commissioners of  
Auglaize County, pursuant to Resolution No. \_\_\_\_\_, passed this 18<sup>th</sup> day  
of November, 2010.

  
-----  
commissioner - Auglaize County

  
-----  
commissioner - Auglaize County

  
-----  
commissioner - Auglaize County

All terms and conditions accepted this 18<sup>th</sup> day of November, 2010.

  
-----  
authorized signature for CONTRACTOR

CY SCHWIETERMAN, INC.  
COMPANY

10097 KOHLER ROAD  
address

WAPAKONETA, OHIO 45895, OHIO 45869  
city, state, zip

(419) 753-2566  
phone