

County Commissioners Office
Auglaize County, Ohio
November 27, 2012

NO. 12-494

IN THE MATTER OF AUTHORIZING THE COUNTY AUDITOR TO DRAW WARRANTS FOR THEN AND NOW CERTIFICATE PAYMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of November, 2012.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, the practice of using "Then and Now Certificates" has been instituted by the County Auditor.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, the taxing authority for Auglaize County, having thirty (30) days to approve payment by resolution from receipt of "Then and Now Certificates", does hereby approve the following:

<u>Check #</u>	<u>Amount</u>	<u>Vendor</u>
367836	\$ 293.78	The Evening Leader
367837	\$ 348.40	Wapak Daily News
367855	\$ 406.97	Kathy Warnock
367871	\$ 2,990.00	Frederick P Ferri, PHD LLC
367873	\$ 140.00	Pump N Pack Shell
367884	\$ 226.38	First Communications, LLC

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

Adopted this
27th day of
November, 2012

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 AUTHORIZING CHANGE ORDER #3 TO THE CONTRACT WITH WESTERHEIDE DEVELOPERS, INC. – MILLWORK CONTRACTOR FOR THE AUGLAIZE COUNTY COURTHOUSE RENOVATION PROJECT; AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE SAID AMENDMENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of November, 2012.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, on January 31, 2012, in Resolution #12-059, the Board of County Commissioners executed a contract with Westerheide Developers, Inc. for the millwork, acoustical treatment and floor finishes portion for the Auglaize County Courthouse Renovation Project. Westerheide Developers, Inc. has stated in the contract that the base amount for the general construction of the Courthouse Renovation Project is \$428,000.00; Change Order #1 of \$4,467.00; Change Order #2 of \$14,900.00; and,

WHEREAS, due to the following change for the credit from rework of recorders desk and judges bench deduct \$1,917.00; and,

WHEREAS, the total decrease for the changes stated above for Change Order #3 is \$1,917.00; and,

WHEREAS, the Board of County Commissioners has agreed to this decrease; and,

WHEREAS, a Change Order #3 has been prepared by Westerheide Developers, Inc. reflecting above mentioned fee increase; same is to be executed by the President of the Board.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio, does hereby approve the Change Order #3 for the contract with Westerheide Developers, Inc. for the millwork, acoustical treatment and floor finished portion of the Court House Renovation Project; and,

BE IT FURTHER RESOLVED that President of the Board is hereby authorized to execute said Change Order #3 as presented by Westerheide Developers, Inc. thereby decreasing said contract by \$1,917.00 to a total of \$445,450.00.

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

Adopted this
27th day of
November, 2012

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: Westerheide Developers, Inc.
Garmann/Miller
County Administrator



AIA®

Document G701™ – 2001

Change Order

PROJECT (Name and address): Auglaize County Courthouse Millwork	CHANGE ORDER NUMBER: 003 DATE: September 25, 2012	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Westerheide Developers, Inc. 1120 Milligan Court, Suite 105 Sidney, Ohio 45365	ARCHITECT'S PROJECT NUMBER: 10015.02 CONTRACT DATE: January 26, 2012 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Furnish and install all necessary labor and material to:

- 1.) Credit from rework of recorders desk and judges bench. Deduct (\$1,917.85)

TOTAL CHANGE: (\$1,917.85)

(Remaining Millwork, Acoustical . . . Contingency Allowance - \$0.00)

The original Contract Sum was	\$ 428,000.00
The net change by previously authorized Change Orders	\$ 19,367.00
The Contract Sum prior to this Change Order was	\$ 447,367.00
The Contract Sum will be decreased by this Change Order in the amount of	\$ 1,917.00
The new Contract Sum including this Change Order will be	\$ 445,450.00

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is May 1, 2012

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Garmann-Miller & Associates, Inc.
ARCHITECT (Firm name)
 38 S. Lincoln Drive, P.O. Box 71, Minster,
 Ohio 45865
ADDRESS
Ronald C. Smallwood
 BY (Signature)
RONALD C. SMALLWOOD
 (Typed name)
9/25/12
 DATE

Westerheide Developers, Inc.
CONTRACTOR (Firm name)
 1120 Milligan Court, Suite 105,
 Sidney, Ohio 45365
ADDRESS
Jay Westerheide
 BY (Signature)
JAY WESTERHEIDE
 (Typed name)
107-12
 DATE

Auglaize County Commissioners
OWNER (Firm name)
 209 S. Blackhoof- Room 201,
 Wapakoneta, Ohio 45895
ADDRESS
Michael Hensley
 BY (Signature)
Michael Hensley Douglas A. Springer
 (Typed name) Board President
9/25/12 11-27-2012
 DATE

County Commissioners Office
Auglaize County, Ohio
November 27, 2012

No. 12-496

IN THE MATTER OF RECORDING THE PUBLIC HEARING ON ROAD NAME; AUTHORIZING THE NAME OF OLD MILL ROAD (CR 168) TO BE ESTABLISHED.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of November, 2012.

Commissioner Regula moved the adoption of the following

RESOLUTION

WHEREAS, this being the date set in Resolution #12-450, dated October 25, 2012, the Board of County Commissioners held a public hearing in its office for the purpose of receiving public comment concerning a petitioned road establish name for Old Mill Road (CR 168) in Noble Township; and,

WHEREAS, the petition requested that the name of Old Mill Road be established for CR 168 which is located between Court Road #66A and the St. Marys River Road in Section 22 Noble Township; and,

WHEREAS, the Commissioners, County Engineer Doug Reinhart and Bridge Engineer Dan Bennett were the only persons present for the public hearing and no objections to the proposed name for CR 168, either written or verbal, have been received by the Board.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby approve and authorize the road located in Noble Township, and known as CR 168, to be named and hereafter be known as "Old Mill Road".

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

Adopted this
27th day of
November, 2012

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: Petitioners and/or property owners
- ✓ Noble Township Trustees
- ✓ County Engineer
- ✓ County Recorder
- ✓ County Auditor
- ✓ County Sheriff

IN THE MATTER OF ACCEPTING THE KOCH DITCH PROJECT FROM THE 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 27th day of November, 2012.

Commissioner Regula 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
November 15, 2012**

The Auglaize Soil and Water Conservation District Board of Supervisors met in official session following the legal hearing of the Koch Ditch Project at Auglaize County Administration Building located at 209 S. Blackhoof St., Wapakoneta, Ohio on Tuesday, November 15, 2012.

John Schwarck called the meeting to order at 11:20 a.m. Other board members present were Lou Brown and Jack Rohrbach.

Lou Brown moved to certify the project and the plans to the Auglaize County Commissioners. Jack Rohrbach seconded motion. Lou Brown, yes; Jack Rohrbach, 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 15th day of November, 2012 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 Koch Ditch Project addresses the replacement of an existing subsurface tile.
- 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 Koch Subsurface Ditch.
- At said legal hearing the SWCD Board and County Commissioners heard objections to the proposed improvement representing assessments amounting to 4% of the estimated cost of the improvement. Therefore landowners bearing 96% of the cost of the improvement were in favor of the construction of the Koch Subsurface Drainage Ditch.
- Group agreed to set the completion date December 31, 2013 and the length of finance would be 8 years.

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.

The meeting was adjourned at 11:21 a.m.

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

and,

WHEREAS, the Board of County Commissioners, Auglaize County, Ohio does recognize the need for the Koch Subsurface 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 Koch Subsurface Ditch legal hearing held November 15, 2012 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.

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 Koch Subsurface Ditch located in Pusheta 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 November 15, 2012 that the landowners determined: the completion date for the project will be December 31, 2013 and the financing for those not paying their assessment in cash shall be eight years (16 semi-annual installments); and

BE IT FURTHER RESOLVED, that the Board does set the date and time to receive bids for the Koch Subsurface Ditch project for **January 8, 2013 at 10:00 a.m.**, in the office of the Auglaize County Commissioners, Chambers – Administration Building, 209 S. Blackhoof Street – Room 201, 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 Koch Subsurface 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
27th day of
November, 2012

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

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of November, 2012.

Commissioner Regula moved the adoption of the following:

RESOLUTION

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

GIS Fund:

Amount:	From:	To:
\$ 5,000.00	001.1207.530600 (Contract Services)	001.1207.530400 (Equipment)

Maintenance and Operations Fund:

Amount:	From:	To:
\$ 1,095.14	001.0402.536400 (Workers Comp)	001.0402.536700 (PERS)
\$ 1,000.00	001.0402.530300 (Supplies)	001.0402.536700 (PERS)

Board of County Commissioners Fund:

Amount	From:	To:
\$2,000.00	001.0101.531000 (Prof. Services)	001.0101.530300 (Supplies)

Recorder Fund:

Amount	From:	To:
\$ 38.83	001.0602.530600 (Contract Services)	001.0602.530700 (Travel)

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the budget adjustments to show the changes as tabulated 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
27th day of
November, 2012

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
Engineer
County Administrator
Recorder - Chris Lambert