

**BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO
-- October 6, 2009 --**

The Board of County Commissioners convened in regular session at 8:00 a.m. on Tuesday, October 6, 2009 with the following members present: Douglas A. Spencer, Don Regula and John N. Bergman. The meeting of the Board was called to order in its Chambers by President Spencer.

AGENDA

- 8:00 a.m. Commissioners work on Resolutions/Documents (Chambers)
- 8:30 a.m. Staff meeting (Chambers)
- 9:00 a.m. Joe – Law Library Board Meeting (Assembly Room or Meeting Room)
- 9:15 a.m. View Amendment to the Muddy Creek Ditch project with Shelby Co. Commissioners (Intersection of Southland & Kettlersville Roads)
- 10:00 a.m. 1st hearing for Muddy Creek Jt. County Ditch project with Shelby Co. (Assembly Room)
- 1:00 p.m. Ed to talk with Commissioners (Chambers)
- 3:30 p.m. Present and discuss upcoming resolutions (Chambers)

PROCEEDINGS OF THE DAY

- 8:05 a.m. Clerk Connie Cordonnier read the minutes of the previous Regular Session meeting, being October 1, 2009. Minutes stood as read. The minutes were then approved by the President of the Board.
- 8:20 a.m. Commissioner Regula moved to approve the Resolutions as presented. Commissioner Bergman seconded the motion. Resolutions were then distributed for each Commissioner's vote and execution.
- 8:25 a.m. Board signed the weekly check register as presented by the County Auditor.
- 8:35 a.m. Staff meeting was held.
- 9:00 a.m. Board left the office to travel to the view of the Muddy Creek Joint County Ditch improvement amendment. The view began at 9:15 a.m. at the intersection of Southland and Kettlersville Roads. Commissioners Dale DeLoye and Jack Toomey were present from Shelby County.
- 10:00 a.m. The Joint Board of Auglaize and Shelby County Commissioners conducted the first hearing for the Muddy Creek Joint County Ditch project in the Administration Building Assembly Room. Those in attendance were: Auglaize County Commissioners Spencer, Regula and Bergman; Shelby County Commissioners Dale DeLoye and Jack Toomey; Auglaize County Engineer Staff, Kevin Schnell and Matt Quinter; Landowners, Magdalene Vohs, Richard Bambauer, Esther Dietz, Merlin Tangeman, Ed Schwietzer, Dave Egbert, Nancy Berning, Steve Stienecker, Theresa Holt. The Engineers presented the Engineering reports and the particulars of the project. Eng. Quinter reviewed the cost estimate sheets for the project. Each landowner present was polled to see if they supported the project with all being in favor of original petition. Those landowners also involved with the amendment to the petition agreed to said amendment and favored the project. Commissioner DeLoye moved to proceed with the project as originally petitioned and the amendment. Commissioner Regula seconded the motion. Roll call vote was taken: Mr. Toomey, yes; Mr. DeLoye, yes; Mr. Bergman, yes; Mr. Regula, yes; Mr. Spencer, yes. Motion carried.
- 1:00 p.m. Board met with County Prosecuting Attorney Ed Pierce. Discussion was held on the bids submitted for the Freeman Ditch project. It was determined that there was only one complete bid. Also discussed was the contract for the Dog Tag Program software to be used by the County Dog Warden and the County Auditor's office. This software and contract are currently under review.

2:00 p.m. Board phoned Marvin Heitkamp and Clem Gallespie to inform them that their respective bids on the Freeman Ditch were incomplete since some pages of the bid document which required a signature were not signed. Mr. Gallespie understood and thanked the Board for the call. Mr. Heitkamp was left a message to call the Commissioner's office.

3:40 p.m. Co. Admin. Lenhart presented the Resolutions for the next Commissioners session.

STAFF MEETING

Clerk Cordonnier had nothing to present. Review of appointments was not done due to time restraints.

Administrator Lenhart presented the following:

1. Mentioned an email sent to each Commissioner concerning a Farewell Party for Jim Coons, former director of the Auglaize County Southwestern Chamber of Commerce. This party will be held at La Piazza in New Bremen on November 5, 2009 from 5 – 7 p.m.
2. Inquired as to who is interested in attending the CCAO/CEAO Winter Conference and what days they wish to attend.
3. Reported on the meeting held on Thursday, 10/1, between Admin. Lenhart and Steve of TJ Ellis when they looked at the trees in the County Home woods. Steve estimated the value of the trees at \$6,145.00. Also mentioned was the conversation held on the phone with Jeff Opperman of New Bremen Veneer. Out of the two conversations, it was evident that if eight more trees are harvested from the woods, it will not hurt the woods. It was stated that an oak mite is active in the oak trees. After much discussion, the Commissioners were canvassed about selling the eight oak trees in question. All three Commissioners stated that the eight trees should be sold. The trees will be placed on the County Auction Website.
4. Mentioned that Jennifer Kinnaman, Deputy Auditor, would like to talk to Commissioner Spencer about charging a parcel fee.

Commissioner Regula had nothing to present.

Commissioner Bergman reported on a phone call received from a landowner involved in the Kettler Ditch project. The person questioned why the bids of Maria Stein Excavating were not accepted on this projects. Mr. Bergman explained that incomplete bids for both projects were received from said company. Landowner understood the reasons for dismissing the bids.

Commissioner Bergman raised the question about turning off the sprinklers which water the grass of the Administration Building. Discussion was held and the Commissioners agreed that the sprinklers in the Administration Building's lawn be "shut off".

Commissioner Spencer inquired if any communication has been received from the Hardin County Commissioners concerning the compensation package for Auglaize Acres Administrator Nick Scheck. It was reported that nothing has been received.

The following Resolutions were presented to the Board, for its consideration (the entire texts of same are documented in the Board's Journal by the Clerk of the Board):

#09-377 Authorizing County Auditor to draw warrants for Then and Now Certificate payments.

#09-378 Accepting petition and bond for the Miami Erie Canal Improvement project; fixing date of view and hearing for same.

#09-379 Authorizing budget adjustment for Probate Court Indigent Guardianship Fund as requested by the Probate Judge Mark Spees.

#09-380 Adopting the Auglaize County Emergency Operations Plan.

#09-381 Amending annual appropriation for the VOCA Fund.

- #09-382 Authorizing Armor Fire Protection Inc. to rebuild and recertify backflows in various County owned buildings.
- #09-383 Documenting receipt of bids for construction of Kettler Ditch project; awarding bid to Gene Topp Drainage Services, Inc.
- #09-384 Authorizing Rinehart Tower Service, Inc. to install a waveguide ladder on the County owned radio tower located at the Auglaize County Law Enforcement Center.
- #09-385 Approving travel expenses for Auglaize Acres employee to attend a conference in Columbus, Ohio.
- #09-386 Authorizing purchase, by Auglaize County, of the property at 306 S. Beech Street, St. Marys, Ohio.

4:35 p.m. With no further business to bring before the Board, President Spencer adjourned the meeting for the day.


The MINUTES constitute a synopsis on matters brought to the attention of the Board of County Commissioners of Auglaize County, Ohio on this 6th day of October, 2009.



Douglas A. Spencer, President



Don Regula, Vice President



John N. Bergman, Member



Joseph R. Lenhart, County Administrator



Connie Cordonnier, Clerk of the Board

Dated: October 8, 2009

**BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO**

-- October 8, 2009 --

The Board of County Commissioners convened in its Chambers in regular session at 8:00 a.m. on Thursday, October 8, 2009 with the following members present: Douglas A. Spencer, Don Regula and John N. Bergman. The meeting of the Board was called to order in its Chambers by President Spencer

AGENDA

- 7:30 a.m. Joe – CVB Monthly meeting (CVB Office)
- 8:00 a.m. Commissioners sign resolutions/documents (Chambers)
- 8:30 a.m. Staff meeting (Chambers)
- 9:00 a.m. Brian Fisher Monthly meeting (Chambers)
- 11:00 a.m. Meeting with Dave Reichelderfer (Recycle Center)
- 1:00 p.m. Open bids for the Ottawa River Enhancement project (Allen Co. Commissioners Office, 301 N. Main St., Lima, Ohio)
- 3:30 p.m. Present and discuss upcoming resolution (Chambers)

PROCEEDINGS OF THE DAY

- 8:25 a.m. Minutes of the previous Regular Session meeting, being October 6, 2009, were read by Clerk Connie Cordonnier. Clarifications were made to the minutes. The minutes were then approved by the President of the Board.
- 8:55 a.m. Commissioner Regula moved to approve the Resolutions as presented. Commissioner Bergman seconded the motion. Resolutions were then distributed for each Commissioner's vote and execution.
- 9:05 a.m. Board met with Brian Fisher, County Computer Operations Manager. The following was presented:
 - ◆ Terminal Server Imaged to new hardware.
 - ◆ One Job & Family Services Imaged to new hard drives. Server 2 will be imaged within the next two weeks.
 - ◆ New tablets and copier setup for Adult Probation.
 - ◆ Network user created for all nurses at Auglaize Acres and files setup to back up on server. Better central management.
 - ◆ End of month backups for financial information is setup for archive to DVD for archival.
 - ◆ Website updated with Commissioners' calendar.
 - ◆ Printer installed in hearing room at jail for bond hearing paperwork. Fax/Scanner to be installed within 2 – 3 weeks for the return of paperwork to the courthouse with signatures.
 - ◆ Test restore of website service has been tested and documents.
 - ◆ Software being tested for easier rollback of laptops to previous settings when spyware, adware, or viruses have been loaded.
- 11:08 a.m. Board met with Solid Waste Coordinator Dave Reichelderfer for his monthly meeting and report. This meeting was held in the Commissioners Chambers. Mr. Reichelderfer discussed the following with the Board:
 - ◆ The semi-trailer to be disposed of is being stripped of useable parts. After this is complete, it will be hauled to OmniSource.
 - ◆ A search continues for a box truck for the Recycle Center. This truck would be purchased through the grant and would replace the red box truck.
 - ◆ Recycle containers are being placed at main community events throughout the County.
 - ◆ Spring Road Clean-up is already being planned and arranged.
 - ◆ The revenue of the district is about the same. The amount of generation fees collected will be a little low.
 - ◆ The public hearing for completing the 5 year update was discussed. The public hearing for the update will be held October 14, 2009 in the Assembly Room at 7 pm.

1:00 p.m. Board traveled to Lima, Ohio to attend the bid openings for the Ottawa River Enhancement project and the Little Ottawa River Enhancement project.. This was held in the Allen Co. Commissioners office.

After the bid openings, an issue involving a Putnam County landowner was discussed. This landowner pushed trees over the banks of the Ottawa River, thinking that this Enhancement project would take care of the cleanup. It was determined that the NEG grant will not cover the removal of these trees. It was decided by those present that the Allen County Prosecuting Attorney or the Putnam County Prosecuting Attorney, whichever has jurisdiction in the area in question, handle the situation by enforcing ORC Section 6151.14 per Dan Ellerbrock's recommendation. (See attached information sheet.)

3:20 p.m. Co. Admin. Lenhart presented the upcoming Resolutions for the next regular session.

The following Resolutions were presented to the Board, for its consideration (the entire texts of same are documented in the Board's Journal by the Clerk of the Board):

#09-387 Authorizing the disposal of excess County Property pursuant to Ohio Revised Code 307.12.

#09-388 Authorizing a Change Order for housing rehabilitation for Jules Dowling under the CHIP program.

#09-389 Approving the contract and bond of Cy Schwieterman, Inc. for the Kuenstle Ditch project.

#09-390 Approving contract and child care services between the Auglaize County Department of Job and Family Services and Jill Williams as a Type B care provider.

#09-391 Documenting receipt of bids for construction of the Freeman Ditch project; awarding bid to Cy Schwieterman, Inc.

#09-392 Approving the contract and bond of Cy Schwieterman, Inc. for the Fritz Ditch project.

#09-393 Authorizing payment to Jill Williams for child care services.

#09-394 Setting a special session on October 14, 2009 for the Board of County Commissioners.

4:35 p.m. With no further business to bring before the Board, President Spencer adjourned the meeting for the day.

The MINUTES constitute a synopsis on matters brought to the attention of the Board of County Commissioners of Auglaize County, Ohio on this 8th day of October, 2009.




Douglas A. Spencer, President




Don Regula, Vice President



John N. Bergman, Member



Joseph R. Lenhart, County Administrator



Connie Cordonnier, Clerk of the Board

Dated: October 13, 2009

OTTAWA RIVER MAINTENANCE

Landowner Created Blockage

In late August or early September a landowner along the Ottawa River in Section 29, Sugar Creek Twp., Putnam County, Ohio created a situation that needs to be addressed.

He cleared a long section of trees along the east side of the river and pushed them over the banks into the Ottawa River. As the pictures show, it appears most of the trees are lying perpendicular to the flow of the river.

Laurie Collins, NEG Grant Coordinator took the pictures and spoke with the landowner, David Birkemeier.

He was under the impression that Laurie's crew would take the trees out of the river for him. She informed him that is not part of her grant.

I received a phone call about this situation approximately six weeks ago from an adjoining landowner, who was very concerned on several different fronts; loss of trees, exposure for erosion, dike being built would cause property damage due to restricted high water.

There are two provisions in the Ohio Revised Code to address the issue. The Joint Board of Commissioners, after giving the landowner thirty days notice to remove the trees, can have the work done and pay for it out of the general fund. The Joint Board then is authorized under ORC 6137.10 to affix the cost of removal onto his real estate tax.

The other option is similar and is addressed under ORC 6151.14. This section of code gives the Commissioners the authority to remove an obstruction that was negligently placed by a landowner and assess the cost of removal plus a 50% penalty on to the real estate taxes.

It is my belief, that this type of operation can not be tolerated or accepted. If we use maintenance funds to clean up this mess, it opens the door for any person over the 60 mile length of this channel to do the same thing.

It is my recommendation to the Joint Board of Commissioners to have the Prosecuting Attorney from either Allen or Putnam County proceed with notification under ORC Section 6151.14 and affix the cost of cleanup along with the 50% penalty unless he gets it cleaned up on his own in the allotted time.

Respectfully,