

**RECORD OF PROCEEDINGS**  
**VILLAGE OF FORT RECOVERY REGULAR COUNCIL**

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 17, 20 2017

**CALL TO ORDER:** Mayor Dave Kaup called to order the Regular Council Meeting on July 17, 2017 at 7:30 pm at the Village of Fort Recovery Council Meeting Room to conduct regular business.

**Roll call was conducted** with the following Council members **Present:** Erik Fiely, Cliff Wendel, Al Post, Dave Garman, Scott Pearson and Dave Bretz. **Also Present:** Randy Diller, Roberta Staugler, Erin Minor, PG Jellison, Sydney Albert, Rose Skelly and Jacob Heitkamp.

The Mayor led with prayer and the Pledge of Allegiance.

**Minutes:** Wendel made the motion to approve the June 26, 2017 and July 10, 2017 minutes seconded by Post. Vote all yes.

**Reports to Council:** VA Report, June Income Tax and Police reports.

**Chief Laux:** The June stats are in drop box. The Tractor Pulls will be held on July 28<sup>th</sup> and 29<sup>th</sup>. St Henry and Rockford police departments will be here to assist us.

**Roberta Staugler presented the 2018 Budget for the third reading. Pearson made a motion to approve the 2018 Budget seconded by Garman. Vote all yes.**

**RESOLUTION/ORDINANCES**

**RESOLUTION 2017-20 A RESOLUTION TO ESTABLISH FUNDS FOR THE WILLIAM STREET PROJECT.** Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Wendel made a motion to pass the resolution seconded by Fiely. Vote all yes.

\* **RESOLUTION 2017-20 A RESOLUTION TO AMEND APPROPRIATIONS.** Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Post made a motion to pass the resolution seconded by Fiely. Vote all yes.

**Minor:** The ODNR Park Recreational Trail is complete. We are waiting on the final reimbursement check from ODNR.

**Capital Budget Bill:** The Courts Project has been re-advertised for bid. The bid opening will be next Thursday.

**Nature Works Grant:** Jerry will begin work soon on this project. The playground will be next to shelter house #4 and will include Expression Swings, a merry-go-round, the fort playhouse, and rubber matting.

**Pollinator Habitat:** Daniel Francis (biologist for Pheasants Forever) and Mike Acheson (president of the Mercer County Chapter of Pheasants Forever) were here to assess the progress of the habitat. They think that it looks very good. There are some wildflowers blooming and they said that we should see more blooms in the weeks to come. It will take a year or two for the wildflowers to populate the entire area and choke out less desirable, weedy species. The Pheasants Forever folks will be doing a mowing in August as part of their management plan for the site. They will also be putting up some new signage. In addition, the Pheasants Forever folks have plans to keep Fort Recovery students involved in the habitat as it matures.

**Pavilion:** The committee will meet with Garmann Miller Thursday to review the final changes to the plans for the Pavilion. Once the plans are finalized, we will bring the plans to local contractors and subcontractors for quotes. From a fundraising perspective, we are selling engraved pavers, selling the naming rights for the building, and accepting donations. If you or your company are interested in supporting the project, please let me know. We will be distributing brochures at the FR Friends of the Arts concerts the next three weeks. Construction is planned for next year.

\* correction 8/21/17 minutes should be Resolution 2017-21

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**Merchants:** A Farmers Market will be held in the parking lot beside Sunshine Boutique the last Saturday of July, August and September. It is an opportunity for local folks to market their homemade crafts and baked goods and homegrown fruits and vegetables.

**Annexations SR 49:** We are waiting to hear from ODOT concerning the speed limit sign changes. I sent a follow-up email to ODOT today; our contact is currently out of the office but will be back next week. **Jutte:** The First Street/Wabash Road utility extension project has been completed. **Leuthold:** The person who owns the right-of-way on the opposite side of the road from the Leuthold property does not want to annex his right-of-way. Thus, we aren't going to annex his right-of-way or the Leuthold's right-of-way. We are currently working with the county to execute an agreement to put utilities in the Leuthold's right-of-way.

**Outdoor Refreshment Area:** Erin attended the most recent Merchants meeting. The consensus was not to push for an outdoor refreshment area at this time. There was some discussion about having "First Friday" events, or something similar, in the future. If these events come to fruition, the possibility of an outdoor refreshment area will be revisited.

**William Street:** We are waiting on the school board to authorize a storm sewer easement in favor of the Village.

**Police Special Duty:** Jared and Erin met with school representatives regarding the manner in which FRPD officers are paid, as well as how much they are paid, to provide security services at Fort Recovery Schools' athletic events. In the past, FRPD officers were paid \$20 per hour directly by the school. However, under this pay arrangement, if an officer were to get hurt while providing services to the school, it would be unclear whose workers' compensation insurance – the School's or the Village's – would be responsible for covering the injury. Thus, Jared and Erin told the school that, going forward, we would like to change the pay arrangement such that the School pays the Village a flat rate per hour, and the Village, in turn, pays the FRPD officers (at their overtime rate). Under this pay arrangement, it would make it clear that the Village's workers' compensation insurance would apply to officer injuries. Also, to ensure the Village does not take a loss for providing security service to the School, the Village proposed a rate increase to \$40 per hour. School officials agreed with the proposed terms. Erin is going to put together a contract that lays out the details in writing. The contract will be presented to the school board for their approval at the August meeting. **Garman:** How often will the rate increases be reviewed? **Minor:** Annually. The contract will be for boys basketball games and football games and will provide the School with sufficient flexibility to request security for other events, like volleyball tournament games. **Post:** Will the \$40 cover our costs? **Minor:** The overtime rate of our highest paid officer is just under \$40 per hour. Thus, our costs will be covered. This policy is very similar to the Mercer County Sheriff Department's special duty employment policy. The only difference is that the Sheriff's Department charges a \$25 per day cruiser fee, which we will not charge the school.

**Diller:** Project Updates: **Lagoons:** The work is pretty well complete. We have the pay request from Dan Jutte which needs to be approved. We will hold the check until all items are complete. **Fiely made the motion to approve Dan Jutte Excavating invoice in the amount of \$131,180 seconded by Wendel. Vote all yes.**

**William Street:** We received OPWC approval in the mail for the project. It is now in Tom's Construction's hands. Frontier's work is almost done. DP&L has three poles to move. The trees will be removed in the next couple of weeks. The deadline for completion of the project was extended until next year. Randy talked to Chris at Tom's Construction. He thinks the project will most likely be done in the spring, which might be better in the end.

**First Street:** They are wrapping up this project. The sanitary is complete and tested. The water is finalizing with the bacterial and pressure testing completed and passed. The property owners can hook up. There is a little asphalt patching and we hope to clean up the dirt and have it seeded by mid-August. There were not many surprises in this project.

**Courts Project:** The bid opening was held last week. The bid tabs are in Council's drop box. There were three bids ranging from \$399,272.50 to \$442,000. One was under the engineer's estimate of \$409,650. Originally we were thinking the construction would be \$325,000 -

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\$400,000. We added things to help with the area where the Pavilion will be located. **Bretz:** That is a lot. **Diller:** \$150,000 of the cost is for a parking lot and lighting, and we have \$125,000 in grant money. **Minor:** We also got a \$10,000 private donation for a total of \$135,000 that we don't have to come up with. **Bretz:** I'm not sure I would have been for it if I had known it was going to cost that much. **Wendel:** What did we eliminate from the original estimate? **Diller:** We gave them until next year to complete the project, and we removed a wall along the playground to help with elevation issues. **Kaup:** I noticed the bid includes \$60,000 in lighting. **Pearson made a motion to approve the bid of \$399,272.50 to Bruns Construction Enterprises, seconded by Fiely. Vote all yes.**

**Utility:** We are wrapping up things with EPA on the lagoons and the NOV. Randy talked at length on Thursday with Dana Martin-Hayden from EPA. Our NPDES permit application is on their desk. Although our permit expired at the end of June, Dana was not concerned. We will do some additional testing and monitor the DO and CBOD that were issues. The current aerators we are using are 20hp; new ones would use 5hp or less which would make our operating costs significantly less. The only reason we put six aerators in our permit application a few years back was because that was how many we purchased, but we have been operating on three. There is no scientific data that shows we need six aerators. We have had no DO violations since August of 2016. We will be replacing the filter media shortly, and the CO2 tank soon. The caustic tank will be replaced in the future; possibly 2020.

**Community Park:** The restrooms are pretty much complete with just a few items remaining.

**Zoning:** We have a variance meeting on July 18<sup>th</sup> at 7:00pm to review Scott Brunswick's building request.

**Tree Commission:** We received the replacement tree list this afternoon.

**FEMA:** We received the final version of the hazard mitigation plan. It's been submitted to FEMA for their approval.

**Leuthold Annexation:** We need an updated annexation map that does not include the Leuthold's right-of-way. We will be moving forward on this annexation soon.

**Street Lights:** We purchased LED lights. Paul is in the process of replacing them. We paid \$49 and the rebate from DP&L is \$50 per bulb. We will get the full \$50 because we can include the cost to replace them. Our DP&L lighting bills should also go down. It paid to wait to replace our lighting.

**Important dates:** August 7<sup>th</sup> will be the next council meeting. Park Board August 14<sup>th</sup>.

**Reminder:** Council members with terms expiring have until August 9<sup>th</sup> at 4:00pm to file their applications.

**Bretz:** Anyone else concerned about the income tax revenue? **Diller:** You can't do a straight comparison of this year's numbers to last year's numbers because we received 5 quarters of payments last year. We anticipated our numbers would be down some this year. **Minor:** One thing to note on the tax side, the state budget bill that was recently signed by the Governor makes a few changes to the administration of municipal income tax. The state will now have complete control over net profit business filings that are filed with the state. A new set of rules will apply; the state has complete administrative and enforcement authority of these type of filings. Municipalities can request an audit of a business, but the state has the discretion whether to grant the request or not. The state will give us our tax money once a month, minus a 0.5% administrative fee. Businesses are not required to do their net profit filings with the state. It's optional. **Diller:** The Tax Administrators are pushing to file suits against the state because they feel that the tax provisions of the budget bill are unconstitutional. **Minor:** We will keep tabs on any potential lawsuits.

**Poll Council: Nothing to report**


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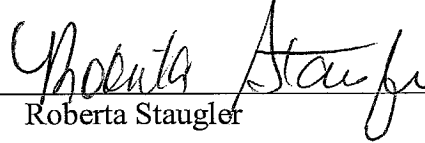
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**Council reviewed invoices #026093 to #027140 including then and now certificates, inter-departmental transfers and memo expenses #201740 to #201741. Wendel made a motion to approve as presented seconded by Fiely. Vote all yes.**

**Wendel made a motion to adjourn the meeting seconded by Fiely. Meeting adjourned at 8:16 PM.**

  
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Mayor Dave Kaup

  
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Roberta Staugler