

Village of Arcanum Council Meeting
Tuesday, September 26, 2017
7:00 PM

Mayor Judith Foureman opened the meeting by asking everyone to join her in the Pledge to the Flag, with the Mayor concluding "In God We Trust".

Council members Monte Clark, Greg Baumle, Eric Van Hoose, Jerry Boolman, Bonnie Millard, and Vanessa Delk answered roll call. Also present were Village Administrator Bill Kessler, Fiscal Officer Darcy Woodall, Solicitor Nicole Pohlman, Mike Bruns from Mote & Associates, and Erik Martin from the Daily Advocate.

Council Minutes: Mayor Foureman asked for approval of the minutes of September 12, 2017. A motion was made by Millard to approve the minutes of the September 12, 2017 Council meeting. Clark seconded. Clark, Baumle, Millard, and Delk voted yea. Van Hoose and Boolman abstained. Motion passed.

Expenditures: Mayor Foureman asked to move the approval of the properly appropriated and funded expenditures after New Business.

Amendments to the Agenda:

Comments from the Public:

Mike Bruns from Mote & Associates:

- **WWTP** – had first progress meeting out at the job site today – everything went well – USDA signed the contractor's pay request and the first change order, which was just for an extension of time

Administrative Reports:

Mayor: Mayor Foureman reported on behalf of the Village Administrator, who was absent because he was attending an AMP Conference in Columbus:

- A resident in town has gone to Versailles Care Center and will be going on Medicaid – her home has been put up for sale – she is inquiring about what can be done about her utility bill as she is now unable to pay her bill because Medicaid will get all of her money each month except for about \$50 – she does not feel that her utilities should be shut off – she is trying to be proactive by letting the Village know in advance what her situation is – her husband passed away and there is no family to take care of the bill for her – hopefully the house will sell quickly, and this will not be an issue – the Mayor told the resident that she would bring this Council to see if anything could be done – Millard expressed concern about setting a precedent if a concession is made for one elderly resident with no family, then potentially all elderly residents with no family will want the same – the Mayor asked Nicole if anything could be done through Medicaid – Nicole suggested some type of agreement stating that the Village would need to be paid any utilities owed from the proceeds of the sale of the home – this agreement would have to be approved by Medicaid – Nicole also suggested that the easiest way might be to assess the taxes for water/sewer charges – then the Village would be paid through the proceeds from the sale of the home – the Mayor said she would try to get more information before the next council meeting before Council made a final decision since the next bills are not due until October 15th, and the meeting is October 10th – Nicole also said if the resident would give Nicole the authority to talk to her case worker at Medicaid, Nicole might be able to broker some other options as well
- The Village's Operator I in the Water/Wastewater Department turned in his resignation effective September 28, 2017 – this position has been advertised seeking a replacement

Solicitor: Nicole had a few items to go over, but would like to go over them after the utility committee report.

Village Administrator: Absent

Fiscal Officer: Woodall did not have anything to report, but on behalf of the Village Administrator she had an update on the carwash and turning over the sale of Village property to the CIC – the Mayor had given Bill information pertaining to when the Village turned railroad property over to the CIC – Bill took those figures and came up with a value for the land of \$2433.60 (0.338 of an acre based on a figure of \$7200/acre) plus the fees for recording, doc prep, survey/engineering, etc., the total cost is \$3482.60 – Bill then turned all the information over to Nicole to prepare the legislation but Nicole is still waiting on a legal description for the property – therefore the legislation was not prepared for tonight's meeting – Mayor Foureman asked Council what they planned to let CIC keep from the proceeds of this sale – CIC will reimburse the Village the costs associated with recording, doc prep, etc., but in previous dealings of this nature, the Village allowed CIC to keep the proceeds of the sale – Boolman's suggestion was to give the CIC \$1K for doing the transaction for the Village – Millard agreed – Nicole then told Council that all the Village can be reimbursed for is their cost – since the property was not advertised and CIC sold the property, they keep all proceeds from the sale – otherwise, it looks like the Village is skirting the bid requirements – item number two that Bill asked Woodall to report on was actually an item brought up in finance when talking about budgeting for this building for 2018 – Bill was asked to get a quote for having some air quality

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tests done because some concerns were raised by those working in the office – Bill did receive the quote from ERA Tech Environmental – the quote needs to be approved by Council and signed and returned to the company if Council wishes to proceed – Baumle asked if this was asked to be done for this building – Woodall explained further what would be tested - Millard added that the quote was asked to gotten for the 2018 budget – the quote was for \$1090 – Baumle asked if there was a safety concern with the building and why the Village was looking into having air quality testing done – Millard answered that the girls in the office believe there is asbestos and mold in the building – Baumle wants to know why it is being put off until January if it's a safety concern – Millard said that is not necessarily the case – Bill was just asked to get a quote – Woodall added that Bill was told that the company would be as non-invasive as possible – however, he has to follow the rules, so if he finds anything, he HAS to report it – A motion was made by Delk authorizing Mayor Foureman to sign the quote to have air sampling tests done by ERA Tech Environmental. Boolman seconded. All present voted yea. Motion passed.

Committee Reports:

Service & Leisure Committee: Meeting was held on Thursday, September 21, 2017 at 5PM in Council Chambers. Committee members present were Eric Van Hoose, Bonnie Millard, and Monte Clark. Also present was Village Administrator Bill Kessler. Van Hoose reported on the following:

- **Curb/Sidewalk Project** – Bill has a questionnaire and an assessment form ready for the Public Meeting on September 27th at 7PM at the Field House
- **Reclamite** – will be started the week of September 25th – will hopefully be done within the next two weeks
- Mayor Foureman asked what is on the questionnaire – Millard explained that the questionnaire basically states this is a beautification project – North Main and East South are both going to be repaved by ODOT in 2019 – the Village would like the residents' input about doing the project, about why all the sidewalks would be done (for uniformity), and the option of having the sidewalks and curbs assessed to their property taxes or paying upfront

Next meeting is Monday, October 16, 2017 at 5PM in Council Chambers.

Safety Committee: Nothing at this time. The Mayor asked Clark if he wanted to reschedule the previous meeting that was cancelled, but Clark said his schedule is up in the air right now. Woodall mentioned that levy that is going to be on the ballot concerning the MARCS Radios is a very big deal if it doesn't pass and will significantly impact the Police Dept and Fire Dept budgets because the County will not be covering the cost of the radios and equipment required if the levy does not pass. This will add a significant expense to the Village's current budget and negatively impact the overall budget. The police department alone will need an additional \$35K in their budget as a bare minimum to get all the equipment needed the first year. The County is transitioning to the MARCS system in April 2018 whether everyone is on the new system or not. If the Village is not on the system, we will no longer be able to communicate with anyone with our current radios. Baumle confirmed that this is correct.

Utility Committee: Meeting was held on Wednesday, September 20, 2017 at 4:30PM at the VA Office. Committee members present were Jerry Boolman and Greg Baumle. Also present was Village Administrator Bill Kessler, Utilities Superintendent Keir Smith, Plant Operator Shawn Smith, and Mike Bruns and Susan Laux from Mote & Associates. Boolman reported on the following:

WWTP Project Breakdown:

- **Contract C Change** – Village did not go with original contractor that bid was awarded to who was going to do piping and aeration of lagoons so construction company is going to do it for \$72K, which is less than the Village was originally going to pay
- **Additional Charges** – all charges were agreed on – one was for Alternate C – another was an engineering reimbursement fee for Mote for a \$20K grant administration fee that the Village has to pay them – also an authorization for additional services of \$40K that Rural Development requires (i.e. extra staking, etc.) which is part of the USDA loan – doesn't mean the \$40K will be spent, but the Village still has to authorize it upfront as in not to exceed the \$40K – there is legislation for the grant administration contract with Mote for the CDBG grant that is part of the WWTP Project
- Mike from Mote clarified that Contract C has now been broken down into three parts – contract to complete the piping, which totals \$37K – this would complete Contract C (this is part of the \$72K mentioned above) – aerators would also be purchased but much later, closer to completion of the project (the aerators are included in the \$72K as well) – Mote is working with Jutte Excavating and Bud's Electric to firm up the numbers and make sure everything is included in them – those numbers will be brought to Nicole at the next Council meeting – this would all replace the Contract C portion – this satisfies USDA (bid requirements) because it is under \$100K but not the Village because it is over \$50K – Nicole stated that the pricing is still over \$50K even without the aerators added in

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- The Mayor mentioned that in today's progress meeting that Ashley Kelly from USDA had some issues with the additional services for \$40K that Mote submitted the night before the meeting – Mike explained that some of those stemmed from work that was done on applications for interim financing that was originally going to be needed when the Village was originally going to do assessments to property taxes to pay back the debt, but when the CDBG grant came into play, Ashley changed all the financing of the loan making the interim financing no longer necessary – Mote's argument was that all the work for the interim financing still had to be and submitted – the Mayor's suggestion at the meeting was that when it comes time for the Village to ask to be reimbursed for certain costs that the Village has paid, the Village will not ask to be reimbursed for any of those expenses related to the interim financing preparation – Boolman added that there was discussion in the Utility meeting about continuing to pay for certain things for the project out of the sewer fund to deplete the sewer fund down to about \$250K – Millard expressed her concern about depleting the fund down to \$250K – at this point, Woodall explained to Council that she was addressed directly by Ashley at the progress meeting today and told that she was not to pay ANYTHING else related to this project out of the sewer fund – ALL invoices pertaining to this project are to go directly to him as soon as they are received – he was very clear about it
- At this point, Nicole informed Council that she was contacted by Ashley Kelly after the progress meeting – Ashley expressed numerous concerns to Nicole – 1. The \$40K in additional services being requested by Mote – a couple of specific items of concern – adjustment of project equipment after installation and training – Ashley explained this is something the contractor is responsible for pursuant to their contract – any adjustments that need to be done to equipment after the plant is operational, that is up to the contractor – the item about training the Village staff to operate and maintain equipment and process the system – Ashley doesn't believe our staff will probably even need training, but if it is needed, it should come from the manufacturer of the equipment, not the engineering firm – essentially what happened today at the progress meeting is that USDA said they WILL NOT pay for any of this \$40K in additional services requested – Ashley is adamantly opposed to any of the charges because they can either be done for less or are not necessary – 2. Contract C – Mote did not tell Ashley that the contractor for Contract C backed out until 45 minutes before a meeting that was held in August – they also requested a change order at that same time knowing that Ashley was adamant about not dropping things on him at the eleventh hour – Ashley asked Mote how long they had known the contractor backed out of Contract C, and Ashley was told that Mote knew for about 30 days prior to telling him – at that point, USDA was not willing to move forward with Contract C, and definitely not willing to move forward without it being bid because the contract is over \$50K and needs to be competitively bid – these items will be a red flag on an audit if an auditor sees that it was piece meal out to avoid bidding it, and that would reflect negatively on him and on the Village – 3. Concern over how the Village is being billed overall – he pointed out that there 6 persons from Mote at the progress meeting today – he did not know if the Village was being billed for all 6 present, but he felt 6 people from Mote at that meeting was unnecessary - he also brought up that the project had to be rebid from the start, which ended up costing the Village an additional \$14K – these are Ashley's observations, but he and Nicole feel the whole Council needs to be made aware, which is why he contacted her – Nicole stressed that Council needs to listen to what he is saying because this is someone who works for a government agency – he does these projects for a living
- Bottom line – USDA will not pay any portion of the \$40K additional services if it is billed – the Village will be responsible for all of it - it will also not go toward any of the Village's required match for the project – USDA will also not cover any portion of Contract C – the Village will be responsible for all costs associated with that as well
- Baumle asked what Nicole is recommending that the Village do – she stated she is not recommending anything – she just reminded Council that Ashley does this for a living, and if he does not believe these charges are necessary, she doesn't know how she can bless the Village paying them – Mike from Mote is saying the \$40K was already approved – Millard is trying to figure out when – Mike is saying it was part of the original contract – Nicole said, if it was already approved, then Mote wouldn't have had to submit the form they submitted at today's progress meeting for approval (which was not approved) – Millard told Mike that he needs to talk with Ashley and get on the same page and report back to Council
- Nicole assured Mike and all of Council that Contract C WILL have to be competitively bid because it is over \$50K – it cannot be separated
- **Benazer Annexation** – the Mayor spoke with Derrick Robinson who asked if after legislation was passed tonight could he pay his tap-in fee and get tapped in because he has renters moving in on October 1st – she spoke with Keir, who explained to her that he would rather turn it back over to them because they couldn't make a decision about where to tap in – Keir also said it would be less cost to the Village if Keir just gives him the specifications and turns all the work back to him – Millard is concerned if the legislation is passed as an emergency tonight and there isn't provision in the legislation requiring Robinson to pay all the costs associated with tapping in, it may not get paid – Nicole is unsure exactly what the annexation agreement says because she does not have it with her

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Planning Committee: Nothing at this time. Next meeting is Thursday, September 28, 2017 at 12PM in Council Chambers. This meeting will be a joint meeting with the Arcanum CIC. Mayor Foureman also reminded Council that the Zoning & Appeals Board is meeting Monday, October 9, 2017 at 7PM in Council Chambers to discuss proposed changes to the current zoning code for the Village.

Personnel Committee: Delk started by saying that she had a request. She asked if either Millard or Van Hoose would be willing to switch with Baumle so he could be on the Personnel Committee and they would go to the Utility Committee. Baumle has an extensive background in this area. Millard did not want to trade. Van Hoose said he was okay to trade. This trade will be for the remainder of the year. Next meeting is Tuesday, October 3, 2017 at 12PM in Council Chambers. Delk also contacted all department heads in the Village and invited them to have a representative from each department to be present at the meetings. The Mayor has reached out to Clemans & Nelson with concerns but has not heard back.

Finance & Audit Committee: Meeting was held on Tuesday, September 19, 2017 at 5PM in Council Chambers. Committee members present were Bonnie Millard, Jerry Boolman, and Eric Van Hoose. Also present was Fiscal Officer Darcy Woodall and Village Administrator Bill Kessler. Millard reported on the following:

- No monies can be used from the State Highway Fund toward the purchase of a street sweeper or the N Main/E South project (storm sewer replacement) per consulting with legal
- Bill provided wish lists from departments, discussed mosquitos, feral cat program, 2 new servers needed by end of 2019 – all will be reviewed further when proceeding with 2018 budget
- Darcy furnished committee with updated reports – ¼% reflects a balance of \$154,124 – she also updated the savings for future capital purchases spreadsheet – currently \$30K set back for a street sweeper – beginning of 2018 will add another \$10K
- Legislation to be prepared for pay back of \$8K from water meter surcharge fund to the general fund
- School will be forwarded their portion of the bill for street resurfacing once reclamite is completed – will pay back in 2017
- Continue to pay engineering fees for WWTP from sewer fund with possibly reimbursing after review of funds at completion of project in 2019 – this item is now in question after Nicole's discussion with Ashley and today's progress meeting and Ashley's direction to Darcy
- Legislation needs amended from \$229,540 to \$217,540 due to \$12,440 coming from park levy
- Darcy provided pool recap of revenue vs. expenses – pool operated at a loss of \$9275, with the PC purchase taken out, the loss is \$8116 – this is a loss of \$3K less than last year, which was \$11,358

Next meeting is Wednesday, September 27, 2017 at 5PM in Council Chambers.

Old Business:

New Business:

Ordinance No. 2017-46 – Mayor Foureman read by title only an Ordinance prohibiting the keeping of farm animals within the Village of Arcanum. This is the third reading. A motion was made by Boolman to adopt Ordinance No. 2017-46. Delk seconded. All present voted yea. Legislation passed. Ordinance No. 2017-46 will be effective October 26, 2017.

Ordinance No. 2017-50 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (Police Pension Fund) This is the second reading. A motion was made by Millard to amend appropriations from \$1000 to \$2000. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to waive the three reading rule on Ordinance No. 2017-50 as amended. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to adopt Ordinance No. 2017-50 as amended. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Ordinance No. 2017-50 as amended. Van Hoose seconded. All present voted yea. Legislation passed.

Ordinance No. 2017-51 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (Parks, Pool, & Recreation Levy Fund) This is the second reading. A motion was made by Van Hoose to waive the three reading rule on Ordinance No. 2017-51. Millard seconded. All present voted yea. Motion passed. Van Hoose made a motion to adopt Ordinance No. 2017-51. Millard seconded. All present voted yea. Motion passed. Van Hoose made a motion to declare an emergency on Ordinance No. 2017-51. Millard seconded. All present voted yea. Legislation passed.

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Ordinance No. 2017-52 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (General & Street Funds) This is the second reading. A motion was made by Millard to amend the appropriations from \$229,540 to \$217,540. Delk seconded. All present voted yea. Motion passed. Millard made a motion to waive the three reading rule on Ordinance No. 2017-52 as amended. Delk seconded. All present voted yea. Motion passed. Millard made a motion to adopt Ordinance No. 2017-52 as amended. Delk seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Ordinance No. 2017-52 as amended. Delk seconded. All present voted yea. Legislation passed.

Ordinance No. 2017-53 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (General & Street Funds) This is the second reading. A motion was made by Van Hoose to waive the three reading rule on Ordinance No. 2017-53. Millard seconded. All present voted yea. Motion passed. Van Hoose made a motion to adopt Ordinance No. 2017-53. Millard seconded. All present voted yea. Motion passed. Van Hoose made a motion to declare an emergency on Ordinance No. 2017-53. Millard seconded. All present voted yea. Legislation passed.

Resolution No. 2017-38 – Mayor Foureman read by title only a Resolution accepting annexation of certain real property from Twin Township to the Village of Arcanum and declaring an emergency. After some discussion during the Utility Committee report, it was determined by Council and the Mayor that this needed to be discussed further with the Village Administrator and Utilities Superintendent before proceeding. Therefore, Resolution No. 2017-38 became a first reading.

Resolution No. 2017-39 – Mayor Foureman read by title only a Resolution authorizing the Village of Arcanum to enter into a contract with Mote & Associates, Inc. for engineering services and declaring an emergency. A motion was made by Boolman to waive the three reading rule on Resolution No. 2017-39. Delk seconded. All present voted yea. Motion passed. Boolman made a motion to adopt Resolution No. 2017-39. Delk seconded. All present voted yea. Motion passed. Boolman made a motion to declare an emergency on Resolution No. 2017-39. Delk seconded. All present voted yea. Legislation passed.

Resolution No. 2017-40 – Mayor Foureman read by title only a Resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-40. Clark seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-40. Clark seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Resolution No. 2017-40. Clark seconded. All present voted yea. Legislation passed.

A motion was made by Clark to accept the 4.50 share for local government funds for 2018. Millard seconded. All present voted yea. Motion passed.

Expenditures: Mayor Foureman asked for a motion to approve the properly appropriated and funded expenditures. A motion was made by Millard to pay the properly appropriated and funded expenditures. Van Hoose seconded. All present voted yea. Motion passed.

Announcements:

Adjournment: A motion was made by Boolman to adjourn. Delk seconded. Meeting ended at 8:29 PM.

Fiscal Officer, Darcy Woodall
*Transcribed by Darcy Woodall (clerk to Council)

Mayor Judith F. Foureman