

## MEETING MINUTES OF ST. MARYS CITY COUNCIL

PRESIDING OFFICER:

James J. Harris  
Council President

March 8, 2021

6:30 p.m.

Council Chambers  
via Zoom/Teleconference

**ROLL CALL:** Fleagle, Uhlenhake, Fitzgerald, Willoughby, Christman, Koverman, Bulp

Moved by Mr. Bulp, seconded by Ms. Willoughby, to accept the Minutes of the February 22, 2021, meeting. Motion passed unanimously.

### **PETITIONS & COMMUNICATIONS:**

There were no petitions or communications.

### **REPORTS OF CITY OFFICIALS, COMMITTEES, ETC.:**

The Mayor's Report was presented.

The Tax Commissioner's Report was presented.

The Director of Public Service and Safety's Report was presented.

Mr. Foxhoven had pictures taken of the new pool bathhouse that is under construction to show Council. He said the contractors are required to have it finished by May 1<sup>st</sup>. That will give personnel time to work out everything for the planned opening Saturday, May 29<sup>th</sup>. City Administration met with the leadership of the Water Department as well as the Pool Manager and Assistant Pool Manager. We have a lot of things to work through with the new building. Everything is on schedule for it to be opened Memorial Day weekend. He also said they are keeping a close eye on the Governor's restrictions to keep under consideration. We hope for a good season.

Mr. Foxhoven said he has received a retirement letter from Fire Captain Dave Kramer. Captain Kramer's last day working with us will be April 30<sup>th</sup>. He noted we have already given the promotion exam. Sam Rammel came in first in the competitive testing. He is an excellent employee and Firefighter/Paramedic. He will make an outstanding Captain. Our plan is to promote him on May 3<sup>rd</sup>. The swearing in before Council members will be held on May 10<sup>th</sup>. Mr. Foxhoven said the entry-level position exam has also been given and we are currently conducting background investigations.

Ms. Willoughby asked if the Code Enforcement officer is now full time. She stated with winter being over, places need to be tidied up, etc. She also wanted to confirm the City cleanup/pickup would not be held until the fall. Mr. Foxhoven responded it would be held in early October.

### **COMMITTEE REPORTS**

There were no committee meetings to report.

### **ORDINANCES & RESOLUTIONS:**

Resolution No. 2021-06 was presented to Council for a first reading.

**RESOLUTION 2021-06** – An Emergency Resolution Revising the Investment and Deposit Policy for the City of St. Marys

Moved by Mr. Christman, seconded by Mr. Koverman to read Resolution No. 2021-06. Motion passed unanimously.

Mr. Foxhoven explained this will allow us to revise our Investment and Deposit policy. He noted there is legislation later on the agenda to allow us to borrow from our utility fund. He stated when our bond counsel/finance attorney, Allison Binkley, was reviewing our policy she made some recommendations on revisions that are underlined in the document received by Council members. He requested this be passed under suspension of the rules to go into effect immediately as it will apply to a following ordinance.

Moved by Mr. Uhlenhake, seconded by Mr. Fitzgerald to suspend the rules for Resolution No. 2021-06. Motion passed unanimously.

Moved by Mr. Bulp, seconded by Ms. Willoughby to pass Resolution No. 2021-06 as an emergency. Motion passed unanimously.

Resolution No. 2021-07 was presented to Council for a first reading.

**RESOLUTION 2021-07** – An Emergency Resolution for the Repair, Replacement or Construction of Curbing, Gutters, Sidewalks, Combination Sidewalks and Curbs, Asphalt Pavement, and Drive Approaches

Moved by Mr. Koverman, seconded by Mr. Uhlenhake to read Resolution No. 2021-07. Motion passed unanimously.

Mr. Foxhoven explained this is annual legislation for our 2021 Street Program. The plan is to reconstruct the cul-de-sac at Kingsbury Drive at a price tag of \$149,000; the resurfacing of five streets has a price tag of \$611,200, for a total of \$760,200. He noted as a point of interest that the Voted Tax fund would pay for \$510,200 of this, which is a significant amount. Bids are hoped to be opened on March 18<sup>th</sup>. Mr. Foxhoven requested this be passed under suspension of the rules.

Moved by Mr. Fleagle, seconded by Mr. Bubp to suspend the rules for Resolution No. 2021-07. Motion passed unanimously.

Moved by Mr. Koverman, seconded by Mr. Christman to pass Resolution No. 2021-07 as an emergency. Motion passed unanimously.

Resolution No. 2021-08 was presented to Council for a first reading.

**RESOLUTION 2021-08** – 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

Moved by Ms. Willoughby, seconded by Mr. Bubp to read Resolution No. 2021-08. Motion passed unanimously.

Mr. Foxhoven stated this is also annual legislation. We received it early by mistake. It is normally received in August. It involves our local share of government funding. We did not receive the sheet that typically shows the amount that each city, village, and township in Auglaize County will get. For reference, in 2019, we received a little over \$197,000; last year we received a little over \$205,000. He notes there were options as far as passing this legislation. We could read it tonight and table it until August, or read it tonight and at the next meetings in April. This is just authorizing us to receive the money that normally comes to us each year through the local government funding.

Moved by Mr. Uhlenhake, seconded by Mr. Fleagle to suspend the rules for Resolution No. 2021-08. Motion passed unanimously.

Moved by Mr. Koverman, seconded by Mr. Christman to pass Resolution No. 2021-08 as an emergency. Motion passed unanimously.

Resolution No. 2021-09 was presented to Council for a first reading.

**RESOLUTION 2021-09** – An Emergency Resolution Confirming the Appointment of Craig Moeller as Representative and Appointing Mary Ruck as Alternate Representative to the District 13 Integrating Committee for Issue I Capital Improvement Plan

Moved by Ms. Willoughby, seconded by Mr. Fleagle, to read Resolution No. 2021-09. Motion passed unanimously.

Mr. Foxhoven explained this resolution involves Issue I money. The committee allows one representative from the County to attend. There are two cities in Auglaize County, Wapakoneta and St. Marys, so we alternate the representative back and forth every three years. It gives a seat at the table when they discuss funding and projects for our County. They meet twice per year. Mr. Foxhoven said he did not know when they will be meeting; therefore, requested this be passed under suspension of the rules so it is in place before the first meeting.

Moved by Mr. Koverman, seconded by Mr. Fitzgerald to suspend the rules for Resolution No. 2021-09. Motion passed unanimously.

Moved by Mr. Fitzgerald, seconded by Mr. Fleagle to pass Resolution No. 2021-09 as an emergency. Motion passed unanimously.

Resolution No. 2021-10 was presented to Council for a first reading.

**RESOLUTION 2021-10** – A Resolution Requesting That the Auglaize County Commissioners Allow the City of St. Marys to Accept the Annual Ditch Maintenance on the Kaufman Single County Ditch Within the Limits of the City of St. Marys

Moved by Mr. Fleagle, seconded by Mr. Uhlenhake, to read Resolution No. 2021-10. Motion passed unanimously.

Mr. Foxhoven explained this ditch starts behind Holly Street and runs a northeasterly direction across Indiana Avenue beside New Hope Senior Village, through Rolling Hills, and across SR 116. He said most of the open ditch of .73 miles is within the City limits. The County has done a decent job on the maintenance, but they do have some restrictions with resources. We have been in talks for several months or a year and we would like to take control of the maintenance of this ditch. There are some issues with it. We have a good plan on how to deal with this open ditch and to take care of some of the problems. We feel we are better suited to take care of it. We have the equipment and resources to do it. This is not an emergency resolution; therefore, it will not take effect for 30 days, so Mr. Foxhoven did request this be passed under suspension of the rules. It will be April before we can do anything.

Mr. Harris asked if they were currently paying for the ditch and who will then receive the money. Mr. Foxhoven responded yes through a ditch petition and that we would receive the money. He said there is a very small portion of it that lies outside of the City limits that we would still be on the hook for. We have looked at it and ran the numbers; it would be less than \$100. It just makes sense for us to do it. Zach Ferrall commented the fee portion is about \$80.

Mr. Uhlenhake thought we had worked on this ditch before. Mr. Foxhoven and Mr. Koverman confirmed we have. Mr. Bulp said he had several people complain about the ditch and he is glad to see this.

Moved by Mr. Bulp, seconded by Mr. Koverman, to suspend the rules for Resolution No. 2021-10. Motion passed unanimously.

Moved by Mr. Uhlenhake, seconded by Mr. Fleagle to pass Resolution No. 2021-10 as an emergency. Motion passed unanimously.

Ordinance No. 2021-05 was presented to Council for a first reading.

**FISCAL OFFICERS' CERTIFICATE**

**ORDINANCE 2021-05** – An Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,500,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of the Acquisition of Certain Property Located on Shipman Road, Being the Same Tax Parcels Identified by the Auglaize County Auditor as H2303500800, H2303501100, H2303600200 and H2303600500 and Related Interests Therein for Future Municipal Purposes Including But Not Limited to Recreation, Together With All Necessary Appurtenances Thereto, and Declaring an Emergency

Moved by Ms. Willoughby, seconded by Mr. Fleagle, to read Ordinance No. 2021-05. Motion passed unanimously.

Mr. Foxhoven explained this deals with the Doseck property. At the last meeting of Council, authorization was given to purchase the Doseck property. The price of the property is \$2,486,258 and covers 147.717 acres of land north and south of Shipman Road by the high school complex. This will allow us to borrow the money internally. In talking with the Auditor, the Mayor, and our bond counsel, the bond counsel agrees this is the best way to do it. Our plan is to borrow from the electric fund and the solid waste fund to pay for this property. We have a closing date set for April 1<sup>st</sup>. Mr. Foxhoven requested this be passed under suspension of the rules.

Moved by Mr. Fleagle, seconded by Mr. Fitzgerald to suspend the rules for Ordinance No. 2021-05. Motion passed unanimously.

Moved by Mr. Koverman, seconded by Mr. Christman to pass Ordinance No. 2021-05 as an emergency. Motion passed unanimously.

Ordinance No. 2021-06 was presented to Council for a first reading.

**ORDINANCE 2021-06 – An Emergency Ordinance Authorizing the Purchase of Real Estate**

Moved by Mr. Christman, seconded by Mr. Koverman, to read Ordinance No. 2021-06. Motion passed unanimously.

Mr. Foxhoven explained this ordinance would allow us to buy three properties. The Palm building, which we have been talking about for a long time now, the building that sets to the west of it known as the Murphy building, and the Spicer building latest known as the Touchdown Club. The price for all three buildings is \$325,000; \$75,000 for the Palm building, \$200,000 for the Murphy building, and \$50,000 for the Spicer building. He said as has been talked about before, the Palm building and the Murphy building have a common wall. If we were to demo the Palm building where our new Municipal building is going to go, that wall is going to be damaged to the point to have to replace. The Engineering Department has an estimated cost on that replacement wall for \$100,000. The entire building is \$200,000. We talked about it and decided it would be best to buy the Murphy building. This will give us a lot more options on our layout for the Municipal building. All three buildings are owned by Mr. Calvin Schantz. Mr. Foxhoven also said we are going to be doing a sewer line replacement that runs alongside of the Touchdown Club building. We have a lot of concerns with the soils there and whether or not that building will be able to tolerate the replacement. Negotiations took place over a week or so carried out by the administration. This gives authorization to buy the three properties, which we think is good. Mr. Foxhoven commented that Mr. Schantz was in negotiations on some of his other properties as well. The contract that we agreed to with Mr. Schantz indicates that we would have funding to him within 30 days; therefore, he requested this be passed – under suspension of the rules.

Mr. Harris asked for confirmation that all three buildings would be demoed. He was informed they would be. Mr. Foxhoven stated while in negotiations pertaining to the Palm building, the common wall was discovered. It set us back a little bit. We weren't sure how the negotiations would go, but they were amicable. Mr. Schantz agreed to sell it. We would have to build a wall. For an additional \$100,000, it gives us a lot more options and will help clean up the downtown area. The Touchdown Club will probably be taken down with our workforce. The other two buildings will be complicated and we will seek bids.

Mr. Fleagle asked if there was a common wall on the other side. Mr. Foxhoven stated it was okay there and that we would leave a 12.5-foot easement so Mr. Schantz can do care and maintenance of the wall of the theater building. Zach Ferrall also noted it is not a common wall; it is the wall of the theater.

Moved by Mr. Bubp, seconded by Mr. Koverman to suspend the rules for Ordinance No. 2021-06. Motion passed unanimously.

Moved by Mr. Fitzgerald, seconded by Mr. Uhlenhake to pass Ordinance No. 2021-06 as an emergency. Motion passed unanimously.

**MISCELLANEOUS BUSINESS:**

No other miscellaneous business.

There was a request for an *Executive Session* to discuss Personnel Compensation. Mr. Harris noted there would no action taken afterward.


Moved by Mr. Fleagle, seconded by Mr. Christman to go into *Executive Session*. Motion passed unanimously. Council entered *Executive Session* at 6:53 p.m.

Moved by Mr. Koverman, seconded by Mr. Christman to return to regular session. Council returned to *Regular Session* at 7:30 p.m.

Council Minutes  
March 8, 2021  
Page 5

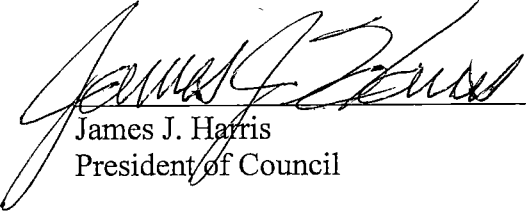
Moved by Mr. Bubb, seconded by Mr. Uhlenhake, to adjourn the meeting.  
Motion passed unanimously.

Council adjourned at 7:31 p.m.



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Debra Kable, Clerk of Council



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James J. Harris  
President of Council