

## MEETING MINUTES OF ST. MARYS CITY COUNCIL

PRESIDING OFFICER:  
James J. Harris  
Council President

March 22, 2021  
6:30 p.m.  
Council Chambers

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

Moved by Mr. Bulp, seconded by Ms. Willoughby, to accept the Minutes of the March 8, 2021, meeting. Motion passed unanimously.

### **PETITIONS & COMMUNICATIONS:**

There were no petitions or communications.

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

The Auditor's Report was presented.

The Treasurer's Report was presented.

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

Mr. Foxhoven added to his report showing pictures of the old Water Plant getting ready to be torn down. It is anticipated to be down by the end of the week. He also showed pictures of directional signs that were donated for K.C. Geiger Park in memory of Larry Schaaf. There is one located at the entrance of the park on the canal side and three others located within the park. He said these are a great addition to the park. We get a lot of visitors from out of town and these will be great to help find their way around. We are grateful to the Schaaf family for this addition to our park. Pictures of the interior and roof of the new pool bathhouse and matching roof for the pump house were also shown.

Mr. Foxhoven noted the new water plant has been in operation for about a year and it is time to have an Open House. He said there would still be some COVID restrictions, but we feel confident we can still have an Open House in April or May. We think it is important that Council members and community members see it. It is a state of the art facility and the largest capital improvement project we have ever undertaken. As soon as we have a date, we will get that information out.

Mr. Foxhoven said he received a retirement notice from Police Sgt. Chris Green. He will be retiring on April 9<sup>th</sup> at 20 years with the department. We have anticipated this retirement for some time and have already gone through the hiring process. We have extended the job to a gentleman from Wapak. We also have the promotional exam scheduled that will be conducted by the Ohio Association of Chiefs of Police. A written exam will take place on April 30<sup>th</sup> and an Assessment Board exercise that will take place on May 1<sup>st</sup>. There are five areas they will be evaluated on; the written exam, the Assessment Board exercise, the last two years of evaluations are looked at, as well as seniority and work record noting awards or discipline. Mr. Foxhoven said we have some good people leaving but have good people coming in.

Mr. Bulp commented that he was surprised that we did not receive any bids for the street program. Mr. Riesen replied that they will need to separate the sanitary sewer project from the street program project. Mr. Foxhoven said the reconstruction and the resurfacing were bid together. There is a sanitary sewer project to be done in the South Street parking lot and it is complicated. We are concerned that it is deep and there is water sand. He said they will separate those projects out. It is a concern. We want to get good competitive bids, but we don't want to have these roads torn up all year. Some of the contractors we spoke to had some concerns of our timeline constraints and we are looking at that.

### **COMMITTEE REPORTS**

There were no committee meetings to report.

### **ORDINANCES & RESOLUTIONS:**

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

**ORDINANCE 2021-07** – An Ordinance Rezoning 0.764 Acres of Land Located in Freewalt Way Subdivision of the City of St. Marys

Moved by Ms. Willoughby, seconded by Mr. Koverman to read Ordinance No. 2021-07. Motion passed unanimously.

Mr. Foxhoven noted this request is supported by the Planning Commission as well as our Engineering Department. This property is located to the south of American Manufacturing Solutions at the end of Freewalt Way. It is currently zoned Residential Mobile Home Park and being requested to be rezoned as General Commercial. We feel it is appropriate and a better fit for that area. This would be for the southern half of lot 3 and the entire lot 6.

Mr. Harris noted there will be a public hearing before the last reading of the ordinance.

The ordinance will be back for a second reading.

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

**FISCAL OFFICER'S CERTIFICATE**

**ORDINANCE 2021-08** – An Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$325,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of the Acquisition of Certain Property Located on South Street and Spring Street, Being the Same Tax Parcels Identified by the Auglaize County Auditor as K3204604000, K3204602500, K3204602400, K3204602300 and K3204602200 and Related Interests Therein for Future Municipal Purposes Including But Not Limited to the Construction of a Municipal Office Building, Together With All Necessary Appurtenances Thereto, and Declaring an Emergency

Moved by Mr. Christman, seconded by Mr. Fleagle to read Ordinance No. 2021-08. Motion passed unanimously.

Mr. Foxhoven explained this ordinance will allow us to borrow internally like was done with the Doseck property. We want to borrow \$325,000 from our electric and solid waste funds. As was discussed previously, the Palm building has a price tag of \$75,000, the Murphy building \$200,000, and the Spicer building (Touchdown Club) \$50,000. This is what was agreed to with Mr. Schanz. The Palm building and Murphy building location will be used for a new Municipal building. The Touchdown Club building is in bad shape and will be demoed to put in the sanitary sewer through the lot. Mr. Foxhoven requested this be passed under suspension of the rules allowing us to do this internally and not have to go out and market to borrow the money. He noted we are under an obligation with the agreement that was signed.

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

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

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

**ORDINANCE 2021-09** – An Ordinance to Appropriate Monies for Deficiencies in the Original Ordinance No. 2020-38 and Any Other Appropriation Ordinances for the Fiscal Year 2021, for the City of St. Marys

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

Mr. Foxhoven pointed out this is how we pay for the above properties and has been approved by the Mayor and the Auditor. The total amount shows \$5,650,000.00. We do not plan to spend that amount. We are spending \$2,825,000.00. Anytime there is a transfer of funds in City government, that transfer is considered an expense. We will transfer \$1,325,000.00 from the electric fund to the general fund. We are also going to transfer \$1.5 million from the refuse fund. Those transfers have to show up as an expense, which is why we have the \$5.6 million amount shown. We are spending \$2,825,000.00. The Doseck property has a price tag of \$2.4 million and the Calvin Schanz properties are \$325,000.00 plus closing costs. Mr. Foxhoven stated we would like to keep this process moving forward and requested this be passed under suspension of the rules.

Mr. Uhlenhake commented that a lot of cities/municipalities would not be in the position of being fiscally sound to be able to do things like this.

Moved by Mr. Uhlenhake, seconded by Mr. Fleagle to suspend the rules for Ordinance No. 2021-09. Motion passed unanimously.

Moved by Mr. Christman, seconded by Mr. Bubp to pass Ordinance No. 2021-09 as an emergency. Motion passed unanimously.

Resolution No. 2021-11 was presented to Council for a first reading.

**RESOLUTION 2021-11** – An Emergency Resolution Amending the Previous Authorization as Set Forth in Resolutions No. 2019-05 and 2019-16 for the Community Improvement Corporation to Sell Certain Real Estate as Agent of the City of St. Marys Pursuant to Section 1724.10(B) of the Ohio Revised Code

Moved by Mr. Uhlenhake, seconded by Mr. Koverman, to read Resolution No. 2021-11. Motion passed unanimously.

Mr. Foxhoven said this will allow us to amend previous legislation regarding City owned lots on Freewalt Way. Lot 1 sets on the east side of Freewalt Way, and lot 4 sets on the west side. We had a local business owner reach out to us and they are interested in lot 1. The initial price was \$160,000.00. They have offered \$75,000.00 cash. We have talked and think we should take it. Our goal is not to just own vacant lots, we would like someone to do something with those lots. This resolution will allow us to sell lot 1, which is about 1.1 acres for \$75,000.00. This resolution also gives the C.I.C. the authority to split lot 4 and the authority to take a reduction on the cost if it is cash. If the properties are purchased on time, we will stick to the full price. There is also a five percent commission that will go to the C.I.C. for these efforts. If Council approves this tonight, the C.I.C. will need to convene to discuss and approve as well. Mr. Foxhoven said they would like to keep moving forward and do not want to hold back a business owner from expanding and requested this be passed under suspension of the rules.

Mr. Fleagle asked if it was going to be written in the purchase agreement that they have a certain amount of time to build a structure or open the business. Mr. Foxhoven replied they are working on those details. The business owner knows we want something done there as soon as possible.

Moved by Mr. Bubp, seconded by Ms. Willoughby to suspend the rules for Resolution No. 2021-11. Motion passed unanimously.

Moved by Mr. Koverman, seconded by Mr. Christman to pass Resolution No. 2021-11 as an emergency. Motion passed unanimously.

**MISCELLANEOUS BUSINESS:**

A request was made for an Executive Session to discuss *pending litigation*. Mr. Harris noted there would be no action taken afterward.

Moved by Ms. Willoughby, seconded by Mr. Uhlenhake to go into *Executive Session*. Motion passed unanimously. Council entered *Executive Session* at 6:48 p.m.

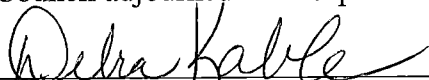
Moved by Mr. Koverman, seconded by Mr. Uhlenhake to return to regular session. Council returned to *Regular Session* at 6:58 p.m.

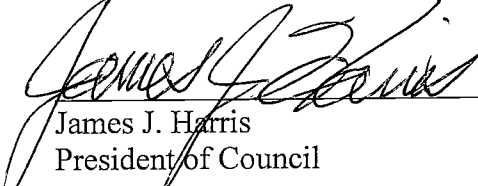
Mr. Harris reminded elected officials of the ethics filing coming due.

Moved by Mr. Christman, seconded by Mr. Bubp to excuse Mr. Fitzgerald. Motion passed unanimously.

Moved by Mr. Bubp, seconded by Mr. Koverman, to adjourn the meeting. Motion passed unanimously.

Council adjourned at 6:59 p.m.

  
Debra Kable, Clerk of Council

  
James J. Harris  
President of Council