

PLEASANT HILL VILLAGE COUNCIL REGULAR

August 11, 2008

Mayor Gary Johnston called the regular meeting to order at 7:00 p.m. Roll call: Melinda Clark – present; Donna Favorite – present; John Schultz – present; Robert “Bob” Sollmann – present; Rick Baker – present; Ronald “Bud” Perry – absent (notified that he would be out of town). Others present were Ron Jackson; Donna and Charles Hormell; Brenda Stephens; Charlene Haines; Pam Stower; Jerry Warner; Sheriff’s Deputy Randy Slusher; Nikki Reese, Community Development Program Manager for the Miami County Department of Economic Development; Brian May from Fanning/Howey Engineering; Jeff Derksen, Service Superintendent; Gary Johnston, Mayor; Paul Wagner, Solicitor; Debbie Cress, Fiscal Officer.

Donna made a motion to approve the minutes of the July 14, 2008 regular meeting, the July 28, 2008 special and workshop meetings; the July 29, 2008 combined meeting, and the August 6 emergency special meeting; seconded by Rick. Roll Call: Donna – yes; Rick – yes; Bob – yes; John – yes; Melinda – yes. Motion carried.

Miami County Sheriff’s Department Report: Deputy Randy Slusher stated he had no report and asked if Council had anything for him. Gary reported that he has tried to contact Gary Back about the status of the abandoned vehicle parked on W High St.

Citizens’ Comments:

Jerry Warner stated that he previously had concrete in front of his business (CD Solutions) on W Monument St, between the apron and Church St, and he would like to have that again, after the W SR718 project, rather than grass, which will be a muddy mess for customers trying to enter his business. This was discussed. Rick made a motion to allow that area to be filled with concrete at the property owner’s expense, installed in such a manner as to allow access to the electrical conduit; Donna seconded. Brian reported that he has plans at the office which show the location(s) of the conduit(s). Roll call: Rick – yes; Donna – yes; Bob – yes; John – yes; Melinda – no. Motion carried 4 – 1.

Brenda Stephens referred to the e-mail that she had sent to Council and stated that she would like Council to reconsider demolition of the 2 N Main St building and cited reasons: e.g. she would like to see the downstairs converted to Village Offices, and the upstairs be an income producing rental property. She, Gary, and Council discussed the options, with Council citing the estimated rehab costs.

Brenda also stated that she understands that the Village is putting 50% toward the sidewalks on SR718, and she hopes they remember to do that with the SR48 project.

Donna and Charlie Hormell again expressed their concern about the close proximity of the proposed parking lot on the Village’s N Main property to their property and presented a written proposal and supporting documents. They requested that the Village reduce the 42’ parking dimension to allow them more area to maintain the trim on their building. The Hormells answered questions from Council clarifying their request. Mr. Hormell agreed that the broken up concrete along the east side of his building could be removed as part of the Village’s building demolition project. Mr. Hormell stated that he intends to run a new copper water line from his new shut off on Monument St and wants to coordinate this with the demolition project. Mr. Hormell expressed concern that storm water drainage from the parking lot be away from his building; Gary stated that the Village will work with him on the drainage issue.

Pam Stower expressed her support for Finrock Construction’s being awarded the E SR718 project because of the good job they’ve done on W SR718. She and Council discussed the flowers decorating the Monument; it was agreed that the Beautification Committee will take care of this item. She also questioned the location of the street lights so that she can plant trees as soon as the road is finished and the status of an approved tree list. Gary stated that he will contact her and show her the plans with the street light locations.

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Nikki Reese presented Miami County Fair Housing information, a segment of the education outreach required by the Distress Grant. She provided brochures, landlord/tenant responsibilities booklets, and a poster.

In response to Council's questions about acceptable uses for the \$60,000 park monies available from the Neighborhood Revitalization CDBG, Nikki reviewed the required outcomes and stated that the Newton Township Trustees have fulfilled the required purchase of park land and the Village can use the funds to purchase equipment and for park improvements – slides, swings, soccer fields, baseball diamonds, seeding, and they have until August 2009 to spend the funds. Purchase or lease of land from the Newton Township Trustees was also discussed. Nikki agreed to check on whether fences and lights for the baseball diamonds and buildings and picnic shelters are acceptable uses. Nikki clarified that these funds cannot be used for Tommy Lewis Park.

Council noted that the only bid received for the Library Air Conditioning Unit Replacement project, one of the line items on the Neighborhood Revitalization CDBG, was a \$25,656.86 bid from W E Wagner Plumbing and Heating. Nikki, Gary, and Council discussed that this bid substantially exceeded the amount expected. Bob made a motion to reject the bid; Rick seconded. Roll call: Bob – yes; Rick – yes; John – yes; Donna – yes; Melinda – yes. Motion carried. After further discussion with Nikki, Bob made a motion to re-quote the project with a specification for one (1) 36,000 BTU tri-zone unit on the south side, with an option for one (1) 24,000 BTU dual-zone unit for the north side; Melinda seconded. Roll call: Bob – yes; Melinda – yes; Donna – yes; John – yes; Rick – yes. Motion carried.

Brian May, Fanning/Howey Engineering, presented and explained Change Order number 4 to the W SR718 project: additional \$12,993.60, BPA approved items totaling \$7,265.50 and other items \$5,728.10. Council discussed with Brian the process for approval of change orders – 1) work change directive from the contractor when the need is recognized ahead of time and 2) the need for most change orders, especially on water lines, is only recognized during the project, in the field. He noted that the cost for fixing the soft spots discovered while laying the base are not included in this change order, and stated that while significant cost is involved, he could not provide an estimate. Melinda made a motion to approve Change Order number 4 \$12,993.60; John seconded. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick – yes. Motion carried.

Brian presented Finrock Construction's payment application number 5 for \$334,290.47 (invoice 08-14204-5 for \$339,940.26 minus retainage of \$5,649.79) with OPWC paying \$247,374.95, CDBG paying \$73,755.19 and the Village paying \$13,160.33. Brian confirmed that the work being invoiced has been completed. Melinda made a motion to approve Finrock Construction's payment application number 5 (OPWC disbursement request number 6); Donna seconded. Roll call: Melinda – yes; Donna – yes; John – yes; Bob – yes; Rick – yes. Motion carried. Brian presented for Gary's and Debbie's signatures the OPWC payment application, disbursement request number 6. Gary also signed documents 00518 Application for Payment – estimate number 5 and 00516 Change Order Number 4. Brian and Council discussed the expected substantial completion date of August 15, final completion date of August 31, and the contractor's decision to change the order that the work is accomplished. Council expressed concern about the quality of the finish elements – concrete being dumped in the area between the curb and the sidewalk, and then covered up by a thin layer of top soil. Council requested that Jeff and Brian make sure that the finish work meets the specifications of six inches of top soil.

The six bids for the Monument St Reconstruction Phase II project: VTF Excavation - \$983,484.10; Toms Construction, Inc - \$1,014,062.00; Finrock Construction Co - \$1,017,000.00; Anderzack-Pitzen Construction - \$1,039,507.60; Chuck Samples General Contractor - \$1,061,422.24; Brumbaugh Construction, Inc - \$1,087,127.00. Brian summarized his letter of recommendation to accept VTF's bid for the E SR718 project. Paul Wagner outlined the procedures to be followed. Council discussed their concern that the employees with the experience cited in the recommendation actually be assigned to the project. Paul discussed with Brian and

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the Council whether this change should be in the contract or in the resolution. Paul inserted a change into the prepared resolution to make it a conditional acceptance: The award is conditioned upon Bob McNew be the Supervisor for the Monument Street Reconstruction Phase II Project. Melinda made a motion to accept the bid from VTF Excavation in the amount of \$983,484.10 and adopt Resolution 2008-11 A Resolution Awarding a Contract for the Monument Street Reconstruction Phase II Project (MIA718-03.79) and Authorizing the Mayor to Sign the Contract Documents, as amended with the condition that Bob McNew be the foreman for the project; Donna seconded. Roll call: Melinda – yes; Donna – yes; Rick – yes; Bob – yes; John – yes. Motion carried. Brian stated that the substantial completion date is July 31, 2009, and VTF has indicated that they intend to start work on this project in two weeks.

Council discussed the motion at the July 14 meeting allowing the Fire Department to use their Main St building for training purposes. Concern was expressed about nearby structures. Melinda made a motion not to allow the building to be used for training purposes; John seconded. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick – yes. Motion carried.

Ordinances and Resolutions:

Ordinance 1036 Restricted Parking on Monument and Main Streets. Council reviewed this ordinance. Melinda made a motion for the third reading of Ordinance 1036 Restricted Parking on Monument and Main Streets; John seconded. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick – yes. Motion carried. Melinda made a motion to adopt Ordinance 1036 Restricted Parking on Monument and Main Streets; John seconded. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick – yes. Motion carried.

Brian reviewed with Council the four bids (one of the four was for the demolition portion only) received for the Main St building demolition and parking lot/green space project: Steve Rauch Exc & Demo - \$38,710 (only demolition portion bid); VTF Excavating - \$114,778.50; Tumbusch Construction - \$121,446.69; D & M Excavating, Inc - \$128,029.45. Brian stated that Steve Rauch Exc & Demo's bid was not the low bid on that portion of the project. Brian explained how the project had grown from a \$60,000 project (\$50,000 to tear down the building and \$10,000 for landscaping) to Fanning/Howey's \$130,000 estimate: lighting items added to the project \$53,704.50, curbing and storm sewer \$12,619.50, and sidewalk from the W SR718 project \$4,025. He recommended that Council accept VTF's bid of \$114,778.50. Council and Brian discussed the Hormells' request for additional area between the parking lot and the Hormells' property. Donna made a motion to accept VTF Excavation's bid in the amount of \$114,778.50 and adopt Resolution 2008-13 A Resolution Awarding a Contract for the Building Demolition, Parking Lot, and Lighting Project; and Authorizing the Mayor to Sign the Contract Documents; Melinda seconded. Roll call: Donna – yes; Melinda – yes; John – yes; Bob – yes; Rick – yes. Motion carried. Brian noted that the substantial completion date is November 15, 2008.

Council discussed informing residents about the status of the E SR718 project. Brian noted that VTF has expressed an intention of doing some work this year, and he will find out what so that Council can communicate this to the residents. Gary said that Jeff and Tim will pass out Council's letter. Melinda stated the action plan: Brian to find out what will be done and when it will be done, Brian to communicate that to Jeff and Gary, and then Jeff and Gary will draft and pass out a letter to the residents of E Monument St.

Council, Gary, Brian, and Jeff discussed W SR718 items: curb installation, the sidewalk and drainage at 6 Newton Dr (Stan Fessler's), landscaping, and grading of the yard at 301 W Monument St (Jodi Hill's).

Ordinances and Resolutions:

Ordinance 1039 An Ordinance for Public Improvement – E SR718: Donna made a motion for the third reading of Ordinance 1039 An Ordinance for Public Improvement – E SR718; Rick seconded. Roll call: Donna – yes; Rick – yes; Bob –

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yes; John – yes; Melinda – yes. Motion carried. Donna made a motion to adopt Ordinance 1039 An Ordinance for Public Improvement – E SR718; John seconded. Roll call: Donna – yes; John – yes; Bob – yes; Rick – yes; Melinda – yes. Motion carried.

Ordinance 1041 An Ordinance Regulating Trees. Melinda made a motion for the first reading by title of Ordinance 1041 An Ordinance Regulating Trees; Rick seconded. Roll call: Melinda – yes; Rick – yes; Bob – yes; John – yes; Donna – yes. Motion carried.

Resolution 2008-10 Resolution Levying a Special Assessment for the Purpose of Paying the Cost of Lighting the Streets, Lanes, and Alleys of the Village of Pleasant Hill Including Tommy Lewis Memorial Park and Special Lighting in Pipers Pine for the Year 2009. Melinda made a motion to adopt Resolution 2008-10 Resolution Levying a Special Assessment for the Purpose of Paying the Cost of Lighting the Streets, Lanes, and Alleys of the Village of Pleasant Hill Including Tommy Lewis Memorial Park and Special Lighting in Pipers Pine for the Year 2009; seconded by Donna. Roll call: Melinda – yes; Donna – yes; John – yes; Bob – yes; Rick – yes. Motion carried.

Resolution 2008-12 2008 Appropriation Line Item Changes by Fund. Debbie explained the reasons these line items changes are needed. Melinda made a motion to adopt Resolution 2008-12 2008 Appropriation Line Item Changes by Fund; seconded by Donna. Roll call: Melinda – yes; Donna – yes; John – yes; Bob – yes; Rick – yes. Motion carried.

Department reports:

Service Superintendent: No report

Old Business:

Workshop Items:

Council agreed that the N SR48 water line project is the BPA's responsibility and they should go ahead with this and any communications to those users as they see fit. Council declined to consider assessment of change order costs to water/sewer customers.

New Business:

Melinda made a motion to approve the November 5 SWOTAA Tax Education Seminar cost of \$75 for Debbie's attendance; Rick seconded. Roll call: Melinda – yes; Rick – yes; Bob – yes; John – yes; Donna – yes. Motion carried.

Items for the next workshop meeting: letter from Donald Robbins, the tree ordinance, and further discussion about a back up for Debbie.

Committee Reports:

Community Recreation Board: Melinda reported: The group has a tentative layout, which they are going to submit to the Township's engineering firm to do the parking lot, and get the trustees to approve it so they can start having public meetings. They also need to make a proposal on how the park will be operated. It was agreed to talk to VTF about disposal of the asphalt and extra dirt in a manner that would benefit the park.

New Business:

John explained that the Village's flags are in poor condition, and VFW Representative Dean Schauer had mentioned to him that they had purchased sixty flags at \$16 each, total cost including shipping and handling \$982.35. John stated that the Village puts up about fifty flags, and the last time they were replaced was two years ago. Melinda made a motion to pay 50% of the bill for 60 flags; John seconded. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick – yes. Motion carried.

Paul notified Council that he will be unable to attend the October 13 meeting; Gary and Council agreed that they would look at their calendars and expected meeting items and decide at the September 8 meeting if they need to change the meeting date.

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Melinda made a motion to approve payment of the July bills and acknowledge presentation and review of the July Primary Bank Reconciliation, Payment Summary, and Payroll Register Summary and July year to date Fund Summary, Appropriation Summary, and Revenue Summary; Bob seconded. Roll call: Melinda – yes; Bob – yes; Rick – yes; John – yes; Donna – yes. Motion carried.

Melinda made a motion to adjourn, seconded by John. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick - yes. Motion carried. Meeting adjourned at 10:05 p.m.

Mayor / Gary Johnston

Fiscal Officer / Debbie Cress