

# Allen Water District

3230 North Cole Street

Lima, Ohio 45801

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"Addressing the water needs of the Community"

## April 13, 2022 Board Meeting Minutes

There was an Allen Water District (AWD) Board Meeting held on **Wednesday, April 13, 2022 at 2:00 p.m.** in the Training Center of the Allen County Sanitary Engineering Department office located at 3230 North Cole Street, Lima, Ohio.

The agenda was as follows:

1. Roll Call
2. Pledge of Allegiance
3. Additions, Changes, or Corrections to Agenda
4. Approval of AWD minutes – February 9, 2022
5. Clerk of Board Report (Includes Committee Reports)
6. Attorney's Report
7. Treasurer's Report
8. CPA Report
9. Old Business
10. New Business
11. Board Comments
12. Public Forum
13. Executive Session
14. Adjournment

A quorum being present, Dr. Biery brought the meeting to order at 1:59 p.m. and proceeded with the agenda.

### 1. ROLL CALL

Dr. Biery

Mr. Miller

Mr. Kessen

Mr. Gosnell

Mr. Ingle

Mr. Kayatin

Mr. Neeper

Mr. Leis

Ms. Vickers

Member At Large

American Twp Representative

Perry Twp Representative

Shawnee Twp Representative

Bath Twp Representative

Allen County Representative

Allen County Representative

Allen County Representative

Allen County Representative

**STAFF**

Kim Stiles – Clerk of the Board  
Shannon Finn – Office Assistant  
Rex Huffinan – District Legal

**PUBLIC** – Doug Simpson and Pastor Brian Robertson of Crossroads Church, Brice with Access.

2. **PLEDGE OF ALLEGIANCE**

3. **ADDITIONS, CHANGES OR CORRECTIONS TO AGENDA** - None

4. **APPROVAL OF MINUTES** - Motion made by Mr. Miller to approve the March 9, 2022 minutes. Seconded by Mr. Kayatin. Motion carried 9-0.

**Doug Simpson and Pastor Brian Robertson with Crossroads Church** attended the meeting to discuss the possibility of a waterline extension to the Crossroads Church. They would like to extend the waterline on Harding Highway to the corner of Thayer Road, where the church is located. The church is currently working on Project “Next 20” to expand the church. With part of the expansion, a fire suppression system is required. Having access to public water would be ideal for this. Mr. Simpson stated that the church would pay for the extension but would like to set up a recoupment with any homeowners that would connect to this extension. Mr. Simpson is proposing a fee of \$25 per front foot. He also stated that with a daycare at the church they have to pass inspections with the EPA. With access to public water these inspections could go away. Mr. Simpson would like to install 8” pipe. Mr. Kessen expressed that he would rather see 12” pipe used due to future projects connecting to this line. Mr. Simpson is concerned with the difference in price from an 8” pipe to a 12’ pipe. The 12” pipe would increase the price of the project to the point where it may not be affordable for the church to complete. Mr. Kayatin stated that it would be best for all involved to use 8” pipe. This would keep the project from having to be bid out. Mr. Simpson stated that Brian Bacon has done all of the engineering for the project and that they would use their own excavation crew to do the project. Pastor Robertson explained how the expansion project will benefit the community. With the expansion, the daycare will grow. They currently have up to 200 children a day and will be able to add around 40 more children. Mr. Kayatin stated that research would need to be done to determine if an 8” waterline would be sufficient along with a waterline extension agreement being developed with a recoupment. We would also need a certified cost estimate with a number for the recoupment and final cost for the project. Ms. Stiles stated that she could contact ms Consultants, the engineer currently working on the District’s Master Plan Water Study, regarding this project. Mr. Simpson stated that they would like the water to be connected this year. This information will be reviewed by the proper AWD committees to determine how to move forward.

**Brice Schmitmeyer with Access Engineering** gave an update on the Indianbrook Project. He explained that they are just getting started with the surveying of the area, which should be done mid-May. When the surveying is complete they will know the simplest and most convenient way to get the lines out of the backyards and put new lines in closer to the roads. The biggest challenge is the homes that are connected at the rear of the house. They will be working with the City of Lima to determine the best way to connect these home to the new lines. Once they meet with the City of Lima, Access will have more

accurate information. They plan to go to bid for the project towards the end of the year. Brice stated that they are working with the City in hopes of them helping do some of the work to reduce the costs of the project. Mr. Leis asked how many homes are involved. Brice stated approximately 120 homes. Mr. Kayatin asked if there is a plan of an informational meeting with property owners before construction begins and Ms. Stiles assured him that is the plan. Mr. Kessen informed Brice of a couple of other projects that they would need some engineering information.

Ms. Stiles stated we should take care of the reappointments before getting into other business.

Mr. John Gosnell has been reappointed by Shawnee Township via their Resolution 41-22 for another three year term of May 1, 2022 – April 30, 2025.

Mr. Mike Leis has been reappointed by the Board of Commissioners, Allen County, Ohio via their Resolution 247-22 for another three year term of May 1, 2022 – April 30, 2025.

Dr. John Biery is the current Member-at-Large Appointment. **MOTION MADE BY MR. KESSEN TO REAPPOINT DR. JOHN BIERY AS THE MEMBER-AT-LARGE.** Second by Mr. Miller. Motion carried 9-0.

Oath of office given by Mr. Huffman to Mr. Gosnell, Mr. Leis and Dr. Biery.

## **5. CLERK OF BOARD REPORT**

Ms. Finn stated there had been **3 connection inquiries** since last month's meeting.

- Gary inquired about connecting to public water at 4510 Allentown Rd. There previously was a home on the lot that has been demolished and he would like to build a single family home. The previous owner was assessed on their property taxes for 1 ESFU plus FF, therefore this would be a no charge permit.
- Maria and Alan King inquired about obtaining water for a parcel on the corner of Metzger and Reservoir Roads. They are considering purchasing this parcel and splitting it into 5 lots, building their home on one of the lots and selling the rest. It was suggested all lots have some road frontage to simplify the connection/permit process. The current CPF for connecting to the line on Metzger is \$5,698 per ESFU. The current CPF for connecting to the line on Reservoir would be the standard CPF of \$500 to the County.
- Chris Karcz inquired about obtaining water for parcel 36-2900-03-013.015 on Fraunfelter Rd where he is considering building a home. This line was put in with the Sweger/Fraunfelter Project. The CPF is \$3,200 per ESFU plus \$20.21 per front foot. The "mother" parcel was Ag Deferred at one time but the Ag Deferment which included the front footage charge was paid in full in 2005 and then the parcel was split. Mr. Karcz would be charged the CPF of \$3,200 per ESFU.

Ms. Finn stated there had been **7 capital permits** issued since last month's meeting.

- Built Rite Builders obtained a permit for a single family home at 5921 Timberstone Drive in the Woodberry Creek Subdivision. This line was put in by the developer, therefore the Standard CPF of \$500 per ESFU was charged.
- Built Rite Builders obtained a permit for a single family home at 3619 Sky Hawk Dr. in the Country Aire Subdivision. This line was put in by the developer, therefore the Standard CPF of \$500 per ESFU was charged.
- Jennifer Moore obtained a permit for 5025 N. Cool Road. This is a County line, therefore this permit was no-charge from AWD.
- Cody Fischer obtained a permit for 1525 E. Breese Rd. where he plans to build a single family home. Mr. Fischer paid \$1895.15 to the Auditor's Office for the Ag Deferred Assessment. This line was put in with the East Breese Rd Project. Mr. Fischer was charged the Standard CPF of \$500 per ESFU.
- Lawson Brothers obtained a permit for a single family home at 5936 Timberstone Dr in the Woodberry Creek Subdivision. This line was put in by the developer, therefore the Standard CPF of \$500 per ESFU was charged.
- Carl Pugin with Pugin Builders obtained permits for 3714 & 3721 Sky Hawk Dr. in the Country Aire Subdivision, which are both single family homes. The line was put in by the developer, therefore Mr. Pugin was charged the Standard CPF of \$500 per permit totaling \$1,000.

Ms. Finn stated there had been **2 extension inquiries** since last month's meeting.

- Mr. Doug Simpson – Discussed at beginning of meeting.
- Mr. Shawn Gracely – Property owner inquiring about extending the waterline on Baty Road further north to serve potential lots for future homes to be built. Ms. Stiles explained that he is not interested in being the developer in this project. She also explained that this area is in one of our top 10 projects. The Board will take this into consideration for the future, but feels that this is not beneficial at this time.

#### **Improvements/Changes/Upcoming Events-**

Reappoints taken care of earlier in the meeting. Ms. Stiles informed the Board of the Ottawa River Coalition fish fry on Friday the 15<sup>th</sup> and of the Ottawa River Coalition clean-up day on April 23<sup>rd</sup>.

**By-laws, Policies and Procedures** – Ms. Stiles stated the Committee met again Friday, March 25<sup>th</sup> to discuss several items. Ms. Stiles asked if the Board would be opposed to the binders being housed here in the office. Members were in agreeance with this.

**RESOLUTION 22-009: BOARD OF TRUSTEES, ALLEN WATER DISTRICT, ALLEN COUNTY, OHIO, APPROVES AND ADOPTS THE REVISED ALLEN WATER DISTRICT PERSONNEL POLICIES AND PROCEDURES.** Motion made by Mr. Neeper. Seconded by Mr. Kayatin. Roll Call: Dr. Biery – yes, Mr. Kayatin – yes, Mr. Miller – yes, Mr. Gosnell – yes, Mr. Kessen – yes, Mr. Neeper – yes, Mr. Leis – yes, Ms. Vickers – yes, Mr. Ingle – yes.

**RESOLUTION 22-010: BOARD OF TRUSTEES, ALLEN WATER DISTRICT, ALLEN COUNTY, OHIO, APPROVES AND ADOPTS THE REVISED ALLEN WATER DISTRICT PUBLIC PURPOSE POLICY.** Motion made by Mr. Kayatin. Seconded by Mr. Neeper. Mr. Neeper recommended changing the limit from \$50 to \$75 flowers or gifts for memorial and all agreed this should be included in the revised policy. Roll Call: Dr. Biery – yes, Mr. Kayatin – yes, Mr. Miller – yes, Mr. Gosnell – yes, Mr. Kessen – yes, Mr. Neeper – yes, Mr. Leis – yes, Ms. Vickers – yes, Mr. Ingle – yes.

**RESOLUTION 22-011: BOARD OF TRUSTEES, ALLEN WATER DISTRICT, ALLEN COUNTY, OHIO, APPROVES AND ADOPTS THE 2022 REVISION OF THE DEPOSIT, FEE AND CHARGE SCHEDULE POLICY,** Motion made by Mr. Miller. Seconded by Mr. Neeper. The Committee proposes a revision to the Deposit, Fee and Charge Schedule Policy to use a \$3,500 Capital Permit Fee for lines **not put in by the developer** where the loan has been paid in full or if the loan is less than a 20 year term, pay the \$3,500 CPF after a minimum of 15 years since the original assessment began. Mr. Kessen expressed the Committee tried to be as fair as possible when deciding the amount to be charged. Mr. Kayatin asked about the charge for plan review. His concern is who will review and approve plans for larger projects? Mr. Huffman suggested choosing one of the RFQs qualified list. Roll Call: Dr. Biery – yes, Mr. Kayatin – yes, Mr. Miller – yes, Mr. Gosnell – yes, Mr. Kessen – yes, Mr. Neeper – yes, Mr. Leis – yes, Ms. Vickers – yes, Mr. Ingle – yes.

**RESOLUTION 22-012: BOARD OF TRUSTEES, ALLEN WATER DISTRICT, ALLEN COUNTY, OHIO, APPROVES AND ADOPTS THE APRIL 13, 2022 REVISION OF THE ALLEN WATER DISTRICT BY-LAWS TO INCORPORATE TERM LIMITS FOR OFFICERS.** Motion made by Mr. Kayatin. Seconded by Mr. Miller. Discussion – Ms. Stiles explained that this resolution incorporates term limits into Bylaws based on motion from March Meeting. The Bylaws, Policies and Procedures Committee recommends not passing this resolution. Mr. Neeper asked why we are moving on a resolution that we are recommending not to pass. Mr. Kessen explained that it was accepted in the previous meeting as a motion and in order to change it, legal explained it would need to be voted down in a resolution. He further explained that all of this is covered clearly in the By-Laws and that the motion was not needed. Unfortunately this has been overlooked for several years. Roll Call: Dr. Biery – nay, Mr. Kayatin – no, Mr. Miller – no, Mr. Gosnell – no, Mr. Kessen – no, Mr. Neeper – no, Mr. Leis – no, Ms. Vickers – no, Mr. Ingle – no.

**RESOLUTION 22-013: BOARD OF TRUSTEES, ALLEN WATER DISTRICT, ALLEN COUNTY, OHIO, APPROVES AND ADOPTS THE APRIL 13, 2022 REVISION OF THE ALLEN WATER DISTRICT BY-LAWS TO ADD A NOMINATING COMMITTEE TO THE BY-LAWS.** Motion made by Mr. Miller. Seconded by Ms. Vickers. Mr. Neeper asked what happens if officers are on that committee? Mr. Huffman replied that it would not change anything. You can nominate yourself. Mr. Neeper asked if there is a term limit. Ms. Vickers explained that there are no term limits. Mr. Neeper asked for clarification of term limits. Mr. Kessen stated that every year there will be an opportunity to nominate a

new slate of officers. Mr. Huffman expressed that this will not defeat the ability to nominate whoever you want or to rotate chairs. Mr. Neeper stated that he doesn't feel this will allow the rotation as discussed in last month's meeting. Mr. Miller questioned the 3 year term limits discussed in last month's meeting along with the Vice-Chair automatically moving into the position of Chair after a 3 year term. Mr. Neeper expressed that when the Vice Chair serves on the By-Laws Committee it feels as if the Vice Chair has more power than the Chair. Mr. Kessen explained that the committees rotate every year and the Vice Chair may also rotate in and out of different committees. Mr. Ingle explained that a 3 year term limit could cause a conflict due to their term on the Board being 3 years which could end in the middle of the 3 years serving as Chair. Mr. Kayatin expressed that even with the 1 year term limit the problem is not resolved. Roll Call: Dr. Biery – nay, Mr. Kayatin – nay, Mr. Miller – nay, Mr. Gosnell – nay, Mr. Kessen – no, Mr. Neeper – no, Mr. Leis – no, Ms. Vickers – no, Mr. Ingle – no.

**RESOLUTION 22-014: BOARD OF TRUSTEES, ALLEN WATER DISTRICT, ALLEN COUNTY, OHIO, ADOPTS THE APRIL 13, 2022 REVISION OF THE ALLEN WATER DISTRICT BY-LAWS TO ADD TO THE DUTIES OF THE BY-LAWS, POLICIES AND PROCEDURES COMMITTEE TO BE RESPONSIBLE FOR PRESENTING A SLATE OF OFFICERS TO THE BOARD EACH APRIL FOR THE ANNUAL ELECTION OF OFFICERS TO BE EFFECTIVE MAY 2022.** Motion made by Mr. Kessen. Seconded by Mr. Neeper. Roll Call: Dr. Biery – yes, Mr. Kayatin – yes, Mr. Miller – yes, Mr. Gosnell – yes, Mr. Kessen – yes, Mr. Neeper – yes, Mr. Leis – yes, Ms. Vickers – yes, Mr. Ingle – yes.

**MOTION MADE BY MR. NEEPER TO REFER THE TERM LIMIT DISCUSSION TO THE BY-LAW COMMITTEE.** Seconded by Mr. Kayatin. Motion carried 9-0.

### **Contracts and Agreements**

**Assignment & Assumption Agreement with BOCC** – Sanitary Engineer is working on compiling a list of the County waterlines with line size, material and cost (if possible) as requested by our Accountant for financial reporting purposes.

### **Projects**

**ARPA Funding** – The District is waiting to hear from Commissioners on their plan for the County's ARPA money. Commissioner Seibert asked if the Board would attend Township Meetings where the projects are located that the District is requesting ARPA funding for. Ms. Stiles will attend a Jackson Township Meeting on April 19<sup>th</sup> to discuss the State Route 81 Loop Project which is located in Bath and Jackson Townships to see if the Township has any interested in contributing some of their ARPA funds to the project as well.

### **East Regional**

- a) Monthly Progress Meetings held every 3<sup>rd</sup> Wednesday of the month at 9 a.m. for Contract C and 10 a.m. for Contracts A/B for the duration of the project. Next meeting to be held April 20<sup>th</sup>.
- b) Construction progress is as follows:

Contract A – Crew nearing completion of waterline installation in the Village of Harrod.

Contract B – Crew working in the Village of Lafayette. .

Contract C – Concrete work finished. Tank erection now scheduled for end of April. Steel deliveries are being made.

- c) April Project Update is available in Reference Packet.
- d) Ms. Stiles attended a Harrod Council Meeting on April 5<sup>th</sup> to discuss the tap process as well as a Fire Hydrant Maintenance Agreement. Ms. Stiles stated that the Mayor of Harrod asked for the meter to be placed on the opposite side of the sidewalk closer to the owner's home rather than side of the right-of-way. Unfortunately this is not the procedure used by the city, therefore the taps will go in the right-of-way.
- e) Fire Hydrant Maintenance Agreements – Hardship letter received from Auglaize Township. Ms. Stiles has requested Mr. Huffman draft an amendment to the current agreement addressing the hardship as well as the above ground appurtenances language (tank should be excluded as this was meant to cover fire hydrants). Hardship letter received from Harrod as well. Is the Board agreeable to a revision to the standard Fire Hydrant Maintenance Agreement based on the receipt of the hardship letter(s). Ms. Stiles stated that she does now have hardship letters from both Harrod and Auglaize Township and both are asking for cooperation from the District as far as covering cost of parts that are not covered by the District insurance. This would be for damage not due to the improper maintenance of the hydrants. The township/fire department would cover labor. Mr. Kayatin added that there should rarely be a problem with the hydrants if they are maintained correctly. Mr. Huffman agreed with Mr. Kayatin, as long as there is proper training provided. Mr. Kessen expressed his concern that if they know AWD will cover expenses they may not be as careful to maintenance properly, but if they are responsible for the cost they will be more careful due to not wanting to have to spend their own money. Ms. Stiles expressed that we have increased the number of hydrants greatly which increases financial responsibilities of both. Mr. Neeper and Mr. Kayatin suggested that the hardship be revisited case by case as time goes on. Mr. Huffman stated that we are spending more time discussing than it's worth considering that hydrants rarely have a problem. Mr. Kessen suggested exploring the hardship letters for justification of actual hardship. Mr. Huffman stated that he and Ms. Stiles will work on this and present at the next meeting.
- f) The Village of Lafayette is requesting an update be sent out by mail to residents so they can begin to prepare to connect to the waterline project. Ms. Stiles will begin drafting said update and plan on sending to all property owners in the project area.
- g) Contractor marked waterline at 309 and Napoleon for future ODOT roundabout as requested.

#### **Rudolph Foods – Elevated Storage Tank**

- Amendment to Cooperative Agreement outlining increase in County contribution signed by all parties.

- Ms. Stiles attended Auglaize Township Zoning Appeals Meeting on Tuesday, April 5<sup>th</sup> at 7 p.m. for a variance hearing for the tank due to not meeting the standard zoning for distance from centerline and distance from surrounding properties. Variance was approved.
- First progress meeting held Wednesday, April 6<sup>th</sup> at 10 a.m. at Rudolph Foods. Attendees visited site following the meeting.
- Caldwell, the Contractor, plans to have foundation crew begin work end of April/early May. Tank erection should begin in early June. Ms. Stiles has obtained the necessary permits from the township in order for construction to begin (variance, zoning and driveway).
- Monthly progress meetings to be held the first Wednesday of each month at 11 a.m. at our office in the large conference room.

**Southeast Regional Relocation/ODOT Project** – Approximately 200 feet of waterline needs lowered near the intersection of Brentlinger and 117 for a future ODOT project. District reached out to UUI to see if they would be interested in providing an estimate to perform this work since they are already mobilized and in the area. UUI politely declined. District may need to bid this project. All costs will be reimbursed by ODOT. Action needed by Board.

**MOTION MADE BY MR. KAYATIN TO AUTHORIZE THE CHAIRMAN TO ENTER INTO AN ENGINEERING PROPOSAL TO ENTER INTO THIS WORK.** Seconded by Mr. Miller. Motion carried 9-0.

**Intersection of 117 and McPheron** – Access did a rough mark-up outlining a possible waterline alignment Plan sheet showing all utilities and future layout for the intersection of McPheron and 117 provided by ODOT. Could this be inquired of whoever performs SE Relocation?

**Master Plan Study (Node Map)** - ms consultants continues to work on the Master Plan Study with an estimated completion of mid-2022. Several items requested from City of Lima with the main request being hydrant testing at several different locations throughout the system.

**Indianbrook Subdivision** – Mr. Schmitmeyer with Access gave update to the Board. Letter previously sent to property owners in the neighborhood to give notice of survey work taking place to prepare for waterline replacement project. Survey crew started the topographic survey the week of April 4<sup>th</sup> and Access is coordinating the location of the waterlines with the City of Lima.

**Feasibility Study for Gomer** – Waiting to see if there is any potential funding to assist with design costs through another round of grant from the Water and Wastewater Infrastructure Grant. Proposal received from Access and the estimate for engineering services is \$608,000 for Gomer and an additional \$77,000 in fees to include the Diller Road Loop. Ms. Stiles is exploring potential funding for this project through various sources.

6. **ATTORNEY’S REPORT** – None



7. **TREASURER'S REPORT - MOTION MADE BY MR. KAYATIN TO APPROVE MARCH 2022 TREASURER'S REPORT.** Seconded by Mr. Neeper. Motion carried 9-0.

8. **CPA REPORT:** None

9. **OLD BUSINESS:** None

10. **NEW BUSINESS:** Dr. Biery presented the following Slate of Officers on behalf of the Nominating Committee:

Chair – Mr. Greg Kessen  
Vice Chair – Mr. John Gosnell  
Secretary – Mr. Steve Kayatin  
Treasurer – Mr. Merle Miller

**DR. BIERY ASKED TWICE IF THERE WERE ANY OTHER NOMINATIONS. MR. KAYATIN MADE MOTION TO CLOSE NOMINATIONS.** Seconded by Mr. Miller. Motion carried 9-0.

11. **BOARD MEMBER COMMENTS:** None

12. **PUBLIC FORUM:** None

13. **EXECUTIVE SESSION:** None

14. **ADJOURNMENT:** Motion for adjournment made by Mr. Miller at 4:34 p.m. Seconded by Mr. Gosnell. Motion carried 9-0.

ATTESTED:

  
Chairman Date 5-11-22

  
Secretary Date 5-11-22