

Allen Water District

3230 North Cole Street

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"Addressing the water needs of the Community"

March 9, 2022 Board Meeting Minutes

There was an Allen Water District (AWD) Board Meeting held on **Wednesday, March 9, 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 2:00 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 Huffman – District Legal

PUBLIC – None

2. PLEDGE OF ALLEGIANCE

3. ADDITIONS, CHANGES OR CORRECTIONS TO AGENDA - None

4. APPROVAL OF MINUTES - Motion made by Mr. Miller to approve the February 9, 2022 minutes. Seconded by Mr. Neeper. Motion carried 8-0.

5. CLERK OF BOARD REPORT

Ms. Finn stated there had been **1 connection inquiry** since last month's meeting.

- Jennifer Moore inquired about connecting to water at the corner of Cool and Sugar Creek. This parcel is in AWD territory but she would be interested in connecting to the County line that fronts the parcel. A County permit would be issued for their standard CPF of \$500 and a no charge AWD permit would be issued.

Ms. Finn stated there had been **3 capital permits** issued since last month's meeting.

- Todd Benroth obtained a permit for 6349 Ottawa Rd. This line was put in with the Cairo/S.R. 65 Project. Mr. Benroth paid \$2,548 to catch up the \$26 monthly debt service charge from January 2014 through February 2022, which will be remitted to Cairo. He will continue to pay the \$26 debt service fee on his monthly water bill.
- Logan Schick obtained a permit for 6500 Bellefontaine Rd where he is building a single family home. This line was put in with the Southeast Regional Project, therefore is a CPF of \$6300. Mr. Schick will be assessed on his taxes for 5 years.
- Julie Gossard obtained a permit for 6590 Bellefontaine Rd to service the Canary Restaurant. This line was put in with the Southeast Regional Project. The CPF was figured through the calculations of 10 bar seats @ 0.044 ESFU per seat = 0.44 and 18 restaurant seats @ 0.0875 per seat = 1.575 ESFU = 2.015 total ESFU x \$6300 permit fee per ESFU = \$12,694.50. This total will be assessed on their taxes.

Ms. Finn stated there had been **no extension inquiries** since last month's meeting.

Improvements/Changes/Upcoming Events-

The following terms are set to expire 4/30/2022:

1. Shawnee Township Appointment – John Gosnell
2. County Appointment – Mike Leis
3. Member-at-Large – Dr. Biery

The appointing authorities have been notified by mail/email of the upcoming term expirations. Ms. Stiles added that nothing has been received from the above authorities at this time.

By-laws, Policies and Procedures – Committee Meeting met Tuesday, March 8th to review standard CPF for lines **not put in by the developer** where the loan has been paid in full as well as finalize some other policies. Ms. Stiles stated that she is hoping to have a revision for the personnel policies for the next meeting along with binders to pass out. The Capital Permit Policy is still being discussed. Mr. Kessen added that the Committee is trying to keep it as fair as possible. Mr. Neeper asked Mr. Huffman if we are legally able to charge different amounts to different customers, such as new homeowner compared to the homeowner that owned the home when the line was put in. Mr. Huffman's response was that we are not legally obligated to charge the same fee but that we want to follow the policies. He also stated that we may want to consider adding an impact fee. Ms. Vickers added that we need a flat fee without added front footage calculations to keep it simple.

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 was invited by Commissioner Seibert to participate in a working group to discuss infrastructure requests along with the Allen County Sanitary Engineer's Office as well as the County Engineer's Office. Ms. Stiles and Mr. Kessen attended a meeting on February 23rd and a follow up meeting on March 2nd to present the District's three projects requesting ARPA funding. The District was informed the Commissioners would be getting together soon to discuss these infrastructure requests further. They will receive the second half of their ARPA allotment in June. Ms. Stiles stated that the Commissioners are working quickly to make a decision as to how to disperse the funds. Mr. Kessen complimented Ms. Stiles' proposal presented during the working group session.

East Regional

a) Monthly Progress Meetings held every 3rd 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.

b) Construction progress is as follows:

Contract A – Crew working in the Village of Harrod. Approximately 3,000 feet of pipe has passed pressure testing.

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

Contract C – Concrete work finished. Tank erection should begin this month.

Mr. Huffman asked if the fire hydrant maintenance issues had been resolved. Ms. Stiles replied that she will follow-up on that issue but had not received any hardship requests back from Auglaize Township or the Village of Harrod as of yet.

- c) Ms. Stiles met with Brian Nartker and Kyle Sawmiller from the Health Department on March 1st to discuss the well permitting process in more detail. They are open to billing the District once per month for well permits issued to residents in Lafayette, Harrod and along the route who connect initially.
- d) March Project Update available in Reference Packet.

Rudolph Foods – Elevated Storage Tank

- Monthly progress meetings to be held the first Wednesday of each month at 10 a.m. beginning in April. Caldwell plans to have foundation crew begin mid to end of March.
- Commissioners agreed to contribute another \$100,000 from the County Water Fund to this project in addition to the \$100,000 already pledged totaling \$200,000. RLF request for additional funding in the amount of \$125,000 was also approved but unfortunately we've been informed we will not be receiving the RLF funds due to RLF only being allowed to match 1:1 as much as is given by ED. Amendment to the Cooperative Agreement requested by the County to outline the increase in the County contribution.

RESOLUTION 22-008: BOARD OF TRUSTEES, ALLEN WATER DISTRICT, ALLEN COUNTY, OHIO, AUTHORIZES DR. JOHN BIERY, CHAIR, TO SIGN AN AMENDMENT TO THE COOPERATIVE AGREEMENT FOR THE RUDOLPH ELEVATED STORAGE TANK PROJECT.

Motion made by Mr. Neeper. Seconded by Ms. Vickers. 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.

- OWDA Loan has been approved with market rate of 1.60%.
- Plan sheet showing all utilities and future layout for the intersection of McPherson and 117 provided by ODOT. District sent to Brice with Access and he did a rough mark-up outlining possible waterline alignment. Mr. Kessen will run by UUI.

Southeast Regional Relocation/ODOT Project – Approximately 200 feet of waterline needs lowered near the intersection of Brentlinger and 117 for a future ODOT project. Mr. Kessen, Project Chair, plans to reach 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 installed this waterline in 2014.

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 – Letter sent to property owners in the neighborhood to give notice of survey work taking place to prepare for waterline replacement project. Mr. Schmitmeyer is meeting with the survey crew and will give an update soon. He plans on attending our April Board Meeting.

Feasibility Study for Gomer – Waiting to see if there is any potential funding to assist with design costs through 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. Still waiting on survey of residents as well. Ms. Stiles stated she is hoping the District can find some funding to cover the planning expenses of this project.

6. **ATTORNEY’S REPORT** – None

7. **TREASURER’S REPORT**

Revenue and Expense Reports for February 2022 (Month-to-Date and Year-to-Date) for funds 8750, 8751, 8752, 8753, 8754 and 8756 are available in the Reference Packet. A Revenue and Expense Report will be provided when transactions occur within the previous month for any fund. Current cash balance total for all AWD funds as of 2/28/22 is \$2,246,384.10. The cash balance totals for each fund as of 2/28/2021 are as follows:

8750 Project Debt Service – \$902,569.99	8754 USDA Debt Reserve – \$1.55
8751 Operating Fund – \$385,748.32	8755 USDA Reserve - \$0
8752 Internal Capital Reserve – \$231,995.22	8756 USDA County Reserve - \$226,720.99
8753 External Capital Reserve – \$499,384.12	

MOTION MADE BY MR. MILLER TO APPROVE MARCH 2022 TREASURER’S REPORT.

Seconded by Mr. Gosnell. Motion carried 8-0.

8. **CPA REPORT**: None

9. **OLD BUSINESS**: None

10. **NEW BUSINESS**: Dr. Biery stated it has been brought to his attention that the board needs to switch up the appointing process of the Officers. He stated Mr. Huffman suggested we put together a policy to address this. Dr. Biery thinks the Treasurer and Secretary should stay the way they are since they know the history of the books and the board so well. He thinks the Chair and Vice-Chair positions should be 3 year terms and leave the Secretary and Treasurer alone. He thinks the Chair and Vice Chair should rotate. Dr. Biery said he hadn’t realized how long he’d been on the board or how long he’d been in the Chair position. Mr. Miller stated it was discussed the Vice Chair should automatically become Chair after serving a 3 year term to provide some continuity. Mr. Neeper agreed but stated an issue could arise if someone is no longer appointed by their appointing authority while serving in a Chair or Vice Chair position. Ms. Vickers asked if you could do more than a 3 year term if the board is happy with their performance. Mr. Miller stated no, that it would be a 3 year limit in order to make a change and get new blood in that position. He stated it would make everyone

get involved since all board members are paid. Mr. Neeper stated in following this idea, Mr. Kessen would become the new Chair. Mr. Miller stated it was also discussed the most senior board member not in office could become the new Vice Chair. Mr. Neeper asked if Mr. Kayatin was able to serve as the fiduciary of the board. Mr. Miller stated the Treasurer and Secretary would remain the same and not change. Ms. Stiles added that the By-laws Committee discussed this at their last meeting and presented the discussion items from the meeting. She also stated she wanted to make sure whatever policy was created that it aligned with our current bylaws since those have to go through the courts to be changed. Mr. Huffman stated the board sets its own bylaws and does not have to go through the court. Mr. Neeper stated he would be a little uncomfortable with Mr. Kayatin serving as the Board Chair as well as the Sanitary Engineer. Dr. Biery mentioned he had no idea how long one should serve as an Officer. Mr. Neeper asked if the Chair was incapacitated, would the Vice Chair then fill that position? Dr. Biery asked Mr. Gosnell if he was interested in being Vice Chair – being the most senior board member not in an officer position. Dr. Biery stated that everyone should have a turn at being Chair and Vice Chair. Mr. Neeper asked if the Project Chair was tied to anything and Ms. Stiles stated Mr. Kessen could be Chair and Project Chair but would be paid for the higher paid position of the two. Mr. Kessen wanted to share some of the discussion from the By-Laws Committee Meeting. He stated a lot of this detail is already laid out in the bylaws. Mr. Kessen stated the Committee has this on their radar and is working towards creating a new policy.

MOTION MADE BY MR. MILLER TO ADOPT THE RECOMMENDATION FROM THE BY-LAWS COMMITTEE THAT THE CHAIRMAN AND VICE CHAIRMAN BE ON A ROTATING BASIS OF A 3-YEAR TERM AND THE SECRETARY AND TREASURER REMAIN IN THEIR POSITIONS AND NOT BE ON THE ROTATION.

Ms. Stiles clarified that the By-Laws Committee did not make that recommendation. Mr. Neeper said there isn't a reason the Bylaws Committee couldn't make that recommendation at the next meeting and the board approve and then follow for the same meeting. Ms. Stiles stated the Committee could add language to the existing bylaws or create a new policy but wasn't sure if the discussion with the board was over prior to the motion being made. Mr. Kayatin stated a motion was on the floor and it needed to be acted on. Mr. Neeper asked if the motion could be amended to remove the part about the recommendation from the Bylaws Committee and that it be Mr. Miller's recommendation. Mr. Kayatin seconded the motion. Mr. Kessen stated he thought most of this is discussed in the bylaws with language in place to state how officers are elected and he thought there needed to be further discussion before moving forward. Mr. Kayatin stated the only change from our current bylaws is that the Chair and Vice Chair be on a 3 year rotation. Mr. Neeper stated he hadn't heard of being on a 3 year term and still holding an election every year. Mr. Kayatin stated to change the bylaws, the District has to go to court and Mr. Huffman stated that was incorrect. Ms. Vickers stated the Bylaws Committee wanted to get feedback from the entire board before finalizing a policy. Mr. Kayatin asked why we had to go to court before and Mr. Huffman answered because the makeup of the board and how appointments were made had changed. Ms. Stiles was asked to read back the motion and she said her interpretation was that the Chair serve a 3-year term and the Vice serve a 3-year term and then at the end of those 3 year terms, the Vice becomes the Chair and the most senior board member not in an officer position is selected to serve as Vice Chair. Mr. Miller said he'd like to remove the

most senior board member language from his motion. Mr. Kayatin stated normally there is a nominating committee and Mr. Huffman stated that is the way it should be done. Mr. Kayatin asked Mr. Huffman who should be on the nominating committee and Mr. Huffman stated just to pick 3 people who are not officers. He said to have them work on this prior to the April Meeting and bring a new slate of officers to the board. Mr. Huffman stated the Chair's job is to run the meeting and moderate discussions and sometimes that limits the Chair from having much of an opinion so he thinks rotating the Chair position is important. Mr. Neeper asked what needed to be done to create this ad-hoc committee and thought it was in the bylaws the board could do this. Mr. Gosnell stated we need to be mindful of who is making the appointments to the board (townships/Commissioners). Mr. Kayatin asked why you wouldn't use the current Chair on the nominating committee. He suggested people who won't be considered for the role of Vice Chair should be selecting the new Vice Chair. Mr. Kayatin stated he thought the idea was that there would be a recommendation by the Bylaws Committee and stated we don't have that. Ms. Vickers stated that is correct - the Bylaws Committee met yesterday and wanted to get with the Board to get everyone's thoughts on the matter. Mr. Miller moved to rescind his entire motion. Mr. Kayatin seconded that. Mr. Neeper asked what the path forward is and Mr. Kayatin stated he thinks we need an iron clad recommendation from the Bylaws Committee of what to propose. Mr. Kessen asked the Board to look at the discussion items presented on the overhead and asked for any other thoughts from the Board to give to the Bylaws Committee before they evaluate again. Mr. Gosnell asked if the Bylaws Committee could send out their suggestions a week prior to a board meeting. Mr. Neeper asked if alternation was desired and Mr. Kessen asked if the board was looking at it being on a rotating basis?

MR. KAYATIN STATED HE WOULD MAKE THAT MOTION. MR. MILLER SECONDED THAT MOTION. MR. NEEPER ASKED IF THE CHAIR AND VICE CHAIR WOULD JUST ROTATE IN PERPETUITY AND MR. KAYATIN CLARIFIED HIS MOTION TO BE THE CHAIR SERVES A 3 YEAR TERM AND WHEN THE 3 YEAR TERM IS UP, THE CHAIR IS OUT AND THE VICE CHAIR BECOMES THE CHAIR AND THE NOMINATING COMMITTEE NOMINATES A VICE CHAIR. MOTION CARRIED 9-0.

MR. NEEPER MADE A MOTION TO DEFINE THE NOMINATING COMMITTEE AS THE OUTGOING CHAIR, THE SECRETARY AND THE TREASURER. MR. KAYATIN SECONDED THAT MOTION. MOTION CARRIED 9-0.

Mr. Kayatin stated now the Bylaw Committee should take these recommendations and work them into a policy for the board to approve by resolution. He stated the urgency is due to the slate of officers being due to vote upon next month.

11. **BOARD MEMBER COMMENTS:** None

12. **PUBLIC FORUM:** None

13. **EXECUTIVE SESSION:** None

14. **ADJOURNMENT:** Motion for adjournment made by Mr. Kessen at 3:31 p.m. Seconded by Dr. Biery.
Motion carried 9-0.

ATTESTED:


Chairman

4/13/22
Date


Secretary

4/13/22
Date