

VILLAGE OF MINSTER, OHIO  
COUNCIL MEETING MINUTES  
Tuesday, February 3, 2015

**Record's Commission Meeting:** The Records Commission met prior to the Council Meeting with Jim Hearn, Dennis Kitzmiller, Kyle Gusching, and John Stechschulte. No records were considered for retention and no action taken.

**Council Meeting:** Council convened at 6:30 p.m., in Council Chambers with five council members present: Tom Herkenhoff, Craig Oldiges, Nicole Clune, Paul Enneking, and Rick Schwartz. Also present were Dennis Kitzmiller (Mayor), Don Harrod (Administrator), Jim Hearn (Village Solicitor), and John Stechschulte (Fiscal Officer). Mayor Dennis Kitzmiller called the meeting to order with the Pledge of Allegiance.

**Attendance:** Janice Barniak (Evening Leader), Jared Mauch (Daily Standard), Dean Eversole (Community Post), Dale Due (Fire Chief), Kevin Meyer & Bridget Sharp (Minster Area Life Squad), and David Friend (Police Chief).

**Approval of Minutes:** C. Oldiges and R. Schwartz motioned to approve the minutes from the January 20, 2015 regular meeting. Motion passed on three aye votes and two abstentions by Nicole Clune and Paul Enneking.

T. Herkenhoff and N. Clune motioned to excuse Curt Albers from the meeting. Motion passed on five aye votes.

**VISITOR COMMENTS:**

**Minster Area Life Squad:** Kevin Meyer reported one member is taking classes to become a paramedic. In addition two new members are attending classes. The squad continues to need members to run during the day. They are starting an initiative working with businesses to allow employees to run during working hours.

**New Contract for Emergency Medical Services:** The Safety Committee has been meeting with the Minster Area Life Squad and the Township Trustees to discuss the annual contract between the squad and the village. There have not been any adjustments to the contract for many years. The current contract calls for a flat \$1,000.00 payment and then up to \$600.00 per active members. The Safety Committee is recommending the contract be amended so that the Village would pay \$1,500.00 per active member per year. In addition, the Township has agreed to pay \$300.00 per active member. This is based on approximately 75% of the runs are within the Village and 25% outside the Village. The goal is to compensate the squad more fairly and perhaps attract new members. This contract is from January 1, 2015 to December 31, 2015 and will be evaluated at the end of year. R. Schwartz and P. Enneking motioned to suspend the rule of three readings. Motion passed on five aye votes. T. Herkenhoff and N. Clune motioned to pass and adopt **Ordinance 15-02-03** authorizing a contract with the Minster Area Life Squad to provide emergency medical services. Motion passed on five aye votes.

**Fire Department:** Dale Dues reported the Fire Department had a good year. Runs were down slightly from previous years. Also, Kyle Wuebker and Matt Albers are attending classes to achieve level one training of 152 hours. The cost is \$1,300 and is being paid by a grant. The department

has 31 members and will look to bring on 2 or 3 new recruits. A grant has been applied for to replace the turnout gear. The gear has exceeded its ten year life.

## **ORDINANCES & RESOLUTIONS:**

**Chief of Police:** During the interview process, David Friend asked Council to consider allowing him to live near Lake Loramie as a part of the negotiation. Council agreed with the request and hired David as the new Chief with this understanding. C. Oldiges and N. Clune motioned to suspend the 2<sup>nd</sup> reading. Motion passed on five aye votes. T. Herkenhoff and P. Enneking motioned to pass and adopt **Ordinance 15-01-01** allowing the Chief of Police to establish residency outside the Village limits. Motion passed on five aye votes.

**Official Zoning Map:** Jay & Shirley James own the Cottage Café located at 278 S. Main Street are requesting an amendment to the official zoning map, so that the property located on Lot 142 and the south part of Lot 141 of Block A be rezoned from single and double family residential to general commercial. The James' currently have a conditional use permit to operate a commercial establishment in a residential zoned area, similar to two other businesses on South Main Street and also located in residential district. The Planning Commission previously held a similar public hearing and voted to deny the request. The Planning Commission has recommended to council that the request be denied. Adjacent property owners also are objecting, stating that any business such as fast food or gas station could then locate at the property in the future. The Village of Minster Zoning Code states that the Village Council shall favorably consider an application for an amendment to the Zoning Map, only if the request for a change meets the following conditions:

- (1) A manifest error in the original Zoning Regulations Text or designations on the Official Zoning District Map.
- (2) Accordance with or more appropriate conformance to any existing Land Use Plans for the area under consideration.
- (3) Substantial change in area conditions,
- (4) Legitimate requirement for additional land area for the particular Zoning District

In looking at the four criteria above, it doesn't appear that the request would meet any of them. R. Schwartz and N. Clune motioned for the 2<sup>nd</sup> reading of **Ordinance 15-01-02** denying a petition to amend the Zoning Map. Motion passed on five aye votes.

**Sale of Switchgear and Switch House:** With the completion of the Golf Course substation, it is necessary to dispose of some equipment. One bid was received from National Power Equipment of Brook Park, Ohio for \$18,000.00. T. Herkenhoff and R. Schwarz motioned to suspend the 2<sup>nd</sup> reading. Motion passed on five aye votes. C. Oldiges and P. Enneking motioned to pass and adopt **Ordinance 15-01-03** awarding a contract to National Power Equipment to purchase the switchgear and switch house. Motion passed on five aye votes.

**Income Tax Ordinance:** The Village Income Tax ordinance currently states 40% of the tax is allocated to the General Fund and 60% to the Capital Improvement Fund, and the first \$5,000.00 going to the Pool Fund. It has become increasingly difficult to balance the General Fund due to reductions in state money and ever increasing costs. In order to balance the 2015 budget it becomes necessary to change the allocation to 60% to the General Fund and 40% to the Capital Improvement Fund. P. Enneking and R. Schwartz motioned to suspend the 2<sup>nd</sup> reading. Motion passed on five

aye votes. T. Herkenhoff and N. Clune motioned to pass and adopt **Ordinance 15-01-04** revising the Income Tax Ordinance. Motion passed on five aye votes.

**2015 Appropriations Budget:** Annually Council approves the appropriations budget for the current year. Fiscal Officer, John Stechschulte, presented the major budget items for 2015. The total appropriations for 2015 are set at \$29,072,076.22. Without taking into account inter-fund transfers, total appropriations are estimated at \$24,481,195.41. Total general fund disbursements are estimated to be \$3,393,625.00. N. Clune and P. Enneking motioned to suspend the rule of three readings. Motion passed on five aye votes. T. Herkenhoff and R. Schwartz motioned to pass and adopt the 2015 appropriations budget, **Ordinance 15-02-01**. Motion passed on five aye votes.

**Miami Erie Medical Center Annexation:** Joint Township Memorial Hospital owns Miami Erie Medical Center and wish to be annexed into the Village. Council needs to authorize the execution of an annexation agreement between the Village and Jackson Township for a parcel of land located along State Route 66.

Ohio annexation laws provide for a special property annexation procedure when all parties involved consent. Under these special procedures an annexation agreement between the municipal corporation and any township involved must be approved. These annexation agreements may provide for the territory to be annexed; the provision of services and improvements to the property and who is responsible; payment of services fees; payment in lieu of taxes; and changes in township boundaries among other items. In some instances, where the township and the community do not have a good working relationship getting both parties to agree can be challenging. In our situation, where we work closely with Jackson Township, the agreement can be fairly simple. The agreement is a mirror copy of the agreements developed by Jim Hearn and approved previously. As with those agreements, this agreement simply states that both the Village and the Township consent to the annexation; that the Village will provide services to the property upon annexation; that the Village is responsible for zoning the property; and that the Township will continue to receive the real estate tax revenue. C. Oldiges and R. Schwartz motioned for the 1<sup>st</sup> reading of **Ordinance 15-02-02** approving an Annexation agreement with Jackson Township Trustees. Motion passed on five aye votes.

**Amended Purchase Power Agreement:** There have been discussions concerning an Energy Storage System being built in conjunction with the solar field project. John Courtney, Gregg Ottinger, Jim Hearn, and Don Harrod have been working on details to an addendum to the purchase power agreement with American Renewable Energy and Power which would allow both projects to move forward. The agreement would be to lease property at the north substation to house the system and allow the developer to install the system at no cost to the Village. R. Schwartz and P. Enneking motioned for the 1<sup>st</sup> reading of **Ordinance 15-02-04** entering into an addendum to the Power Purchase Agreement. Motion passed on five aye votes.

**Participation in the Local Government Innovation Fund Program:** The City of St. Mary's is heading an effort to partner with other local governments along the Miami-Erie Canal to apply for a \$50,000.00 Local Government Innovation Fund to create development/tourism plan for the canal between Ft. Loramie and Delphos. The program offers a \$50,000.00 grant for planning and a zero interest loan of \$100,000.00 per partner for implementation. The goal is to develop a plan which would raise awareness of the value of the canal and develop a plan for physical improvements. R. Schwartz and N. Clune motioned for the 1<sup>st</sup> reading of **Resolution 15-02-01** to authorize the City of St. Marys to file an application to the State of Ohio to participate in the Local Government

Innovation Fund program. Motion passed on five aye votes. Other members participating are Ft. Loramie, New Bremen, Spencerville, and St. Marys.

#### **COMMITTEE REPORTS:**

**Parks:** Rick Schwartz reported a meeting with members of the Minster Youth Baseball group to discuss the safety concern of foul balls. The group had positive remarks concerning the idea of installing a protective canopy as a trial on one of the diamonds.

**OLD BUSINESS:** None.

#### **NEW BUSINESS:**

**Resignation of Justin Wurster and Randy Houseworth:** Justin and Randy are both part time patrolman with the Police Department. Justin has taken a full time position and Randy recently retired. T. Herkenhoff and C. Oldiges motioned to accept the resignations. Motion passed on five aye votes.

**Remove Kyle Wuebker from Introductory Status:** Kyle has completed his six month introductory period with the Electric Department. John Neuman believes Kyle has met the job requirements and should be appointed a full time position. R. Schwartz and N. Clune motioned to accept Mayor Kitzmiller's recommendation to remove Kyle from introductory status. Motion passed on five aye votes. Kyle will receive the annual 2% pay increase with an additional \$.25 cent increase.

**Purchases over \$3,000 Dollars:** Council reviewed a list of invoices which were over \$3,000. Council has authorized the Administrator to purchase items under \$25,000, however, per the State Auditor; the purchases over \$3,000 and under \$25,000 require Council approval. T. Herkenhoff and C. Oldiges motioned to approve the invoices over \$3,000. Motion passed on five aye votes.

#### **ADMINISTRATOR REPORT:**

- Crews from the Village's water department are down to approximately 20 water meters that need to be changed out. Letters will be sent out to these individuals in the hope that we can make contact with them so that we can get their meters changed.
- Scott Gushing, an electric department employee was recently award a Hard Hat Safety award from American Municipal Power. The Hard Hat Safety Award is for the recognition of an employee who demonstrates outstanding safety awareness and promotes a safe work culture for fellow employees.
- We are awaiting plan approval for the electrical work at the Luedeke Well Field. Once plan approval is obtained from the state, we will begin the electrical work, which is the next step in the process of activating the wells.

**Invoices:** T. Herkenhoff and R. Schwartz motioned to approve the invoices totaling \$857,390.15. Motion passed on five aye votes.

**COMMENTS & CORRESPONDENCE:** None.

R. Schwartz and P. Enneking motioned to adjourn at 7:57 p.m. Motion passed on five aye votes.

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Dennis Kitzmiller, Mayor

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John Stechsulte, Clerk

Recorded & typed by John Stechsulte