

**CITY OF MASON
COUNCIL MEETING
JULY 24, 2000**

The meeting was called to order by Mayor Mc Curley at 7:07 p.m.

ROLL CALL

The following members of Council were present: Jim Fox, Tom Muennich, Peter Beck, Betty Davis, John McCurley. Absent: Dick Staten, Charlene Pelfrey *Dick Staten joined the meeting at 7:37 p.m.

A Presentation of the Award for Excellence in Financial Reporting to Jennifer Heft was presented by Jeff Eichorn, a representative from the office of State Auditor, Jim Petro. Also recognized for their contribution in this effort was Bev Salatin, City Finance Clerk. The award was presented for the City of Mason's 1998 Comprehensive Annual Financial Report. This is the highest recognition for government accounting and financial reporting. Only 5% of cities in the state receive this award.

A second award was presented to Jennifer Heft by Paul Stubbins, an officer with the Government Finance Officer's Association. This award was a Certificate of Excellence in Financial Reporting.

RECOGNITION OF VISITORS

Mr. Lou Eves of 4708 Appaloosa Trail addressed Council and asked if Council would consider purchasing land for an additional cemetery. He stated that while the Rose Hill Cemetery has served the area in the past, it will someday be unable to handle the population as it continues to grow. Mayor McCurley stated he thought it was a good suggestion and Council will take this into consideration.

ORDINANCE 2000-95 - APPROVAL OF THE FINAL PLAT OF VILLAGE LAKES SUBDIVISION, SECTION 6, BLOCK "B"

A motion to read by title only was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

Richard Fair explained to Council the Dress Company is requesting approval of the final plat. This section is the last section in the subdivision, which is, zoned Residential PUD. This section consists of 13 lots on 10.29 acres for multi-family buildings and a total of 3.915 acres of right-of-way along the Tylersville Road Realignment and existing Stitt Road. Mr. Fair stated this plat is consistent with the final PUD plan except there has been a reduction of units from 72 to 68. Planning Commission recommends approval of the final plat.

A motion to suspend the rule was made by Councilmember Muennich, seconded by vice Mayor Fox. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-95 was made by Councilmember Beck, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-96 – APPROVAL OF THE FINAL PLAT OF THE OAKS OF CROOKED TREE SUBDIVISION, SECTION 6, BLOCK “A”

A motion to read by title only was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

Richard Fair explained to Council the Drees Company is requesting the approval of the final plat for Section 6, Block A of the Oaks of Crooked Tree subdivision. He stated this section consists of 35 single-family lots and 1 open space lot on 18.1651 acres and 3.0967 acres of right-of-way. Planning Commission recommends approval.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-96 was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2000-97 – APPROVING THE REPLAT OF EAGLE VIEW VILLAGE, SECTION TWO, PHASE 26, LOTS 205-208

A motion to read by title only was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

Richard Fair stated to Council the Ryland Group Inc. is requesting approval of a replat of Section 2, Phase 26, Lots 205-208 for the purpose of subdividing the property into individual condominium lots for sale.

A motion to suspend the rule was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-97 was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2000-98 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FINKBEINER, PETTIS & STROUT, INC. FOR THE ENGINEERING DESIGN SERVICES NECESSARY FOR THE UPGRADE OF THE SOUTH-CENTRAL TRUNK SEWER

A motion to read by title only was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

Scot Lahrmer stated to Council this legislation deals with correcting the problems the City has experienced with the trunk sewer serving portions of the Manhasset Village, Winding Creek and Wood Creek subdivisions. He stated the problems are storm water related and surface when there is an extreme amount of rain occasionally resulting in basements flooding in low-lying areas. Council previously passed Ordinance 2000-12, which awarded a contract to evaluate the sewers in this area. That report has generated this legislation which will follow the consultant's recommendations to correct the problem. The cost is a not to exceed contract for \$19,800 with Finkbeiner, Pettis & Strout to perform the following tasks:

- Perform a topographical survey along the proposed sewer alignment.
- Review existing soil reports if available or recommend a geotechnical-engineering firm to be hired by the City to perform soil borings, test soil samples and submit a written report and recommendations for construction based on the test results.
- Prepare an estimate of construction costs.
- Complete plans and specifications for use in bidding the project.
- Assist the City in submitting the documents to the OEPA for plan approval.

Staff recommends approval. This has been reviewed by the Utility Committee and they recommend approval. Council discussion followed and it was asked if this is a permanent solution to the problem or will it surface again in the future. Richard Fair stated there are two positive things happening, the pipe size is being increased and the flow to this area is being reduced so it should resolve the matter permanently.

A motion to suspend the rule was made by Vice Mayor Fox, seconded by Councilmember Davis. VOTE: ALL YEAS

Councilmember Dick Staten joined the meeting at this time.

A motion to adopt Ordinance 2000-98 was made by Vice Mayor Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2000-99 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BAYER-BECKER ENGINEERS FOR THE DESIGN ENGINEERING AND PROPERTY ACQUISITION SERVICES NECESSARY FOR THE WIDENING OF MASON-MONTGOMERY ROAD FROM MAIN STREET TO TYLERSVILLE ROAD

A motion to read by title only was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

Scot Lahrmer stated this legislation is necessary to proceed with the required road improvements on Mason Montgomery Road in the vicinity of the new High School, Recreation Center and Municipal Facility. He stated City Council awarded a contract to TEC Engineering for analyzing the situation and recommending improvements to

accommodate the future traffic expected in this area. The next step is to hire an engineering firm to design the various improvements in the study and determine what can be accommodated. This phase of the project is essentially broken into several tasks. These tasks include: pre-design services, preliminary layout, geotechnical services, roadway design services, property appraisals & negotiations, final plan design, bridge design and traffic design services. Mr. Lahrmer stated Bayer-Becker Engineers is being recommended as the lead engineer and they are using several highly regarded sub-consultants for the specialty parts of the design. Time is critical on this project and this firm is very familiar with the project. This legislation is for a contract not to exceed \$322,000. Council discussion followed and it was stated sidewalks and bike paths are included in the design. It was also recommended to staff the contract language insure the contract is completed on time.

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-99 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2000-100 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$37,000 TO INCREASE THE CONTRACT OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE TYLERSVILLE ROAD EXTENSION AND WIDENING PROJECT

A motion to read by title only was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS

Scot Lahrmer stated this legislation and the next legislation Ordinance 2000-101 are necessary to compensate ODOT for the work in excess of the original project. He explained, at the request of the City, ODOT has directed the Tylersville Road contractor, SK Construction, to extend the existing sanitary sewer approximately 120 feet north along Mason-Montgomery Road and to erect a traffic signal at the intersection of Foxfield and Stitt Road. Both items were not part of the original contract thus ODOT is requesting the City pay 100% of each, without the 80-20 split. The cost for this ordinance is not to exceed \$37,000 and the cost of Ordinance 2000-101 is not to exceed \$58,575.52. Council discussion followed and it was stated the primary control of this project lies with ODOT. The City will try to do everything possible to see this does not adversely affect the schools. If necessary, an alternate route will be made available for school traffic.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-100 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-101 – AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$58,575.52 TO INCREASE THE CONTRACT OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE TYLERSVILLE ROAD EXTENSION AND WIDENING PROJECT

A motion to read by title only was made by Vice Mayor Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to suspend the rule was made by Vice Mayor Fox, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-101 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2000-102 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FRANK MESSER & SONS CONSTRUCTION COMPANY FOR THE PRE-CONSTRUCTION SERVICES NECESSARY FOR THE NEW MUNICIPAL FACILITY

A motion to read by title only was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

Eric Hansen stated the construction process team and the project architect, MSA/PSA have been working on the new municipal facility and are recommending a Construction Manager be brought on board at this phase to enable the City to prepare for construction by evaluation value engineering options, providing precise cost and time estimates, and position the Construction Manager to provide a Guaranteed Maximum Price should this construction delivery option be chosen for the actual construction phase. Five firms have been interested in performing this duty for the City and Messer and Sons have been selected as the best firm for this portion of the project. The Building Committee of Council has reviewed this proposal and agrees with this approach. The contract with Messer and Sons will be for \$40,000.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-102 was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2000-103 - AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH THE MASON CITY SCHOOL DISTRICT AND DECLARING AN EMERGENCY

A motion to read by title only was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

Scot Larhmer stated the City along with the schools are pursuing a lease agreement for the property on which the new high school and recreation center will be built. This legislation authorizes the City Manager to enter into that agreement. The Law Director stated with the construction to begin soon on the high school a lease agreement should be a top priority. Council discussion followed and it was noted the City must plan for the necessary permits and not make the same mistake as the City of Cincinnati.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-103 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-104 - ADJUSTING THE COMPENSATION OF EMERGENCY MEDICAL SERVICES SUPERVISORS AND DECLARING AN EMERGENCY

A motion to read by title only was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

Eric Hansen explained to Council Ordinance 2000-104 adjusts the wages for current EMS Supervisors, and Ordinance 2000-105 provides for a vacation accrual system that includes higher rates of sick and vacation benefits for EMS Supervisors working a 48 hour work week. The new level of compensation will be under level 22 at the rate of \$15.82 per hour. The modification regarding the vacation accrual will benefit the City both financially and administratively, while giving employees a more equitable and flexible vacation benefit. This has been reviewed by Council's Employee Relations Committee, Finance Committee, and Ad Hoc Fire Committee and is recommended for adoption.

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-104 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-105 – AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO, TO CHANGE SECTION 165.03, 165.06, 165.07 AND 165.09 GENERAL EMPLOYMENT PROVISIONS

A motion to read by title only was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-105 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2000-106 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$850,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF EXPANDING THE MUNICIPAL FIRE STATION

A motion to read by title only was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS

Scot Lahrmer stated the Bond Anticipation Notes issued in 1999 mature September 1, 2000. The City's budget, he explained, provides for a principal payment of \$150,000 upon maturity of these notes. The new notes will be issued in the amount of \$850,000 and will mature in one year from date of issuance.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-106 was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2000-107 – ORDINANCE CONSENTING TO THE ASSIGNMENT OF THE CONTRACT BETWEEN MASON AND J.R. HERDMAN EXCAVATING TO LITTLE MIAMI SAND AND GRAVEL, AND DECLARING AN EMERGENCY

A motion to read by title only was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

Scot Lahrmer stated the City has been requested by J.R. Herman Excavating, a firm the City awarded a contract to July 10, 2000 for a water line installation on Mason Road, to change the name of the contract to Little Miami Sand and Gravel. Scot explained Mr. Herdman is the owner of both companies and is requesting this change to assist him in providing sufficient security for the performance bond. Lisa Rammes of Wood and Lamping and Paul Herdman have worked out the necessary details.

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-107 was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

CITY MANAGER'S REPORT

A joint meeting will be held with the Mason Landen Kings Chamber of Commerce and the Mason City Council on Monday July 31, 2000. The meeting will be held at Basco and will begin at 5:00 p.m.

A Worksession will be held following the joint meeting between the Chamber and Council. It should begin at approximately 7:00 p.m. at Basco on Snider Road.

COMMITTEE REPORTS

Councilmember Beck stated the Economic Development Committee has a meeting scheduled for August 3.

Councilmember Davis stated the Finance Committee has been meeting to discuss salary adjustments.

Councilmember Staten stated the Planning Commission reviewed site and landscape plans for the BP Station on SR 741, the High School and Community Center and Coleman Campers.

Mayor McCurley stated the Building Committee had been meeting to discuss the new municipal facility and would soon bring plans before all of Council.

COUNCIL OLD AND NEW BUSINESS

It was reported The Young Marines, a nonprofit organization were soliciting flag sales door to door. They were stopped because they did not have a permit. They stated they were dealt with very rudely. It was requested Staff look into this matter.

It was suggested Mason begin preparing for the Ohio 2003 celebration for the Bi-Centennial. It was noted the state technically did not become a state until 1953 due to an error on the original signing of documents.

A class on Home Firearm Safety endorsed by the Ohio Rifle and Pistol Association will be held in the near future. Anyone interested should call Mary Fox at 513-522-2182. Councilmember Muennich will be assisting with the instruction.

Councilmember Muennich stated his request for public records from Deerfield Township regarding litigation costs associated with annexations was refused. They stated they do not keep the records in those categories. It was suggested he request all legal invoices to get the information.

The ATP Tennis Championship will be held from August 7-13.

There are two people to be appointed to Planning Commission. Jennifer Trepal is resigning due to her recent employment with the City and Larry Gill has resigned to devote more time to his business. Mr. Bill Girton and Ken Murawski have agreed to serve. Councilmember Staten moved to appoint Bill Girton and Ken Murawski to Planning Commission. The motion was seconded by Councilmember Beck. VOTE: ALL YEAS

A motion to appoint Pete Koenig to the Zoning Board of Appeals to replace Ken Murawski was made by Vice Mayor Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to appoint Linda Baysore to the Warren Metropolitan Housing Authority was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

AUDIENCE COMMENTS

Mr. Bernie Seever addressed Council and stated he was Vice President of Messer and Sons Construction Company and is excited about the opportunity to work with the City on the preconstruction services for the new municipal building.

EXECUTIVE SESSION: Personnel and Litigation and Land Acquisition

A motion to adjourn into executive session was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

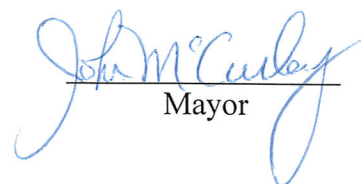
A motion to reconvene into regular session was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

TIME: 9:48 p.m.


Clerk of Council


Mayor