

Minutes
DEFIANCE TOWNSHIP TRUSTEES
July 28th, 2022 MEETING

The Defiance Township Trustees met in regular session at the Defiance County Commissioners building – 2nd Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday, July 28th, 2022 at 6:30 p.m. Answering as present were Dan Peck, Diane Mayer and Jason Shaffer, with three (3) of three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employee(s) present were: Steve Buchholz 1615 South Clinton St., Harry Railing 14951 Power Dam Road & John Diemer 23361 Defiance-Paulding Line Rd. all of Defiance, Ohio.

Visitors present: Patti Diemer 23361 Defiance-Paulding Line Rd., Jim Kimmey 14676 Power Dam Rd, Denny Batt 14854 Power Dam Rd., Ron Kuhn 14898 Power Dam Rd., Matt & Cindy Killion 4809 St. Rte 111, Nate Killion 14891 St. Rte 111, Allen Killion 15805 St. Rte 111, Joan & Ed Steffel 15829 St. Rte 111, Amy Schlegel 19072 Powers Rd., Angel Newyear 21559 Parkview Dr. & JoEllen Houck 8 DeVille Dr. all of Defiance, Ohio.

ORDER OF BUSINESS NO. 1

Reviewed and approved the minutes of the previous session(s).

The Chair requested a motion for the approval of minutes from the June 28th, 2022 regular session.

Mr. Peck moved to approve the minutes as presented.

Mrs. Mayer seconded.

The vote being 3 Yea(s) 0 Nea(s).

The minutes for the session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

1) The chair asked for citizen concerns from the floor.

a) Matt Killion was recognized.

i) Mr. Killion stated that he has noticed a camper has been set up across the river from his property.

(1) (camper is on .2 acre lot on Power Dam Rd owned by Ron Kuhn. The lot is zoned agricultural and is part of the Shoreline subdivision parcel b11 0009G00100 refer to exhibit 4-b- of this session).

ii) Mr. Killion states he is concerned and his neighbors are concerned as they believe the camper creates a negative view and thusly devalues their property.. Mr. Killion wanted to know if there was anything that could be done.

iii) Trustee Peck responded that the Trustees have reviewed the matter with the Co. Prosecutor's office. There is nothing in our zoning codes that prohibits the owner of this parcel from using his property as he is. The Zoning code allows for a property owner to have a tent/camper on their property for a certain period of time and then the camper/tent must be moved. In this case we have confirmed that the camper has been taken out of the lot and returned. The use conforms with the Zoning code.

b) Mr. Ed Steffel was recognized:

i) Mr. Steffel stated he owns a 5 acre lot. He asked if he could he set in more than one camper.

ii) Trustees responded yes. Again the use of the camper(s) must adhere to the zoning code. So long as it does then yes you could set in more than one camper on your property.

c) Citizens said they were concerned that a camp ground may be established.

i) Trustees noted that camp grounds are defined in the zoning ordinance and that a camp ground is a business and would require property to be zoned commercial. As property on both sides of the .2 acre lot in question is zoned residential a designation of commercial would be spot zoning and unlikely to be so designated.

ii) Trustees also noted that the Zoning Commission has the responsibility to adopt and modify the zoning plan of the Township. Trustees further noted that if a rule is adopted or modified it applies to all parcels that falls under said rule. That is a rule for residential parcels applies to all residential parcels, a rule for commercial applies to all commercial and same for Industrial.

iii) Ed Steffel asked about the weed nuisance rule for Def Twp. stating that the weeds are out of control on the former DAV property and at the former Scotty's restaurant.

- (1) Trustees responded that they have at the direction of the Prosecutor notifying the property owner of the violation. Per rule the property owner is given a certain length of time to address the problem. If the owner does not then the Twp mows the property and attaches the expense to the property tax.
 - (a) The owner has been mowing just when the time is about to expire.
 - (b) The property gets mowed 2 or 3 times a year at this time.
- iv) Joan Killian was recognized:
 - (1) Mrs. Killian stated that the property across from their residence has high weeds. She noted it was owned by Jeff Strausbaugh.
 - (2) Trustees stated they would contact Mr. Strausbaugh in regards to this matter.
- v) Amy Schlegal and Angela Newyear were recognized:
 - (1) They stated that a neighbor has constructed a fence that is on their mother's property (Juanita Fisher) 21829 Parkview Drive. They wish to know what can be done about this.
 - (2) Trustees instructed zoning inspector John Diemer to look into the matter.

ORDER OF BUSINESS NO. 3 - FINANCES –

- 1) The following financial reports provided to the Board were reviewed.
 - a) The Reconciliation for June - noted a primary checking reconciliation balance of \$704,372.16 - balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
 - b) Receipt report:
 - i) Receipts for July (UAN software-) were \$18,825.85.
 - c) Payment reports:
 - i) Payments for July (UAN software-) were \$10,744.00.
 - d) The Cash fund summary through- July 27th, 2022 (UAN software) showed an "ending fund balance" of \$1,391,179.51.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$734,295.88.
 - e) Appropriation Status showed that through July 27th, 2022 (UAN software), 12.3% of the years' appropriations had been expended. All reports will be on file in the Fiscal Officer's office.
 - f) The fund status report (money market) showed:
 - i) The money market investment fund balance as of 07-27-2022 was \$744,046.70.
 - g) American Rescue Plan Act – Def. Twp – refer to mins of Twp sessions from July 2021 forward for details.
 - i) The Ohio Office of Budget Management (OBM) is managing the grants for many of Ohio's political subdivisions.
 - (1) As of this session the Def. Twp award is for \$176,505.54 + \$353.32 from OBM received in March 2022.
 - (2) There will be two payments the first was for 88,252.77. The Twp has received the second payment as of July 15th.
 - (3) In April 2022's Twp session Trustees approved resolution 10-2022 which designates use of these funds on the 2022 Bowman Rd rebuild.
 - (a) A payment for widening Bowman road was made in June to the Co. Eng.
 - (4) The fiscal officer was to contact Ohio Office of Budget Management (OBM) to determine what is required for submittal to the OBM to proceed with the use of these funds. (funds are from the Federal Gov't passed through the State to local political subdivisions classified as NEU's - non-entitlement units of local government.
 - (a) The fiscal officer has received an email from OBM noting the process.
 - (5) The fiscal officer is now working with US Treasury to renew the SAM's number assigned to the Twp for this grant.
 - (6) Discussion...
 - (a) There was none.
 - h) grant from ODOT "Twp Stimulus Program". Funding provided by Federal government – part of covid relief to states. See mins of sessions from August 2021 forward for details.
 - i) On November 23rd, 2021, the County engineer prepared grant applications:
 - (1) The Twp was awarded a grant of \$175k for the reconstruction of Ginter Rd. (joint project with the City of Defiance).
 - ii) As of this session:
 - (1) The award (grant) has been deposited in the Twp's checking account.
 - (2) The fund line in the UAN system has been set up and the award/grant has been posted to the fund. The State Auditor's Office provided guidance on the required use of fund line.
 - (3) The money is not appropriated at this time as it is not needed until 2023.

(4) The fiscal officer submitted the 2nd qrt project update report to ODOT via email on 6-27-22.

(5) Discussion if any...

(a) There was none.

- i) The State Auditor has assigned Def. Twp to private contracted auditors for the next 3 audits. The fiscal officer was requested to submit a request for proposals which was done July 13th. Ref to **exhibit 3-i**.
- j) July bills through the 28th, – Trustees Review – Discussion and Signature.
- k) Payroll & July time cards (time cards provided trustees prior to session) – Trustees Review – Discussion and Signature.
- l) Mr. Shaffer requested a motion to accept the June financial reports.
MOTION by: Peck
SECOND by: Mayer
YEA(s) 3 NAY(s) 0 Passed X Failed
The financial reports were approved.

ORDER OF BUSINESS NO. 4 – Zoning - Status update on the following zoning Issues as of this session:

- a) July monthly Zoning report -
 - i) permits issued:
 - (1) 1 Permit issued to Rod Riitenhouse on Co Rd 424 for a building
 - ii) Zoning issues:
 - (1) None
 - iii) Nuisance violations:
 - (1) vacant site on power dam rd - Ron Kuhn - campers
 - (2) fence Compliant on Park View Dr- for Dan Grimes
 - (3)
 - iv) Site reviews:
 - (1) None
 - v) Misc :
 - (2) Complaint for high grass on St Rt 111- issue was taken care of next day - Owner Jeff Straushbaugh
 - (3) Talked to guy about a solar field Bowman Road

Respectfully submitted
John Diemer, Twp. Zoning Inspector

- b) Land use concern – property of Ron Kuhn parcel b11 0009G00100 refer to **exhibit 4-b** , being used for recreational purpose which is objected to by Bill Steffel and Matt Killion, & Denny Batt.- Kuhn has camper on this lot and is accessing the river. Steffel objects to camper. Refer to citizens concerns for details of the discussion.
- c) Trustees noted that there is an alternate position vacant on the Zoning Commission. Trustees asked Patti Diemer if she would be interested in filling this position.
 - i) Mrs. Diemer said she would serve.
 - (1) Trustee Mayer moved that the Trustees adopt resolution 11-2022 to appoint Mrs. Patti Diemer to the vacant alternate position – term ending 12-31-2024 - on the Twp’s Zoning Commission Board.
 - (2) Mr. Peck seconded

The roll was called all three Trustees approved resolution 11-2022.

- d) The Chair asked if there were any other zoning or nuisance issues to come before the Board.
 - i) There were none.

ORDER OF BUSINESS NO. 5 -- Equipment;

- a) Comments or concerns from Twp employees/Trustees on current or proposed new eq &/or safety items.
 - i) Trustee Mayer asked if the Twp needs a replacement truck for the Ford F550.
 - (1) Operator Steve Buchholz was recognized:
 - (a) Buchholz stated the F550 should be replaced. He has to let it cool down when plowing snow and

the Twp has invested significant money in repairs the last several years. Buchholz recommends replacing the unit.

- (2) Trustee Peck said: we have a 2017 1 ton GMC (without a good salt distributor and a 2004 International and an F550 on its last leg for plowing? All agreed.
- (3) Trustees determined to acquire a bid spec for a truck similar to the F550 to be reviewed at the August session to determine whether to bid for a new unit or to acquire one through the state DAS (department of administrative services) system.

ORDER OF BUSINESS NO. 6 - Trustee Report – Monthly Twp. Rd inspection and road projects.

a) Trustee Report (**exhibit 6-a**) – Monthly Twp Rd inspection by Trustee Peck.

- i) There was no report given.
- ii) The August review is to be by Trustee Shaffer.

a) 2022 Road projects:

i) Trustees should refer to **exhibit 6-b** dated March 31st, 2022, from the Co. Engineer presented at the April 26th session. This is the 2022 list of Trustee approved projects for the Co. Engineer.

(1) The road maintenance program is tracked separately in this agenda from the Bowman Rd rebuild or other Twp road expenses assigned by Trustees to Twp personnel or other private contractors.

(2) Trustees approved the Co. Engineer proposals as follows for 2022:

	Est.	Actual cost
(a) Paving:		
(i) Link Rd. 1124' – from Power dam to Power Dam	\$16,864	
(b) Chipseal:		
(i) Kibble Road – from Canal to Winn - 2652'	\$5,078	
(ii) Winn Rd – from Kibble to dead end – 718'	\$1,388	
(iii) Estimated total exp. of chip seals	\$6,466	
(c) Patching: for 2022 completed and pd as of 5-24-22.		
(i) Estimated total patching exp -	\$12,891	\$14,067.20
(d) Crack Seal-		
(i) None in 2022		
(e) Pavement Markings:		
(i) None in 2022		
(f) Total est and final expenses for 2022-	\$36,221	

ii) Re-build and widen 4 miles of Twp's portion of Bowman Rd. – see mins from Feb. 2018 for history.

(1) As of this session:

- (a) There was no construction work done in 2019 due to scheduling issues.
- (b) Approximately 1 mile of the 4 mile project was completed in 2020:
- (c) Approximately 1 mile of the 4 mile project was completed in 2021.
- (d) Proposed 2022 effort is 5280' or approximately the 3rd mile.- Williams to Campbell

(i) PAVING: -

1. 1 mile to be determined per mike – 5280'-

a. Est. cost	Actual cost
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i. \$97,894	
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(ii) Pavement Markings: - Williams to Campbell 5321'

i. \$2,995	
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(iii) WIDENING: - f Williams to Campbell – 5317' completed and paid as of 6-28 session.

a. Estimate	Actual cost
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i. \$34,431	\$40,858.00
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(iv) TOTAL ESTIMATED ON BOWMAN PROJECT IN 2022 is \$135,320

1. Trustees have determine to dedicate the Twp's American Rescue Plan grant to this project. Refer to item 3-g above.

(2) Per past practice, the County Engineer's Office will coordinate all activity.

- i) Twp projects by Twp staff or other contractors for 2022:
 - (1) The Chair asked if there were any proposed or in progress projects for the Twp staff or private contractors for 2022?
 - (2) Re-build Ginter Rd. from Jefferson Ave. (St. Rt 66) to Carter Rd - see mins from Jan 2020 forward for details.
 - (a) Trustees and the City agreed to a rebuild project. An agreement is on file and prints out a summary of the work to be performed.
 - (i) Estimated project cost is: \$162,296.49. The Twp agreed to commit its remaining OPWC funds and \$81,148.24 in cash from Twp Rd funds.
 - (ii) this is for road reconstruction only – the City has agreed to pay for the proposed sidewalk-bike path.
 - (iii) As of 03-29-22 an ODOT stimulus grant written by Co. Eng. Schlatter on the Twp's behalf was approved for funding this project.
 - 1. The grant award is for \$175k
 - (iv) This grant has been posted to Twp fund lines as of this session.
 - (v) On 7-27-22 the fiscal officer confirmed with the co engineer that the grant will cover the Twp's portion of the cost for this project.
 - (vi) The Trustees can begin planning the expenditure of the \$81k cash commitment on other projects and Trustees and the Engineer will also have the OPWC funds that were committed, now available during their regular distribution rotation for use on other Twp projects.
 - (b) Discussion:
 - (i) There was none.
 - (3) Rebuild of Carter Rd. refer to mins of 8-24-21 Twp session.
 - (a) Trustees to determine timeframe based on available road dollars in the Twp road funds:
 - (b) Discussion:
 - (i) None.
- b) A City of Def and Def. Twp road share Maintenance Agreement –see mins from August 2021 session:
 - (1) the fiscal officer emailed the draft MEU to the City Administrator on April 2nd, Trustees were cc'd
 - (a) A second email asking for comments on the proposal was sent 6-27-22.
 - (2) as of this session the Twp awaits the City's response.
 - (3) Discussion:
 - (a) None.
- c) During the June 2022 session Trustees stated they were contacted by a citizen living on Bowman road regarding flooding onto his front yard. The residence is located approximately 300 yards west of State route 15.
 - i) Trustee Shaffer was assigned to discuss the issue with the County Engineer to determine who has responsibility (property owner or Township) and to have the Engineer address the issue on the Twp's behalf if the Twp is responsible for the drainage issue.
 - ii) Mr. Shaffer provided July update:
 - (1) The pipe that is clogged is on private property and is owned by the citizen and is not the Twp's. Mr. Shaffer suggest the Twp place some additional D rock around the pipe that is owned by the Twp in this area.
 - (2) Trustees agreed.
- d) **2022 financial impact review by the fiscal officer:**
 - i) The fiscal officer reported:

(1) Total road fund revenues year date are	\$140,244.76
(2) Total road fund expenses year to date are	\$ 39,168.66

 - (a) These figures are tracking road tax revenues regularly received and expended by the Twp.
 - (b) **These figures do not include the grant money- American Rescue Plan or ODOT stimulus.**
 - (c) Road salt purchased - 2022– total \$3,587.50
 - ii) Anticipated road funds revenue (tax receipts) for 2022 – based on the January 7th, 2022 1st Twp amended certificate was:
 - (1) \$227,450 more or less
 - iii) Anticipated expenses for 2022 – as of this session:

- (1) Regular twp. expenses anticipated for the year, barring emergencies. The estimate for 2022 – based on historical review, is placed at between \$70,000 and \$100,000 – would include Twp projects estimated or completed so far this year.:
- (2) 36 k Road maintenance program by Co. Engineer - has been estimated by fiscal officer - in 2022 – refer to proposal from Co. engineer – exhibit 6-B of the 3-29-22 Twp session.
- (3) \$136k – estimated by fiscal officer for Bowman Rd rebuild in 2022 - exhibit 6-B of this session.
 - (a) To be funded by American Rescue Plan grant per Trustee resolution.
- (4) savings towards Carter rd rebuild - project construction is expended in 2023. (unless Trustees determine another project.)
 - (i) it is anticipated that 40k per year will be earmarked in 2022 and 2023.
- (1) Estimated total road fund exp for 2022 (adjusted as of the July session) - \$70 to ~~480~~ 100k – not including grant dollars.
 - (a) There is also the question of a truck replacement – funding would be from regular road fund lines and possibly the General fund.
 - (i) Refer to eq section (section 5) of this minute.

ii) Discussion;

- (1) None.

e) **A recap of the OPWC grants** – see minutes of previous sessions for history. An update was last received from the Co Engineer’s Office dated 01-06-2022 (exhibit 6-f of the Jan. 25th session).

i) Current status as reported by the fiscal officer

- (1) The Engineer had previously informed the Trustees that with the passage of issue 1 several years ago the law promises the grants. The average annual grant for Def Twp. is \$25k for the next 3 years (2022, 23 & 24) or a total of \$75k remaining give or take.
- (2) The 2022 grant of \$48,700.00 is posted to Twp grant as of 1-6-22.
 - (a) Grant fund balance as of 1-6-22 is \$73,444.92.
- (3) –OPWC grant work anticipated for 2022 -
 - (a) culvert/regrading of Bowman rd rebuild project area- \$27,585.50- per Co Eng this is a bridge replacement and would be funded by the Co.
 - (b) Ginter Rd project – twp rd fund portion ?? – stimulus grant ODOT +/-.
 - (c) Krouse rd - Tile or ditch work - unknown amount at this time. (per co. eng)
 - (d) Trustees are reminded that there is no longer a discount in effect from the Co. Engineer for work done on the Twp’s behalf by Engineer staff.. Use of funds is 100%.
- (4) Discussion:
 - (a) None.

f) The Chair asked if there was any other discussion regarding the fiscal impact report or other road issues?

- i) There was none.

ORDER OF BUSINESS NO. 7 - Cemetery issues for discussion.

- a) The Chair asked if there are any cemetery issues for discussion?
 - (1) There were none.

ORDER OF BUSINESS NO. 8 – PERSONNEL

- a) The Chair asked if there are any personnel issues for discussion.
 - (a) There were none.

ORDER OF BUSINESS NO. 9 - Handouts.

- a) Monthly (July 22) GrassRoots clippings – **exhibit 9-a**

ORDER OF BUSINESS NO. 10 - Old Business

- a) The Chair asked if there was any old business to come before the Board?
 - i) There was none.

ORDER OF BUSINESS NO. 11 - New Business.

- a) The Chair asked if there was any new business to be discussed....
 - i) There was none.

ORDER OF BUSINESS NO. 12 - NEXT MEETING:

- 1) The next regular session.
 - a) The next session.

Date: Tuesday August 23rd, 2022 regular business session.
Time: 6:30 p.m.
Place: Defiance County Commissioners building
2nd floor conference room
500 Court St.
Defiance, Ohio 43512

ORDER OF BUSINESS NO. 13 – Adjournment:

- 1) Mr. Shaffer requested a motion to adjourn this meeting of – July 28th, 2022.
It was moved by: Peck
SECOND by: Mayer

The roll was called and the vote was:

YEA(s) 3 NAY(s) 0 The motion: Passed X Failed

MEETING ADJOURNED

Respectfully Submitted

Timothy J. Houck, Fiscal Officer-Clerk