

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: September 20, 2021

Council called to order in regular session at 7:00 p.m. with Mayor Matthew Shanahan presiding. Opening ceremony: Pledge of Allegiance to the Flag, led by Mayor Shanahan. Roll call of members: Brenda Mackey, here; Connie Mehring, here; Jamin Roe, here; Mark Smith, here; Robert Bergfeld, absent; Damon Lee, here. Also present were Village Administrator/Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: residents Robin Roe, Scott Coon, Jen Fretter, Dave Fretter; Washington Township Trustee Steve Powell; Sergeant Trey Farabee of the Wood County Sheriff's Office. Minutes from the August 16<sup>th</sup> meeting were approved as submitted.

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Councilman Roe inquired about two bills from Palmer for boring jobs, one for \$3,078.40 and one for \$4,403.00. Utilities Superintendent Johnson explained that boring was necessary for water hookups at Tontogany Creek Road and at Bobel Road. Councilman Roe made a motion that these bills be allowed and orders drawn for same. Councilwoman Mehring seconded this motion. All were in favor; motion carried.

Mayor Shanahan did a first reading, by title only, of Resolution #937-21, a RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY. The 2022 amount approved for Tontogany's general fund by the Budget Commission is \$9,120.62 (inside 10 mill limitation), and the approved rate is 1.20 (inside 10 mill limit). Councilman Smith made "a motion to suspend the rules for Resolution #937-21 and forego three readings for the reason that there are an insufficient number of meeting dates in order to hold three readings of this resolution before the county-imposed October 1, 2021 deadline for the authorization of necessary tax levies." Councilman Roe seconded this motion. Roll call vote: Mackey: yea; Mehring: yea; Roe: yea; Smith: yea; Lee: yea. Councilman Smith made a motion to adopt Resolution #937-21. Councilman Roe seconded this motion. Roll call vote: Mackey: yea; Mehring: yea; Roe: yea; Smith: yea; Lee: yea.

Mayor Shanahan did a first reading, by title only, of Resolution #938-21, a RESOLUTION DECLARING NECESSITY TO REPAIR AND/OR REPLACE VILLAGE SIDEWALKS, AND DECLARING AN EMERGENCY. Councilman Roe made a motion to suspend the rules and declare an emergency for Resolution #938-21. Councilman Smith seconded this motion. All were in favor; motion carried. Councilwoman Mehring made a motion to adopt Resolution #938-21. Councilman Lee seconded this motion. All were in favor; motion carried.

Mayor Shanahan reported that we received a letter from Northwest Wood Ambulance District, informing us that Todd Buehrer's three-year term as the Village of Tontogany's member to their Board of Trustees will expire on 12/31/21. They are asking Village Council to appoint a member for the new three-year term, January 1, 2022 through December 31, 2024. The mayor told members that Fiscal Officer Harnishfeger had contacted Todd Buehrer, asking if he was interested in serving another three years on the Ambulance District Board, and that Todd had responded that he would like to serve again. The mayor told members they could reappoint Todd if they wished, or recommend another person for consideration, if they wished. Councilman Smith asked if anyone else had expressed interest in filling that position. The mayor responded that he knew of no one who had. Councilwoman Mehring made a motion to appoint Todd Buehrer as the Village of Tontogany's member to the Board of Trustees of the Northwest Wood Ambulance District for the three-year term of January 1, 2022 through December 31, 2024. Councilman Lee seconded this motion. All were in favor; motion carried. Fiscal Officer Harnishfeger said he would let Todd Buehrer know of Council's decision to appoint him for another three years.

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Fiscal Officer Harnishfeger reported that the village received a letter from the Wood County Public Defender, stating that they will no longer be offering their representation for ordinance-only cases arising out of Tontogany's jurisdiction. Having reviewed their data, they determined that most jurisdictions were not truly in need of their services. Considering the inordinate amount of administrative time in securing these annual contracts, they decided to only offer contracts with the larger cities.

Mayor Shanahan welcomed Steve Powel to speak, whom he said he had asked to come to this meeting to update Council on what is happening with the Fox property on the north side of the village. Mr. Powell told members that the property owners had signed up with him to list and sell the property. At first, they had primarily intended to sell it for development, but then some other options were investigated, which led them to the Ohio Department of Natural Resources (ODNR), who referred them to the Black Swamp Conservancy (BSC), an organization whose mission is to protect and preserve natural and agricultural lands in northwest Ohio for the benefit of future generations. BSC came and looked at the property, and Executive Director Rob Krain saw potential in it other than for a development. Mr. Krain called ODNR back and a meeting was arranged with BSC, ODNR, and Otsego Schools Superintendent Adam Koch, as well as a couple of school administrators. They toured the property and the lady from ODNR said they definitely would be able to do this and she elicited the hearty agreement of the director of ODNR. The plan is to sell the property to Black Swamp Conservancy, which has been agreed upon by all owners (ownership is currently split 50% and 50% between two families). BSC will be a short-term or temporary owner, who will install improvements to the land such as drainage, habitat restoration and wetlands restoration near the surrounding creek for the benefit of water quality in the Lake Erie watershed. Work should begin sometime after the transaction closing and the current soybean crop is harvested. Neighbors adjacent to the property, both on North Street and on Tontogany Creek Road, have been notified by letter about these plans. Once the improvements have been made by BSC, the plan is that the entire parcel will be given to Otsego Schools, to be used as a living laboratory for the educational benefit of their students of all ages, with learning opportunities and hands-on experience in a wide variety of topics, such as conservation, environmental improvements, agriculture, land management, biology, horticulture, soil science and other things. The school superintendent and teachers are very excited about the possibilities. The property is within easy walking distance from the school campus. ODNR suggested that it could be a pilot project for other schools to set up similar programs. There has been a "Memorandum of Understanding" written so that the BSC portion and the Otsego portion is clearly understood between the two groups, and also with the sellers, because the sellers stated clearly and emphatically that if something like this is not going to be forever, then they are not interested. It is not a temporary deal; as long as Otsego Schools exists, this parcel will be dedicated to this intended use. The name is still being decided, but it will be something that begins with "Fox-Shank." The sellers were in favor of "Fox-Shank Meadows," but BSC is not sure it is technically a meadow. It could be called "Fox-Shank Preserve" or "Fox-Shank Living Lab" or any of a number of other possible designations. The property will also be open to the public and there will be opportunities for the addition of walking paths, a pavilion, and restrooms. Mayor Shanahan commented that he had attended the meeting with Mr. Powell, Mr. Koch and the administrators, and he thought it was a very good and positive meeting. He pointed out that there is no liability on the Village of Tontogany and nothing is being asked from the Village. He said that Mr. Powell had wanted to know if the Village had any plans for it and the answer was no. However, the mayor said he offered that the Village could look into a Wood County park grant for putting a pavilion on the property, since BSC won't do that. Mr. Powell commented that the improvements BSC will do are at ground level and below. He said they have already contacted Wood County Parks and they have many things going on right now. So, he reached out to some other organizations about investing some money in the project. He said Otsego was very clear that they will take the property, but they do not have any money to buy it. Administrator Johnson asked who will be maintaining the property. Mr. Powell responded that the school will eventually be

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maintaining it; they will be overseeing it, but there may be money from other sources that will pay for maintenance. Scott Coon asked how the property will be accessed. Mr. Powell answered that it won't be clear what the final access methods will be until it is worked out with BSC and Otsego, but he will be happy to share that information as soon as it is available. Administrator Johnson asked if there will be a road going back to the actual property line. Mr. Powell answered that there will be a drive, probably of stone at first. Depending on the source of funds, there will be some parking put in close to the drive. Hopefully, someday it will be paved. Councilwoman Mackey asked if this will be the last year of farming on that land. Mr. Powell answered that there will be no more farming after the sale, so this should be the last year of farming the land. Ms. Mackey asked if Black Swamp will step in and take over weed control next spring. Mr. Powell answered that they will do all of that, and they may even have drainage in before next spring, so they can start seeding in the spring. With no more to discuss on the topic, the mayor and members thanked Mr. Powell and he left the meeting.

Copies of the August Incident Report were given to everyone to review. Mayor Shanahan asked if members had any questions or comments for the sheriff's deputy. The mayor reminded the deputy to watch for school athletic events and speeders. Councilwoman Mehring reported that there was a patrol car parked at Otsego School for about three hours doing nothing discernable. Sergeant Farabee commented that sometimes the officers get out and walk around the school to make observations. With nothing more to discuss, the mayor thanked the deputy and he left the meeting.

Mayor Shanahan asked Scott Coon if the Fox-Shank field was all he came to the meeting to learn about. He answered that it was, since he just found out about it today. With nothing more to learn, Mr. Coon left the meeting.

Mayor Shanahan asked the other visitors if they had sidewalk questions. Mr. Fretter answered that he wanted to know when there will be a contract for sidewalks. The mayor asked Councilman Smith to speak to the issue. Mr. Smith explained that we just passed a resolution tonight for repairing/replacing sidewalks. We have a contract that we will ask participants to sign and we are asking for a \$500.00 deposit. The contractor, Powell Creek Tree Service, is supposed to be here the first week of October to begin work. Mr. Smith said he had told them that the deadline to be done is Halloween. Mr. Smith will go around tomorrow with contracts for residents and the Village to sign and then he will get that information to the contractor. If we don't catch everyone the first time around, we will go again and try to get all contracts signed as soon as possible. Councilman Roe inquired about the deadline for initial payment in the contract. Mr. Smith responded that the contract states that the initial payment is due from each participating resident by noon, September 29, 2021. We will get a copy of the signed contract to the resident. Councilman Lee asked when the second part of the payment will be due. Mr. Smith answered that the second part of the payment will be due when the job is actually finished, because the bid that he gave us is a maximum price, but the real final price could be lower. So, we don't want to charge residents at the maximum price and then have to try to calculate and process refunds if the final price is lower. Our attorney put this contract together for us. Mr. Roe added that we intend to make sure the job is done to the residents' satisfaction. If it is necessary to call the contractor back in to finish something, we will do so. Mr. Smith thanked everyone for their patience through this long process. With no further questions, the remaining visitors left the meeting.

**ZONING:** Zoning Inspector Owens reported that he did a zoning permit for an addition at the home just purchased at the corner of Broad and North Streets. There is plenty of property to build on, so there are no issues.

**UTILITIES:** Utilities Superintendent Johnson reported that he finished painting all of the fire hydrants, including the four hydrants directly across from the school. Councilman Smith thanked him for doing so. Mr. Johnson reported that he has been going around getting required lead and copper samples this week. Concerning the house for which Mr. Owens did a zoning permit, the owner wants to take the

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electric and make it underground. Mr. Johnson said he didn't know how to answer that, so he told the owner to get ahold of Bowling Green Electric. Mr. Johnson said he didn't know if we would have to pay Bowling Green and then the home owner would pay us, or if the home owner would pay Bowling Green directly; he is waiting to hear the answer on that.

Councilwoman Mackey asked if we ever received payment for the street light that was broken by the mayor's neighbor across the road on North Street. Mayor Shanahan responded that we have not and he has talked with the lady that lives there a couple of times recently and always gets the same response, that as soon as she gets caught up this month, she will get us a payment. The last time he spoke to her was at the beginning of August and he told her it needs to be paid by the end of August. Members asked if we should talk to Solicitor Skaff about it. Fiscal Officer Harnishfeger answered that we had already consulted Mr. Skaff about this, when Council had decided to have the cost added to the utility billing for that address and certified to the County Auditor if not paid. However, Solicitor Skaff informed us that that would not be a legal action we could take, since the damage was done to a street light in the right of way, the man who did the damage was living there but was not even our utility customer, and further, the cost could not be assessed on the taxes of the property owner, Jerry Asmus, who had nothing whatsoever to do with the incident. In fact, even the lady who rents that property and is our utility customer is not responsible for the damaged pole. It is solely the man who did it, but there was no police report. We just have his verbal confession to the mayor and he has never responded to multiple letters sent to him demanding payment for the damage. Mayor Shanahan commented that maybe he should have done things differently. He did not report it to our insurance, which he probably should have done. Councilman Roe added that we probably should have also acquired a police report on it.

Utilities Superintendent Johnson said he thought we need to talk about the status of our electric utility. He said he read the memorandum sent by Fiscal Officer Harnishfeger to the mayor, council members and himself and it made good sense to him. The electric fund is falling way behind, like Mr. Harnishfeger said in the memo, and we need to do something about it. Councilman Smith added that Mr. Harnishfeger did the math and ran the numbers for us and it is pretty obvious that we need to do something about it. We have a proposed ordinance that Solicitor Skaff prepared for us; we just haven't done anything with it. Mr. Smith said he thought we should hold three meetings before passing an ordinance, rather than do it as an emergency measure, so people can come to meetings and give their thoughts about it. But we do need to move quickly on it because we are falling behind and we can't have that. The utility is a business, not a charity. Councilman Roe asked what percentage we are looking at. Mr. Smith asked what percentage Bowling Green has raised our rates. Mr. Harnishfeger replied that Bowling Green has raised its rates 17.71% while we have raised our rates just 2.15% since 2017, a difference of 15.56%. So, with that difference, combined with all of the other adverse conditions that have been causing losses in the electric fund, he recommended that a 20% rate increase would be a good place to start. That is just on the rates, including monthly service charges. Then we also need to raise the demand charge to \$20.00 to equal what Bowling Green is charging us. We are currently at \$15.00, so we are paying a higher rate to our supplier than we are charging our customers. That alone is causing us to lose at a rate of over \$3,300.00 per month or just shy of \$40,000.00 in a year on demand alone. The last electric rates increase to our customers was on Ordinance #848-14, which was an ordinance with specified rate increases each year for four years beginning in 2014 and ending in 2017, to keep up with Bowling Green's increases. Since then, nothing has been done, while our supplier has continued to increase our rates every year. We also need to raise our electric tap fees from the ridiculously low amount of \$500.00 to \$4,000.00, as proposed in Mr. Skaff's ordinance, with the stipulation that any extra costs incurred for electric installation will be borne by the customer. This will save us from losses like we experienced on the electric tap at a new home on Tontogany Creek Road that cost \$6,456.52, while our tap fee was only \$500.00, a loss to the electric fund of \$5,956.52. Mr. Harnishfeger said the proposed electric rates ordinance Mr. Skaff had drawn up for us was only for a

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10% increase and he didn't think demand was adequately dealt with in the ordinance. He did have the tap fee increased to \$4,000.00 with extra charges to be paid by the customer. This really needs to be done as quickly as possible, because we are literally losing thousands of dollars a month as long as it is not addressed. If members wish to do a standard three readings, we need to get started at the next meeting. Mr. Harnishfeger reminded members that, as well as rates and fees, another separate problem that needs to be addressed is the fact that the school is getting compensated at our retail rate for solar energy being put back on our grid, which should be compensated at a wholesale rate, as Bowling Green Utilities Director Brian O'Connell explained to Council at one of our meetings earlier this year. He said we should be compensating for surplus solar energy at a comparable rate to what we pay our other supplier(s). Since we only have one supplier, Bowling Green, we could find out what the wholesale rate is that they charge us and compensate the school for surplus energy at that same rate. Bowling Green is very helpful in sharing information when we ask them. We would just need to have Solicitor Skaff write up a new agreement that will allow us to do this. Mr. Harnishfeger also reminded members that Mr. Skaff's proposed electric rates ordinance contained a section that allowed Council to set a specific percentage increase each year in the future. However, Mr. Harnishfeger said he didn't know how this would work out, because we don't know yet what percentages our supplier intends to increase rates in future years. We do know they do not intend to raise electric rates in 2022, because they will be doing a cost-of-service study that year. Then they will tell us what their future rate increases will be. We might want to leave out the automatic rate increase from our ordinance this time until we find out what Bowling Green intends to do from 2023 and beyond. We could write new ordinances as needed every year or two or whatever is needed. Members voiced agreement with this. Mr. Johnson commented that we really need to raise our rates what Bowling Green does and a little more for maintenance. Councilman Roe asked if Bowling Green contacts us every time they raise their rates. Mr. Harnishfeger answered that they do not. We have to contact them and ask for the information, which Craig Spoore used to do when he was here daily and then we would have our solicitor create a rate increase ordinance that covered several years, using Bowling Green's projected increases as a guide. We do know that their new rates go into effect on July 1<sup>st</sup> of each year. Members commented that we need to find out their intended rate increases early enough to raise our rates so they go into effect by July 1<sup>st</sup> also. Councilwoman Mackey suggested that we have Mr. Skaff write future rate increase ordinances to cover several years, like Tom Bamburowski used to do for us, once we know what percentages Bowling Green intends to raise their rates in the coming few years. Mayor Shanahan commented that he thought Solicitor Skaff could only write ordinances that cover the period that he is retained as Village Solicitor. Zoning Inspector Owens, Fiscal Officer Harnishfeger, and others said that ordinances a solicitor writes and are passed by Council can be written, and must be honored, even for years beyond the time a particular solicitor is retained by the Village. Having discussed the matter a little more, members decided to have Fiscal Officer Harnishfeger contact Solicitor Skaff to write up an emergency electric rates ordinance, raising rates, with their accompanying service charges, 20%, raising demand charges to \$20.00, and raising electric tap fees to \$4,000.00, with the stipulation that any cost incurred by the Village in excess of the tap fee for establishing an electric service connection shall be borne by the customer. Members decided, for this ordinance, to have Mr. Skaff strike the section on automatic rate increases. In lieu of having three readings, Councilman Smith and other members decided to have Mr. Johnson write a letter to inform electric customers of the 20% rate increase, have Mr. Harnishfeger email copies to the mayor and members for final review and alterations, then quickly have the letter printed and get it mailed to electric customers as far in advance of the next meeting on October 4<sup>th</sup> as possible, when it is intended to pass the electric rates ordinance as an emergency measure.

**STREETS and ALLEYS:** Nothing to report.

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**SIDEWALKS and TREES:** Councilman Smith said he intends to take the sidewalk contract around tomorrow and get deposits. He asked if anyone had any thoughts about it before he does. Members responded that they thought it looks good. Mr. Smith asked Fiscal Officer Harnishfeger if we have a fund set up to receive down payments from residents for sidewalks. Mr. Harnishfeger said he will need to set up a revenue account line item, probably in the general fund, to receive the money into. He also explained that when money comes in like this, we cannot just turn around and use that money until it is appropriated by ordinance for spending. So, we appropriated enough money this year in the street fund and in the general fund to cover sidewalk expenses. We will be using that money to pay the contractor for sidewalk work. Money we receive from residents for their half of sidewalks will be placed in the street or general fund and will have to be appropriated for use next year when we do our permanent appropriations legislation for 2022. Councilman Roe said residents would want a receipt of some sort. Mr. Smith responded that he intends to get a copy back to them. He said he might have to see everyone twice, once to get the contract signed and get payment, and the second time to give them a receipt copy. Mr. Smith said the contract is written that the residents will pay the Village of Tontogany and the Village will pay the contractor. When the project is completed the contractor will send the Village a bill for the remainder due at the end. Mr. Harnishfeger said he would be keeping track of payments made to the Village by residents. He asked how the contractor will bill the final amount due for the project, since it could vary for each resident. Mr. Smith answered that he wants the contractor to bill for each address individually, by linear feet. He said he would like for all three members of the Sidewalk Committee to do a final walk-around before work starts. Everything will be put down in writing, with exact linear feet and a contract, with an initial payment and then the balance to be paid after completion and after we are happy with the job. He asked members if they were good with that and they assented that they were.

Councilman Roe commented that he was wondering if there needed to be a crosswalk or sidewalk added for students to access the planned meadows land that Steve Powell spoke to us about. Zoning Inspector Owens advised that the Village may want to be more involved with what they will be doing in the meadows area, since they will have liberty to do whatever they want. Mayor Shanahan answered that the school is going to be pretty transparent with us about what goes on there.

**DRAINS and SEWERS:** Nothing to report.

**CITY HALL and PARKS:** Councilman Smith reported that he fixed a broken bench at the park. Mayor Shanahan reported that he made inquiry about the status of our new slides for Centennial Park and we received a call today that the slides are ready to be delivered, but we need a forklift or four or five men to unload them. John Heckerman has offered to receive, unload, and store the slides at Mid-Wood until they are ready to be installed. Fiscal Officer Harnishfeger will call Mr. Heckerman tomorrow for a good delivery time and then call the freight company and schedule the delivery. We still have to find out whether the installers will have a way to get the slides to the park or if we will be expected to do that. The mayor said he would send an email to try to get an answer about that.


Mayor Shanahan asked Councilwoman Mackey if she heard back from Jeff Baney at the Wood County Park District about whether security cameras would be a viable park grant request. Ms. Mackey replied that Mr. Baney said we could use that for a grant request, but only for the parks, not for anything else in town. She also reported that, due to the baby swings at Mehring Park being in bad shape, she and Councilwoman Mehring have been looking into the possibility of adding a parent-child swing at each park, which allows a parent to swing with their child face-to-face. Ms. Mehring has been reaching out to a company that has not responded back to her yet. The price for one in a catalog they were looking at was about \$3,000.00 to \$3,500.00. We will also want to replace the baby swings, which should only be a few hundred dollars. The mayor commented that we can submit up to three grant requests at \$2,000.00, \$5,000.00 and \$10,000.00 or above.

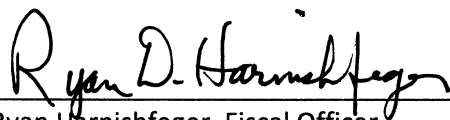
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Mayor Shanahan reported that he is in the process of getting a proof of the Ronald Current pavilion sign for members to approve. It should be simple, listing his name and three sets of dates: his military dates, his village clerk dates and his business dates. Mark Ballard is designing it with the same material we had the disc golf signs made out of. Eric Hafner will probably make the sign. The mayor said he told Mark that we would like to have two signs made, one to hang at the pavilion and one to present to the family. Councilwoman Mackey asked how big the sign at the park would be. The mayor responded that he and Mark will meet down there to find the best spot and then make measurements. Councilman Roe suggested a large sign for the pavilion and a smaller version of the same for the family. The mayor agreed. Ms. Mackey asked, since Mr. Current has passed away now, if we would want to make it "Ronald Current Memorial Pavilion." The mayor responded that "memorial" seems more like a grave stone or monument. We just want to display his name and give him credit for his service in the military, as village clerk, and in his business. Members expressed agreement.

Councilwoman Mehring reported that Tim Smith has agreed to be the honored guest at this year's tree lighting ceremony.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:25 p.m.

  
Matthew Shanahan, Mayor

  
Ryan Harnishfeger, Fiscal Officer