
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, July 21, 2009

Council President Paul Wertz called the meeting to order at 7:00 p.m.

ROLL CALL

Ward 2:	Robert M. Valentine	Present
Ward 3:	Ruth Detrow	Present
Ward 4/President	Paul Wertz	Present
At-large:	Stephen L. Stuart	Present
Ward 1:	Robert L. Valentine	Present

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

- (a) Regular Session 7/7/09;
- (b) Special Session 7/10/09

No Corrections or Comments

Motion to accept the Minutes of 7/7/09 by Paul Wertz, approved by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

Motion to accept the Minutes of 7/10/09 by Paul Wertz, approved by Robert L. Valentine W1, seconded by Paul Wertz.

Ayes: Robert M. Valentine W2, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

Abstain: Ruth Detrow

LEGISLATION

Ordinances

Ord. 56-09

Item (a) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE STREET DIVISION OF THE CITY OF ASHLAND, OHIO; OBVIATING FORMAL ADVERTISING AND BIDDING; AND DECLARING AN EMERGENCY. (bed, plow, spreader)

Moved for non-reading in full by Robert M. Valentine W2, seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

Questions or comments?

Jerry Mack: This Legislation, if passed, earlier this year we passed Legislation to buy a new truck and I do have that. This is for all the equipment for the truck; the bed, the snowplow, the hydraulics; everything pertinent to making it into a piece of snow equipment. If passed, that would allow us to purchase that. Everything on this is under State bid. I did get two different State bid prices from the local agencies that we have, which is in Galion. So I got one from

Gledhill and also from Newell equipment. Newell was about \$4500 dollars cheaper under the State bid program. But this is State bid pricing on that which we have it under trying to allow us to do it without bidding.

Robert L. Valentine W1: Just a question for my information, this comes out of; is it 202 or 502, Street?

Jerry Mack: 202.

Robert L. Valentine W1: The balance we have in there, as of 6/30/09 was \$1,131,000.00; does that include your salaries?

Jerry Mack: Yes.

Stephen Stuart: In the Ordinance, the account number is wrong.

Jerry Mack: The account number should be right.

Stephen Stuart: No. It should be the same. It is 1001.

Jerry Mack: It should be 1001.

Paul Wertz: The second one is right.

Comments or questions?

Motion to pass Ordinance on first Reading by Paul Wertz, moved by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

Move to suspend the rules, 3 separate meetings, 3 separate nights by Ruth Detrow, seconded by Robert L. Valentine W1.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move the Ordinance be passed by Stephen Stuart, seconded by Robert L. Valentine W1.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Ord. 57-09

Item (b) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE STREET DIVISION OF THE CITY OF ASHLAND, OHIO; OBVIATING FORMAL ADVERTISING AND BIDDING; AND DECLARING AN EMERGENCY. (Caterpillar CB22).

Moved for non-reading in full by Robert M. Valentine W2, seconded by Robert L. Valentine W1, to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Comments or questions.

Jerry Mack: This Ordinance, if passed, would allow the Street Department to purchase a new Roller. The current roller we have is a 1993 Diamondback. They have come up with a lot of improvements since then, compaction and so on. When we are doing asphalt work, if we can't get compaction, you're in trouble. The one we have, we have used for several years and we do have another one besides this one, which is up for auction. It is a 1983 one with a clutch; I don't know Bob; if you have ever used a clutch type one. That is basically what this one is replacing. This unit is

1,000 lbs heavier. It is definitely going to do a better job for us. It has a 10" wider drum and vibration on both drums. That is one thing we use a lot is vibration when we are doing this because; if we have a large roller like Sarver's, it would be great. But we have no way to transport it, you need a lowboy. This roller is the biggest thing we can buy that we can actually transport. Our old roller turned with the front like a car. The front end turned. This one actually bends in the middle. When rolling patches, and you start turning that wheel on a patch, it will leave a gouge in it. This will work around it and work a lot better with our patches. We seem to be getting into more and more paving. Of course we have a lot of patches to do. Alley work, we have been doing our own alleys. We haven't done alleys for several years. We are trying to do it our self. It would be a definite benefit for things like that. Doing alleys with a wider roller. It is a little bit larger around. This particular unit has a diesel engine, which by today's standard is a lot better. Our old one has low Koehler gas engine. It works fine, but it just doesn't do the job that we need anymore. It will be a definite asset for us and it is something we need. Our other one is 18 years old now and it is just not quite up to what today's standards are. Can we improve efficiency with it? I think we probably can. This particular roller, I have gotten 5 different prices on it. Caterpillar has state bid pricing. The Caterpillar was not the cheapest but they have more options or more standard features on it than the one that was \$200 dollars cheaper. So price wise I believe it is actually the cheapest we can look at, at this point. They have a real good state program and it came in at a real good price.

Questions or discussion?

Move the Ordinance be passed by Robert L. Valentine on the first reading, seconded by Stephen Stuart.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move to suspend the rules, 3 separate meetings, 3 separate nights by Ruth Detrow, seconded by Robert L. Valentine W1.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move the Ordinance be passed by Stephen Stuart, seconded by Ruth Detrow.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Ord. 58-09

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A MODIFICATION OF THE 2009 STREET RESURFACING PROJECT-SARVER PAVING COMPANY CONTRACT AUTHORIZED BY ORDINANCE NO. 41-09; AND DECLARING AN EMERGENCY.

Moved for non-reading in full by Robert M. Valentine W2, seconded by Robert L. Valentine W1, to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Comments:

Shane Kremser: The reason for the change order is; once the project was under way on Union Street, the expenses of the rehabilitation were modified based on recommendations by the contractors and additional field visits that we did. That would be the contract overrun that is listed here. \$13, 529.00 dollars. Over on Eastbrook, when the milling was done, we actually went down two inches this time where we usually go down 1-½ inches. On Eastbrook we found out that the concrete base was in very bad condition; so that had to be replaced, stabilized and with an asphalt overlay, you need to have a proper base, otherwise it settles and you won't have good compaction. That was the reason for that \$8,639.00 overrun plus \$425. Then on Washington Street, we actually added that to the scope of the project. We didn't do a milling; we just overlaid. We were careful with the curb and we just added that to the scope. We felt that was something that should have been included.

Stephen Stuart: Shane, help me with the first one; the \$13,529.00 and what happened there?

Shane Kremser: Well on Union Street, we actually went a little further than we were going to initially when we went out for bid. Our quantities were different so that was the additional cost associated with this based on the quantities for what we actually did in the project.

Larry Paxton: We went around the corner too before originally we were going to stop before the curb and we went around the curb and squared it up so the future paving program would have a starting point to go to. That added asphalt to the job that wasn't anticipated. We essentially paved the whole intersection down there at the end of Union.

Robert L. Valentine W1: One account is 204. How do we determine which account; for instance that is the State Highway account right? 204 and we have \$150,000.00 in there. How do we determine which account we take out of?

Larry Paxton: The County Permissive Tax, Bob, is the 206. I think the County appropriated \$100,000.00 dollars in that. That fund will gain revenue throughout the year but at this point, we only appropriated what the County had in the fund itself. In 204, which is the State Highway; you look in the appropriation, we had trouble getting with that schedule for that fund. We didn't want to over-appropriate that fund and then have to make up two debt payments. That pays for the 250 SID loan for 250 north and then 208 which is the City Permissive Tax. That gives all of that fund; it will be replenished on a monthly basis but in an effort to not drive anything too short and also working with an unknown variable as far as the debt for the SID Loan we didn't appropriate all the money in that fund.

Robert L. Valentine W1: Of course I drive by there all the time. I notice so much time you have to take on that. Because the city workers were there for days and days.

Shane Kremser: The concrete base was really deteriorating.

Robert M. Valentine W2: Don't they normally core before they do a job to find out what shape its in?

Shane Kremser: Yes. You can. I think a lot of the streets here are just an asphalt overlay with a brick road.

Robert M. Valentine W2: Smith Road and some of the ones that were new back in the 60's. Those are the ones you have to look out for.

Shane Kremser: A lot of times these paving projects, they can get out of hand real quick and that is where we want to make sure that we do what we can to get an estimate as close as we can, but sometimes when you get down there...

Robert M. Valentine W2: We do change orders. Extra work change orders. So it is no different.

Stephen Stuart: This work is already performed, isn't it?

Robert M. Valentine W2: Right.

Richard P. Wolfe II: We need to approve the change order. And addressing the issue of change orders; Change orders are things that were not necessarily anticipated; conditions, circumstances. Shane has done a good job of explaining the rationale and you get into something, you make estimates, you do the best you can. Sometimes you hit it pretty close, sometimes you miss it a little bit, but I don't think this is out of line by any means.

Stephen Stuart: I submitted change orders to Boards that had the authority to approve them for over 20 years. Never did I submit one after the fact.

Richard P. Wolfe II: This is required to approve them. It is sort of a ratification of what's been done. We went through this several years ago where we had to look at how we were handling the change order process and this is according to proper procedure.

Robert M. Valentine W2: You have to use it to figure out how much you really need to use.

Mayor Stewart: I guess I would ask in these particular cases to get an approval midway into a project if this Council wants to meet at the drop of a hat; we can do that. But it is totally impractical to submit change orders of this nature when a job, in some cases, is two or three days long. Eastbrook was different than that.

Richard P. Wolfe II: I didn't mean to misspeak, you should approve them in advance if you have the opportunity; if you know that you are going to need to do something additional, but sometimes they are in the middle of a project and you are there, you have the equipment there, people are there and something happens that is totally unexpected and you have to react to it. I am not saying that is necessarily, totally the case here but sometimes you have to react after the fact. In a perfect world, we would approve them all in advance. That doesn't always happen that way.

Robert M. Valentine W2: I was just saying that is the way contractors make extra money by change orders.

Richard P. Wolfe II: Well you have to watch that. You can sometimes have contractors that plan for change orders and we have to be careful that we watch that. I would think that most of the change orders that we are bringing are things that we needed done or wanted done because we felt they were necessary and appropriate and we have to rely on our people.

Robert M. Valentine W2: It is a whole different thing when you have 80 jobs running and then you have two or three. It is good checks and balances.

Richard P. Wolfe II: Your point is well taken Mr. Stuart. I understand what you are saying.

Questions or comments?

*Move the Ordinance be passed on the first reading by Robert M. Valentine W2, seconded by Robert L. Valentine W1.
Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1*

*Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Robert L. Valentine W1.
Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1*

*Move the Ordinance be passed by Ruth Detrow, seconded by Robert L. Valentine W1.
Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1*

Ord. 59-09

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE WASTEWATER TREATMENT PLANT ELECTRICAL IMPROVEMENTS PROJECT; AND DECLARING AN EMERGENCY.

*Moved for non-reading in full by Robert M. Valentine W2, seconded by Ruth Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.
Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1*

Mike Hunter: This Council previously approved the Engineering for this project and now this comes before Council for bids. This is the VFD modifications that we spoke of in May. We are now ready to bid the project. The budget is at \$95,000.00 dollars and that does represent about a 12% contingency. I requested that specifically because of the fact that we are looking at different modifications.

Comments?

Mayor Stewart: Mike, you might want to explain what a VFD is.

Mike Hunter: A VFD is a variable speed drive. It allows us to dial in the speed of a particular motor. It is more efficient. Instead of having when that pump comes on and you are kicked with that electrical spike; this absorbs that and allows the pump to ramp up to a certain speed or ramp down. So it is a smoother operation, better for the pump; it is certainly more efficient when it comes to electrical use.

Move the Ordinance be passed on the first reading by Ruth Detrow, seconded by Robert M. Valentine W2.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move the Ordinance be passed by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

WARD REPORTS:

Councilman at Large: Stephen Stuart

No report.

Ward 2: Robert M. Valentine

(a) I received a letter. Rick remember when we went around about barking dogs on Walnut. Remember Akers? In the Alley?

Richard P. Wolfe II: Yes.

Robert M. Valentine W2: Did you get the letter from the citizen?

Richard P. Wolfe II: No.

Robert M. Valentine W2: I received a new letter, dated 7/13/09. She has ten dogs up there and she is never home and they are barking constantly.

Richard P. Wolfe II: She might not be home because she is in jail. We prosecuted this person a number of times. We have done everything possible. The Humane Society has been up there. I haven't seen the most recent letter.

Robert M. Valentine W2: Well then Einingers, they are the people that contacted me last year and then Akers and everybody. It is in the pipeline; it is not like we are not doing anything.

Richard P. Wolfe II: It is an ongoing problem and we will deal with it on an ongoing basis.

Robert M. Valentine W2: I don't know what to tell this guy; he got in on it after the fact.

Richard P. Wolfe II: I have talked to a number of neighbors up there. Give me a copy of the letter.

Robert M. Valentine W2: I will give you the letter. I have it at home.

Ward 1: Robert L. Valentine:
No report.

Ward 3: Ruth Detrow:

- (a) The only thing is one person complaining/asking about places where the Street Dept. has dug out sewer type things and put a metal plate over it and it has been there for quite a while. I figured you would take care of them all at once. Along Claremont there are some and I imagine other places. Is that the reason they are sitting there and nothing is happening?

Jerry Mack: No, we have two right now on Claremont, where they are done. But we don't allow traffic on them for seven days. So they are covered. There is one up farther but as we are moving up through, that one will come out. That one has been there the longest. There is a storm dig there; we have to put a piece of curb in. I didn't want to do the street until I got the curb in. So they are working there way that way. I would say that one will be gone within the next 3 days. Whenever we do one of these bases, we do plate it for seven days after it is done so it has sufficient time to cure. Because your concrete will fail if you let traffic on it right away. A lot of times that is where the plates are. I think there might have been one other one somewhere but it is gone now.

Robert M. Valentine W2: Two other ones are on ninth.

Jerry Mack: On ninth?

Robert M. Valentine W2: Remember they had them; the ones that caved in, and the guys were working on them. One on the left and one on the right there by Pentair parking lot.

Jerry Mack: Okay, I wasn't working on those so I am not aware of those. I think I vaguely remember one of those. A lot of times they get plated after they are done so they can cure up. Didn't that happen earlier this year?

Robert M. Valentine W2: Yes, earlier this year.

Jerry Mack: They might have gotten plated too until the weather broke.

Robert M. Valentine W2: You could really tell because all of a sudden it will just cave in. Especially down there because there is so much Semi traffic.

Jerry Mack: The plates make it so that you can get over them without having a barricade or whatever so they have to drive around them. And they are annoying; there is no doubt in my mind. But hopefully by the end of August, all the plates are up and gone.

Ward 4/President: Paul Wertz
No report.

Old Business: none

New Business: none

Mayor's Comments:

Route 250 Sewer Project has run into a snag. I expect it will probably start; I am hoping it will be under way by Monday. We run into a permit process that didn't get completed properly. We got word today that the State has okayed the permit; it has to be signed and may be back in our hands yet this week. That will allow the contractor to get started. So even though his equipment was there, we could not start the project.

Comments of questions from the Audience: Items that are not included on the Agenda.

None.

Motion to adjourn Regular Session meeting by Paul Wertz, moved by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

Ayes: Robert M. Valentine 2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

Adjournment at 7:29 p.m.

Submitted by
Valarie Bishoff
Clerk of Council