

THE CITY OF FREMONT, OHIO

Journal of Council

January 17, 2013

The regular meeting of Fremont City Council was called to order at 7:30 p.m. in the form prescribed by the General Rules of Council, with President James Weaver presiding.

The following members answered roll call: Knisely, Kreilick, Leake, Marker, Nalley, and Root. Ruiz was excused.

The minutes of the January 3, 2013 meeting were approved as written and received.

On motion by Nalley, seconded by Root, to go into executive session before regular council business pursuant to ORC 121.22(G)(3) to discuss pending court action with city attorneys with business to transpire thereafter, motion carried 6 yeas votes at 7:40 p.m.

Council returned to regular session at 9:50 p.m.

Upon request from President Jim Weaver to add items to agenda, on motion by Root, seconded by Marker, motion carried to add an ordinance to the agenda, making it item 4. On motion to add a second ordinance to the agenda making it item #5 by Nalley, seconded by Knisely, motion carried 6 yeas votes.

Third reading of an ordinance to authorize the expenditure and direct the Safety Service Director to enter into a contract or the 2013 pavement marking program with Zimmerman Paint Contractors Co. in the amount of \$79,515.90. On motion to adopt by Root, seconded by Marker, motion carried 6 yeas votes. (Ord. 2012-3621)

First reading of an ordinance waiving the requirement of the Ohio Revised Code Sections 735.01 and 737.01 that Safety Service Director Robert Ward become a resident of the city within six months after appointment, and declaring an emergency. On motion to suspend rule 4 by Marker, seconded by Knisely, motion carried 6 yeas votes. On motion to adopt by Knisely, seconded by Nalley, motion carried 6 yeas votes. (Ord. 2012-3622)

First reading of a resolution authorizing the approval and issuance of a warrant for payment of \$7,628.26 to Cass Information Systems, and declaring an emergency. On motion to suspend rule 4 by Root, seconded by Knisely, motion carried 6 yeas votes. On motion to adopt by Marker, seconded by Knisely, motion carried 6 yeas votes. (Res. 2012-1878)

First reading of ordinance by Fremont City Council to ratify the 2009 contract with Trucco Construction Co. Inc. previously executed by the Safety Service Director in the amount of \$3,615,646.98. On motion to suspend rule 4 by Root, seconded by Marker, motion carried 6 yeas votes. City Attorney Sam Wampler explained to council the reasons for ratifying the contract. On motion to adopt by Kreilick, seconded by Knisely, motion carried 6 yeas votes. (Ord. 2012-3623)

First reading of an ordinance authorizing the mayor to execute on behalf of the City of Fremont a settlement agreement between the /city and Arcadis, US Inc., Trucco Construction Co. Inc. and H.M. Miller Construction Co. in a form approved by the Law Director, in connection with Case No. 10 CV1122 filed in Sandusky County Common Pleas Court regarding Trucco Construction Co Inc.; Case No. 12 CV 758 filed in Sandusky County Common Pleas Court regarding H.M. Miller Construction Co.; and case No. 12 CV 1292 filed in Sandusky County Common Pleas Court regarding Arcadis US Inc. and to execute all documents and take action as required under the agreement, and declaring and emergency. On motion to suspend rule 4 by Knisely, seconded by Root, motion carried 6 yeas votes. City Attorney David Arnold also explained the litigation process and Arcadis' limits of liability. On motion to adopt by Root, seconded by Marker, motion carried 6 yeas votes. (Ord. 2012-3624)

Joe Michels of 1614 Birchard Avenue, asked about cost of lawyer fees of the settlement approved in the preceding ordinance. He declared he has problem with the agreement since residents will pay the brunt of all costs, especially if reservoir fails.

Mayor said he recommends adoption of the ordinance in order to close this chapter of the city's dealings with the lawsuits pertaining to the reservoir construction, and said he cannot deny that residents will pay for the mistake. However, it is the best resolution since the alternative will be much more expensive and the outcome unpredictable. No rate increase will be issued in 2013 and rate increases for 2014 could be the last increase related to reservoir project and, he said, will not be too bad.

Nalley requested Attorney Wampler to explain the "no disparagement and confidentiality" clause in the settlement. Michels said this term does not allow the city to examine the problem to prevent a similar situation in future.

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Mayor responded that city officials have examined it and have lived with it for several months, but it's the best of a bad situation.

Leake said he agreed with both Michels and the mayor and the ones responsible for the problem have not been held accountable.

Melle said this is the best of a bad situation and the settlement will allow the city to close a dark chapter of its history.

Committee reports

Marker reported the Rec center met welcomed new members Randy Rohm and Chad Burnt.

Kreilick reminded everyone that the Utilities Committee will have a meeting on February 7 at 6:30 p.m. to discuss using gas engines on the new reservoir.

Council members' comments

Nalley encouraged all council members to attend the TMACOG General Assembly on Jan. 29 in Perrysburg where the guest speaker from La-Z-Boy Corporation will talk about how a business may choose to locate in a specific community. He informed the group that Mayor Ellis and Mike Jay will be two of the cooks at the Cooking Men Fundraiser for Memorial Hospital on Feb. 9 at the American Legion. Regarding the settlement of reservoir lawsuits, he said it is difficult to approve the expenditures, but necessary. It has provided lessons on how to operate in the future, he added.

Marker said he is glad to close reservoir project then he congratulated Bob Ward on his appointment as the new Safety Service Director.

Kreilick acknowledged the bittersweet resolution of the reservoir project and said the city will go forward smarter. She thanked to those who made the settlement possible.

Leake reported that there would be no Marti Luther King Jr. service or the march since local NAACP members planned to attend the presidential inauguration.

Law Director Jim Melle thanked council for the tough vote to approve reservoir settlement.

Auditor Paul Grahl promised to bring the 2013 budget to council in February.

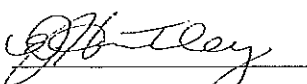
Ward thanked council for vote and reported that 49 police officer applicants and 120 firefighters applicants completed tests recently. He said that at the reservoir, signs are going up to prohibit snowmobiles and other motorized vehicles there other than in authorized areas and reported that a portion of the WPCC renovation plans is completed so far, and that the cleaned up of the Terry property on Wood Street will be completed shortly. After a question by Root, Ward said reservoir will start filling in two weeks.

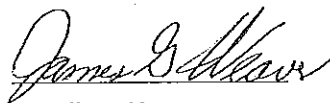
The mayor reported that the Rec center will close all day Sat., Jan 19, due to fire testing; and he thanked Justin Smith for his service on the Rec Board. Then, he reported that a new Mexican restaurant in is coming to Liberty Square, in WalMart area. He said he will ask council to approve a liquor license for up to 2:30 a.m. for the business later. Hodi Development, of Sandusky Township, will request water from the city as well as annexation. He also thanked council for the tough decision to approve reservoir project settlement.

Public comments

Joe Michels, 1614 Birchard Ave., asked that a letter from ODNR be reviewed by council members and asked, since litigation is over, if the restored computer hard drives will be available to see. Melle said when they are available the public can access the hard drives.

There being nothing further to come before council, on motion to adjourn by Knisely, seconded by Root, motion carried 6 yea votes. Meeting adjourned at 10:58 p.m.


Clerk of Council


Council President