



MINUTES OF: LEBANON CITY COUNCIL

Date: MARCH 10, 2015

Council of the City of Lebanon met in regular session on March 10, 2015 in the Council Chambers. The meeting was called to order at 7:00 p.m. with the following members present; Messrs: Norris, Dearie, Kaiser, Messer, Mrs. Monroe and Mayor Brewer. Also present was City Manager, Pat Clements, City Auditor, Sharee' Dick, City Attorney, Mark Yurick, and Deputy City Manager, Scott Brunka.

Motion to excuse Mr. Rodriguez from this evenings meeting was made by Mr. Dearie seconded by Mr. Kaiser. Mayor Brewer asked for a show of hands, all were in favor.

The JROTC Color Guard presented the Colors and everyone said the Pledge of Allegiance. The invocation was given by Mr. Norris.

At this time Mayor Brewer asked for consideration of Council minutes for the February 24th Council meeting. Motion to adopt the minutes as submitted was made by Mr. Norris seconded by Mr. Messer. Roll call vote to adopt was as follows: Mr. Norris, yes; Mr. Dearie, yes; Mr. Kaiser, abstained; Mayor Brewer, yes; Mrs. Monroe, yes; Mr. Messer, yes. Motion to adopt the March 3rd work session minutes was made by Mr. Dearie seconded by Mr. Kaiser. Roll call vote to adopt was unanimous in favor.

Mayor Brewer presented a Certificate of Achievement to Zach Arns.

Mayor Brewer presented a Proclamation for Developmental Disabilities Awareness Month.

Ordinance No. 2015-025 An Ordinance amending Chapter 133 of the Codified Ordinances providing for Employment Provisions was read in title only by the City Attorney. This legislation will amend Section 133.02 of the Codified Ordinances, "Approved Positions and Titles and Allocation to Grades", providing for the addition of the Fire Marshal, Grade 3, position. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2015-025 was made by Mr. Norris seconded by Mr. Messer. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2015-036 A Supplemental Appropriation Ordinance and declaring an emergency was read in title only by the City Attorney. This legislation will approve an additional appropriation in the General Fund in the amount of \$19,500 to support the purchase of a 2015 sedan from the State Bid List for the Municipal Court Bailiff. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2015-036 was made by Mr. Norris seconded by Mr.

Messer. Mr. Kaiser asked for clarification on the vote on this legislation. Mr. Yurick explained this was a second reading with emergency language and it would take 5 votes of the 6 present for the legislation to become effective immediately. The Clerk stated there was a letter from Mr. Rodriguez stating his opposition to this legislation that would be attached to the minutes as a permanent record. Mayor Brewer said that she was disappointed with the actions of Mr. Rodriguez regarding this legislation. Roll call vote to adopt was as follows: Mr. Norris, yes; Mrs. Monroe, yes; Mr. Kaiser, no; Mr. Dearie, yes; Mr. Messer, yes; Mayor Brewer, yes.

Resolution No. 2015-037 A Resolution approving the defense of Litigation initiated by NIBCO, Inc. in connection with amounts due for electric service and the retention of Taft Stettinius & Hollister, LLP for this litigation was read in title only by the City Attorney. This legislation will approve the defense of litigation initiated by NIBCO, Inc. in connection with their failure to pay amounts due for electric service provided to their facility located at 2800 Henkle Drive, and approving the retention of the law firm of Taft Stettinius & Hollister, LLP for this litigation. Mr. Clements explained the legislation. Mr. Yurick stated that he worked for this firm but would not be involved in this litigation. Motion to adopt Resolution No. 2015-037 was made by Mr. Dearie seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2015-038 An Ordinance authorizing the City Manager to execute an agreement with Brunk Excavating Inc., and declaring an emergency was read in title only by the City Attorney. This legislation will approve an agreement with Brunk Excavating Inc. to perform the Public Works Facility Demolition Project at a cost of \$61,922. The project involves the demolition of the 5 structures comprising the Public Works complex at 511 N. Broadway that will be vacated upon completion of the Municipal Service Facility on West Main St. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2015-038 was made by Mr. Dearie seconded by Mr. Messer. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2015-039 A Supplemental Appropriation Ordinance and declaring an emergency was read in title only by the City Attorney. This legislation will approve an additional appropriation in the Capital Improvement Fund in the amount of \$70,000 to support the Public Works Demolition Project. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2015-039 was made by Mr. Messer seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2015-040 An Ordinance authorizing the City Manager to execute an agreement with Rack & Ballauer Excavating Co., Inc., and declaring an emergency was read in title only by the City Attorney. This legislation will approve an agreement with Rack & Ballauer Excavating Co. to perform the High Street Reconstruction Project in the amount of \$944,223. This project was awarded a \$250,000 grant from the Community Development Block Grant Program to assist in the costs of the roadway construction and new storm sewer. The remaining costs will be funded from the Capital Improvement Fund in the amount of \$553,233, the Water System Improvement Fund in the amount of \$174,249, the Sewer System Improvement Fund in the amount of \$141,741, and the Storm Water Fund in the amount of \$75,000.

Ordinance No. 2015-041 An Ordinance to approve the record plan for the final Plat of Kingsview Subdivision Section 5, and declaring an emergency was read in title only by the City Attorney. This legislation will approve the re-plat of the 17.7 acre City-owned lot in Kingsview Industrial Park, to remove the 300 foot water well protection zones that are no longer required due to the removal of the water wells in 2012, as recommended by the Planning Commission. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2015-041 was made by Mr. Dearie seconded by Mr. Norris. Mr. Kaiser stated that he did not support this legislation due to the emergency language. Mrs. Monroe said she was in support because the water wells on that property had been decommissioned and she felt it made the property more marketable. Roll call vote to adopt was as follows: Mr. Dearie, yes; Mr. Kaiser, no; Mrs. Monroe, yes; Mayor Brewer, yes; Mr. Messer, yes; Mr. Norris, yes.

Mayor Brewer asked for the City Manager's report. Mr. Clements advised the next work session would be March 16th, the next regular Council meeting would be March 24th, the Board of Festivals and Tourism would meet March 12th at 5:00 and Planning Commission would be March 17th.

Mr. Norris said there were many fund raising events going on in the community and he encouraged everyone to support these venues.

Mr. Messer said the YMCA Gala was a very successful fund raising event this past weekend.

Mayor Brewer said that the YMCA Gala, HDLI and the LebFest events this past weekend were all a huge success.

There being no further business to come before this Council motion to adjourn the meeting was made by Mr. Norris seconded by Mr. Messer. Roll call vote to adjourn was unanimous in favor. The meeting was adjourned at 7:35 p.m.

Passed:

Mayor

Clerk