MEMORANDUM

To: Mayor & Members of Council

From: Jon Bisher/rd

Subject: General Information Date: February 1, 2013

CALENDAR

AGENDA - City Council; Monday, February 4th @ 7:00 pm

C. STATE OF THE CITY ADDRESS

D. APPROVAL OF MINUTES – January 21, 2013

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. ORDINANCE No. 005-13 an Ordinance providing for the Issuance and Sale of Notes in the Maximum Principal amount of \$2,500,000 in anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Constructing a New Water Treatment Plant, acquiring and improving related interest in Real Property, improving and rehabilitating the Existing Water Treatment Plant and related Storage Facilities, and rehabilitating the Vocke Street Water Tower, together with all necessary and related appurtenances thereto, and Declaring an Emergency. (Suspension Requested)

I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **ORDINANCE No. 003-13** an Ordinance to Approve the Current December 2012 Replacement Pages to the Napoleon Codified Ordinances.

J. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 002-13** an Ordinance Amending Chapter 955 of the Codified Code of the City of Napoleon to Adjust the Recreational Fees and to Establish the Recreation Program Participation Fee.

K. GOOD OF THE CITY

- 1. Award Bid for Haley Avenue Interceptor I/I Reduction Project (L.T.C.P. Project No. 17B)
 - a. The enclosed Memorandum from Chad shows the two (2) bids we received and gives his recommendation for award.
- 2. Approval of Specifications for Purchase of Two (2) Patrol Cars for the Police Department
 - a. Enclosed is Chief Weitzel's Memorandum along with a copy of the specifications for the 2013 Dodge Charger.

- 3. Direct the Law Director to Review Ordinance No. 010-07 and make changes as needed to Implement Changes for Onsite Taking of Credit and Debit Cards for Payment of Services, and to Continue Passing on of Conveyance Fees as Currently Established.
 - a. This item was recommended by the Finance and Budget Committee (F.2. above)
- 4. Direct the Law Director to Bring Legislation Regarding Increased EMS Fees as recommended by the Safety & Human Resources Committee,
 - a. and as reported out from Item F.3.
- 5. Further Discussion on the Mini-Excavator
 - a. Included in the packet is Chad's January 21st Memorandum.
- 6. Review of EMS Transport Service Rates with Townships (Assign to Committee)

INFORMATIONAL ITEMS

- 1. From Greg Form No. OEC-2012, Ohio Ethics Commission, *Financial Disclosure Statement*
- 2. House Republicans Introduce First Legislative Initiatives

RELATED ITEMS

- 1. **CANCELLATION** Technology Committee
- 2. AMP UPDATE/January 25, 2013
- 3. OML LEGISLATIVE BULLETIN/January 25, 2013

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Records Retention
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Calendar

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City of Napoleon, Ohio

CITY COUNCIL

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

MEETING AGENDA

Monday, February 4, 2013 at 7:00 PM

- **A. Attendance** (*Noted by the Clerk*)
- B. Prayer & Pledge of Allegiance
- C. State of the City Address: Mayor Ronald A. Behm
- **D.** Approval of Minutes: 1/21/13 (In the absence of any objections or corrections, the minutes shall stand approved.)
- E. Citizen Communication
- F. Reports from Council Committees
 - 1. Parks & Recreation Committee did not meet on Monday, January 21 due to lack of agenda items.
 - 2. Finance & Budget Committee (Majority Report) met on Monday, January 28 and recommended:
 - a. To continue with passing on to customers the conveyance fees as currently established
 - **b.** To amend Ordinance 010-07 as needed to implement changes for onsite taking of credit and debit cards for payment of services
 - **c.** To move ahead with legislation for the issuance of a \$2.5 million note including an emergency clause with suspension requested
 - 3. Safety & Human Resources Committee (Majority Report) met on January 28 and recommended:
 - a. To follow Med3000 recommendations for rate increases including mileage
- G. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
 - 1. Civil Service Commission met on Tuesday, January 22 with the following agenda items:
 - a. Election of chairperson
 - **b.** Promotional Exam for Police Lieutenant
 - c. Testing for Police and Fire, open items
 - d. Review of Forms A-K
 - e. Review of Fire Fighter/Paramedic Job Application
 - 2. Volunteer Fire Fighters' Dependents Fund Board met on Monday, January 28 with these agenda items:
 - a. Appointment of Fifth Member
 - **b.** Members' Oath of Office
 - **c.** Election of Officers
 - 3. Parks & Recreation Board met on Wednesday, January 30 with the following agenda items:
 - a. Organization of the Board
 - b. Discussion/Action on Swimming Pool Weekend Rentals
 - c. Discussion on Budgetary Issues

H. Introduction of New Ordinances and Resolutions

1. Ordinance No. 005-13 An Ordinance providing for the issuance and sale of notes in the maximum principal amount of \$2,500,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the municipal water system by constructing a new water treatment plant, acquiring and improving related interest in real property, improving and rehabilitating the existing water treatment plant and related storage facilities, and rehabilitating the Vocke Street Water Tower, together with all necessary and related appurtenances thereto, and declaring an emergency (Suspension Requested)

I. Second Readings of Ordinances and Resolutions

1. Ordinance No. 003-13 An Ordinance to approve the current December 2012 replacement pages to the Napoleon Codified Ordinances

J. Third Readings of Ordinances and Resolutions

- 1. Ordinance No. 002-13 An Ordinance amending chapter 955 of the Codified Code of the City of Napoleon to adjust the Recreational Fees and to establish the Recreation Program Participation Fees
- **K.** Good of the City (Any other business as may properly come before Council, including but not limited to:)
 - 1. Discussion/Action: Award Bid for Haley Ave. Interceptor I/I Reduction Project (LTCP #17B)
 - 2. Discussion/Action: Approval of specifications for purchase of two patrol cars

- **3. Discussion/Action:** Direct the Law Director to review Ordinance 010-07 and make changes as needed to implement changes for onsite taking of credit and debit cards for payment of services, and to continue passing on of conveyance fees as currently established
- **4. Discussion/Action:** Direct the Law Director to bring legislation regarding increased EMS fees as recommended by the Safety & Human Resources Committee
- **5. Discussion/Action:** Further discussion on the mini-excavator
- 6. Discussion/Action: Review of EMS Transport Service Rates with Townships (Assign to Committee)
- L. Executive Session: Personnel
- M. Approve Payment of Bills and Approve Financial Reports (In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)
- N. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, March 4, 2013 @ 8:00 PM – February meeting is canceled.)

a. Review Possibility of MIS Assistant Position (Tabled)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, February 11 @ 6:30 PM)

- a. Review of Electric Billing Determinants
- b. Electric Department Report
- c. Performance Audit for the Electric Department (Tabled)

3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)

(Next Regular Meeting: Monday, February 11 @ 7:00 PM)

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, February 11 @ 7:30 PM)

a. Updated Info from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, February 18 @ 8:00 PM)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, February 25 @ 6:30 PM)

7. Safety & Human Resources Committee (4th Monday)

(Next Meeting: Monday, February 25 @ 7:30 PM)

2013 Meetings with Townships scheduled for March 25, July 22, November 25

Agenda Item: Review of EMS Costs & Revenues

8. Personnel Committee (As needed)

B. Items Referred or Pending In Other City Committees, Commissions & Boards

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, February 11 @ 6:30 PM)

- a. Review of Electric Billing Determinants
- **b.** Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, March 12 @ 4:30 PM – February meeting is canceled.)

a. BZA 12-10 Item #1 (Tabled)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, February 12 @ 5:00 PM)

- a. PC 13-01 Preliminary Plat
- **b.** PC 13-02 Rezoning
- c. PC 13-03 Review of Changes to Planning & Zoning Codes

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, February 18 @ 6:00 PM)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, February 22 @ 4:30 PM)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, February 27 @ 6:30 PM)

7. Privacy Committee (2nd Tuesday in May & November)

(Next Regular Meeting: Tuesday, May 14 @ 10:30 AM)

8. Records Commission (2nd Tuesday in June & December)

(Next Regular Meeting: Tuesday, June 11 @ 4:00 PM)

9. Housing Council (1st Monday of the month after the TIRC meeting)

(Next Meeting: Monday, May 6, 2013? @ 6:30 PM)

- **10. Health Care Cost Committee** (As needed)
- 11. Preservation Commission (As needed)
- 12. Infrastructure/Economic Development Fund Review Committee (As needed)
- **13. Tax Incentive Review Council** (As needed)
- **14. Volunteer Firefighters' Dependents Fund Board** (As needed)
- 15. Lodge Tax Advisory & Control Board (As needed)
- 16. Board of Building Appeals (As needed)
- 17. ADA Compliance Board (As needed)
- **18. NCTV Advisory Board** (As needed)

CITY COUNCIL

Meeting Minutes

Monday, January 21, 2013 at 7:00 PM

PRESENT

Council John Helberg (President), Jeffrey Lankenau, James Hershberger, Patrick McColley,

Christopher Ridley, Jason Maassel

City Manager Law Director Dr. Jon A. Bisher Trevor M. Hayberger Gregory I. Heath

Finance Director/Clerk Recorder Gregory J. Heath Kristi Rhoads

City Staff

Robert Bennett, Fire Chief

Dennis Clapp, Electric Superintendent

Chad Lulfs, City Engineer

Dan Wachtman, MIS Administrator

Others

News Media

ABSENT

Council Travis Sheaffer Others Mayor Ron Behm

Call To Order

President Helberg called the meeting to order at 7:00 PM with the Lord's Prayer followed by the Pledge of Allegiance.

Minutes Approved

Minutes of the January 7 Council meeting stand approved with no objections.

Citizen

Communication

Introduction of Rob McColley, new CIC Director.

Reports From Committees

- The Technology & Communication Committee did not meet on Monday, January 7 due to lack of agenda items.
- The Electric Committee met on Monday, January 14 and recommended approval of electric billing determinants. They discussed, but took no action on *Review of Net Metering Policy*. They tabled *Performance Audit for the Electric Department* pending further information from staff
- The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on January 14 due to lack of agenda items.
- The Municipal Properties, Buildings, Land Use and Economic Development Committee did not meet on January 14 due to lack of agenda items.

Introduction Of Ordinance No. 003-13 President Helberg read by title Ordinance No. 003-13 An Ordinance to approve the current December 2012 replacement pages to the Napoleon Codified Ordinances

Motion To Approve First Read Motion: Lankenau Second: Maassel To approve first read of Ordinance No. 003-13

Discussion

Helberg asked if they want 3 reads on this

Hayberger does want 3 reads.

Passed Yea- 6 Nay- 0 Roll call vote to approve first read of Ordinance No. 003-13 Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

Nay-

Introduction Of Resolution No. 004-13 President Helberg read by title Resolution No. 004-13 A Resolution authorizing the City Manager to execute the Efficiency \$mart Rebate Agreement project #5201-

4171; and Declaring an Emergency

Motion To Approve First Read Motion: McColley Second: Maassel To approve first read of Resolution No. 004-13

Discussion

Clapp says the lighting is much much better in the back. The guys aren't in fear of tripping over or running into anything anymore. Also, the rebate is coming in two parts.

Motion to Suspend the

Motion: Lankenau Second: Ridley To suspend the rules

Rules

Passed Roll call vote on above motion

Yea- 6 Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

Nay- 0 Nay-

Passed
Yea- 6
Nay- 0

Roll call vote to pass Ordinance No. 002-13 under suspension of the rule
Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley
Nay-

Second Read Of Ordinance No. 002-13

President Helberg read by title Ordinance No. 002-13 An Ordinance amending chapter 955 of the Codified Code of the City of Napoleon to adjust the Recreational Fees and to establish the Recreation Program Participation Fees

Motion To Approve Second Read Motion: Maassel Second: McColley To approve second read of Ordinance No. 002-13

Discussion

Bisher informed the board that Parks and Rec Committee doesn't meet until next Wednesday.

McColley asked if we pass this today and it changes it goes back to Second read?

Helberg confirms this is true.

Passed Yea-6 Nay-0 Roll call vote to approve second read of Ordinance No. 002-13 Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley Nay-

No 3rd Readings

There were no third readings of Ordinances and Resolutions.

GOOD OF THE CITY <u>Discussion/Action</u>

Motion To Approve Billing Determinants Motion: McColley Second: Maassel

To accept the recommendation for approval of January electric billing determinants

as follows:

Generation Charge: Residential @ \$.08140; Commercial @ \$.10018; Large Power @ \$.04858; Industrial @ \$.04858; Demand Charge Large Power @ \$15.15; Industrial @ \$17.27; JV Purchased Cost: JV2 @ \$.04749; JV5 @ \$.04749

Passed Roll call vote on above motion:

Yea- 6 Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

Nay- 0 Nay-

Council Meeting Minutes 2 of 5

Purchase Of Pickup Truck For Electric Dept. Clapp says we tried to purchase a truck through Snyder's Chevrolet but they couldn't match the quoted price from late last year. So we went through the State dealer, Ross from Dayton. It will have a V8 in it which is bigger than the truck Greg drives around because we need it to pull trailers and to make sure we don't get stuck in fields or yards. Will come with spot light, hitch & wiring, spray in bed liner. Does not come with a radio or plates. Purchase price is \$24,500. We budgeted \$25,000. Maassel asked if Snyder's would match the price and Clapp states that they could not.

McColley asked Clapp if this was replacing a vehicle and Clapp says yes.

Motion To Approve Purchase of a Pickup truck for the Electric Department Motion: McColley Second: Hershberger

To Approve Purchase of a Pickup truck for the Electric Department

Passed

Yea – 6 Nav - 0 Roll call vote on above motion:

Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

Nay-

Purchase Of Pickup Truck For Engineering Dept. Replace the Construction Inspector's truck. It was a quoted price from Snyder's that came in under budget and under \$25,000.

Per Heath, they did follow council's established policy regarding that. They matched the state contract.

Motion To Approve the Purchase of Pickup truck for Engineering Motion: Lankenau Second: Maassel

To Approve the Purchase of Pickup Truck for Engineering Department

Passed

Yea - 6 Nav - 0 Roll call vote on above motion:

Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

Nay-

Accept a check from a Class Action Claim

Bisher stated that we need to talk about another matter first before we discuss the excavator. Heath instructs the board to see the handout of a check for \$348,546.67 We received a check for a settlement for a class action claim. We can use the money as we see fit. We are going to put it back into the water fund. This is from a weed killer leaking into water supply and the cost involved to fix it.

Motion To Accept Check and Deposit into Water Fund Motion: McColley Second: Lankenau To Accept the check and Deposit into the Water Fund

Passed

Yea - 6 Nay - 0 Roll call vote on above motion:

Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

Nay-

Purchase Of Mini Excavator Lulfs handed out a memo regarding the specifications of the excavator. With the trade in we are in the \$85,000 to \$90,000 range.

See memo.

Lankenau asked what the shelf life is on one like this.

Lulfs and Rathge both said right around 12 to 15 years depending on the use.

McColley asked what the age is of the one we're trading in.

Lulfs said it's an '01.

Rathge informs he had been looking at a Case model but it doesn't have a zero tail

swing which would be a huge advantage to us. It's also a safety issue stated Lulfs.

Motion To Purchase Mini Excavator Motion: Lankenau Second: Hershberger

To Purchase Mini Excavator

Passed

Roll call vote on above motion:

Yea – 6 Nav – 0 Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

Nay-

Donation For Kidz Kingdom Lankenau explains that the project was over funded by about \$25,000 - \$26,000 so the remaining was turned into a maintenance fund and used the Henry County

Foundation and is tax free.

Motion To Accept the donation of \$750.00 for Kidz Kingdom from Henry County Community Foundation Motion: Ridley Second: Hershberger

To accept the donation of \$750.00 for Kidz Kingdom from the Henry County

Community Foundation

Passed

Roll call vote on above motion:

Yea - 6 Nay - 0 Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

Nay-

Review Of EMS Transport Rates Assigned To Safety & Human Resources Committee Review Of EMS Transport Rates referred to Safety & Human Resources Committee.

Policy On Taking Credit & Debit Cards For Payment Of Services Assigned To Heath states this is becoming more important as we will be needing to take payments for Parks & Rec fees. Also, it will be useful for utility bills and court payments. We can add on conveyance fees ourselves instead of going through a third party.

This isn't a rate; it's a form of payment.

Helberg thinks this should go to Finance & Budget and if it needs to go to BOPA we

can send it on.

Good Of The City (Cont.)

Heath had an update from the Ohio Ethics Committee to go over. There's a change in the way you can file. These are required annually but they aren't sending out preprinted forms anymore. He stated everyone can file for 2013 online, print out last page and Council will reimburse or you can print it and we will mail them all at once.

Lankenau thinks everyone should print it out and send them all in as a bulk mailing. That way everything is together and it's all in one check.

Motion To Go Into Executive Session

Motion: Lankenau Second: Maassel

To go into Executive Session to discuss purchase of property

Passed Roll call vote on above motion:

Yea- 6 Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley

Nay- 0 Nay-

Into Executive Session Council went into Executive Session at 7:48 PM.

Motion To Come Out Motion: McColley Second: Ridley To come out of Executive Session. **Of Executive Session** Roll call vote on above motion: **Passed** Yea- 6 Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley Nay- 0 Nay-Council came out of Executive Session at 8:08 PM. President Helberg reported that **Out Of Executive** Session the discussion was regarding future purchase of property and no action was taken. Bills and reports stand approved as presented with no objections. **Approval Of Bills** Motion To Adjourn Motion: Lankenau Second: McColley To adjourn the meeting. **Passed** Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Hershberger, Helberg, McColley **Yea - 6** Nay - 0 Nay-Meeting adjourned at 8:10 PM. Adjournment John A. Helberg, Council President Approved: February 4, 2013 Ronald A. Behm, Mayor Gregory J. Heath, Finance Director/Clerk of Council

ORDINANCE NO. 005-13

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,500,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL WATER \mathbf{BY} CONSTRUCTING NEW A TREATMENT PLANT, ACQUIRING AND IMPROVING RELATED **INTERESTS** IN REAL PROPERTY. IMPROVING AND REHABILITATING THE EXISTING WATER TREATMENT PLANT AND RELATED STORAGE FACILITIES, AND REHABILITATING THE ELEVATED STORAGE TANKS, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO, AND **DECLARING AN EMERGENCY.**

WHEREAS, the Finance Director, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is at least thirty (30) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty (240) months;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Napoleon, Henry County, Ohio, that:

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$2,500,000 (the "Bonds") for the purpose of paying the costs of improving the municipal water system by constructing a new water treatment plant, acquiring and improving related interests in real property, improving and rehabilitating the existing water treatment plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto (the "Improvement").

Section 2. The Bonds shall be dated approximately April 1, 2014, shall bear interest at the now estimated rate of 5.50% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2014.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$2,500,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to pay the costs of the Improvement and any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Finance Director in the certificate awarding the

Notes in accordance with Section 6 of this Ordinance (the "Certificate of Award") as the amount which, along with other available funds of the City, is necessary to pay the costs of the Improvement and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance; provided that the Finance Director shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Finance Director in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser (the "Paying Agent").

Section 5. The Notes shall be signed by the City Manager and Finance Director, in the name of the City and in their official capacities; *provided* that one of those signatures may be a facsimile. The Notes shall also be countersigned by the Mayor; *provided* that the signature of the Mayor may be a facsimile. The Notes shall be issued in denominations and with numbers as requested by the original purchaser and approved by the Finance Director; *provided* that no Note shall be issued in a minimum denomination less than \$100,000 (and may be issued in denominations in excess thereof as requested by the original purchaser and approved by the Finance Director). The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record

ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Finance Director in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or

appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to withhold certain proceeds from the sale of the Notes to provide for the payment of certain financing costs on behalf of the City. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent net revenues from the municipal water utility are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the municipal water utility, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes and the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Finance Director or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Section 11. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance and the Certificate of Award to the County Auditor of Henry County, Ohio.

Section 12. The Finance Director is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or Standard & Poor's Ratings Service, or both, as the Finance Director determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Sanders (US) LLP are hereby retained in connection with the authorization, issuance and sale of the Notes. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Sudsina & Associates, LLC are hereby retained in connection with the authorization, issuance and sale of the Notes. Those services shall be in the nature of financial advice and recommendations in connection with the sale and issuance of the Notes. For those services that financial advisor shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general

property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to timely award contracts for the preliminary design, and the planning and testing required to determine the feasibility, of the construction of the Improvement, all to prevent the potential of certain unsanitary conditions in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: February, 2013			
	John A. Helberg, Council President		
Approved: February, 2013	Ronald Behm, Mayor		
VOTE ON PASSAGE Yea 1	Nay Abstain		
Attest:			
Gregory J. Heath, Clerk of Council			
Ordinance No13 was duly published in the in said City on the day of February, 20	ty of Napoleon, do hereby certify that the foregoing Northwest Signal, a newspaper of general circulation 113; and I further certify the compliance with rules ances of Napoleon, Ohio and the laws of the State of		
	Gregory J. Heath, Clerk of Council		

CERTIFICATION OF RECORDS

egory J. Heath, Clerk of Council	Date	

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Napoleon, Ohio:

As fiscal officer of the City of Napoleon, Ohio, I certify in connection with your proposed issue of notes in the maximum principal amount of \$2,500,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") for the purpose of paying the costs of improving the municipal water system by constructing a new water treatment plant, acquiring and improving related interests in real property, improving and rehabilitating the existing water treatment plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto (the "Improvement"), that:

- 1. The estimated life or period of usefulness of the Improvement is at least five years.
- 2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20, Ohio Revised Code, is at least thirty (30) years, being my estimate of the life or period of usefulness of that Improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
 - 3. The maximum maturity of the Notes is two hundred forty (240) months.

Dated: February, 2013	
•	Finance Director
	City of Napoleon, Ohio

INVITATION FOR PROPOSALS

\$2,500,000 City of Napoleon, Ohio Capital Facilities Notes, Series 2013

General Obligation Bond Anticipation Notes (Limited Tax Bonds)

<u>Invitation for Proposals</u>. The City of Napoleon, Ohio (the "City"), is planning to issue \$2,500,000 Capital Facilities Notes, Series 2013 (the "Notes"). By this Invitation for Proposals (the "Invitation"), the City is inviting written (including facsimile or electronic mail) proposals, or oral proposals communicated by telephone, for the purchase, at not less than 100% of par and accrued interest, of all of the Notes. Proposals will be received until 11:00 a.m., Ohio time, on Thursday, February 21, 2013. Each proposal shall specify the single rate of interest that the Notes are to bear. A suggested proposal form that may, but need not, be used is attached.

<u>Proposals</u>. Written or oral proposals will be received by the undersigned at the office of the Finance Director of the City at the address or phone number stated below. Oral proposals will be promptly confirmed in writing by the undersigned. Written proposals may either be delivered to the aforesaid location, or, at the risk of the proposer, may be faxed to the undersigned whose fax number is (419) 599-8393 or sent by electronic mail to the undersigned whose electronic mail address is gheath@napoleonohio.com. Any proposer that attempts to use facsimile transmission or electronic mail assumes the risk that its proposal is not received or that the proposer is unable to communicate on a facsimile or electronic mail basis, whether such inability is by reason of equipment malfunction, human error, prior use of facsimile equipment or any other cause whatsoever.

Basic Terms of the Notes. The Notes will be dated March 7, 2013; will mature March 6, 2014 without option of call or prior redemption or prepayment; and will bear interest at a rate not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months) from their date payable at maturity. The Notes will be issued in such denominations as requested by the original purchaser and approved by the undersigned, *provided* that the Notes shall be issued in the minimum denominations of \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$1,000 or any whole multiple thereof.

The City anticipates the Notes will be retired at maturity from proceeds from the sale of the long-term bonds in anticipation of which the Notes are issued, proceeds from the sale of renewal bond anticipation notes and other available funds of the City, or a combination of such sources. The ability of the City to retire the Notes from the proceeds of the sale of either renewal notes or bonds will be dependent on the marketability of such notes or bonds under market conditions prevailing at the time they are offered for sale.

No Official Statement. No official statement or other disclosure document meeting the requirement of Rule 15c2-12 of the Securities and Exchange Commission is available and

therefore an original purchaser must avail itself of the exemption provided in subparagraph (d)(1) of that Rule limiting sales of the Notes to no more than 35 persons each of whom the original purchaser reasonably believes (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of investment in the Notes and (ii) is not purchasing the Notes for more than one account or with a view toward distributing or reselling the Notes.

<u>Payment of Principal and Interest; Paying Agent</u>. The Notes will be payable in federal reserve funds of the United States of America at the designated corporate trust office of The Huntington National Bank, in Columbus, Ohio, or at such other office of a bank or trust company designated by the Finance Director after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser (the "Paying Agent").

<u>Basis of Award</u>. At the time and date stated above, the Finance Director will consider the proposals submitted and will award the Notes on the basis of the proposal resulting in the sale of the Notes at the lowest net interest cost to the stated maturity. The lowest net interest cost will be determined by taking the amount of interest from the date of the Notes to the stated maturity date and deducting therefrom the amount of any premium. In the event of tie proposals, the successful proposal will be selected by lot in a manner determined by the Finance Director. Any informality or failure to conform to the instructions contained in this Invitation may be waived by the Finance Director, and the Finance Director may reject any or all of the proposals presented. All determinations and the award by the Finance Director shall be final.

Book Entry. At the request of the original purchaser, the Finance Director may authorize the Notes to be issued as fully registered securities (for which the City will serve as note registrar) in book entry only form for use in the book entry only system of The Depository Trust Company, New York, New York ("DTC"). Fully registered Notes issued in the book entry only system of DTC will be retained and immobilized in the custody of DTC or its designated agent. For all purposes under the Note proceedings, DTC will be and will be considered by the City and the Paying Agent to be the owner or holder of the Notes. Owners of book entry interests in the Notes (book entry interest owners) will not receive or have the right to receive physical delivery of Notes, and will not be or be considered by the City and the Paying Agent to be, and will not have any rights as, owners or holders of Notes under the Note proceedings. The original purchaser will be responsible for (i) completing and delivering to DTC, prior to delivery of the Notes, the appropriate DTC "Eligibility Questionnaire" and (ii) any fees and expenses imposed by DTC (see Costs of Issuance).

<u>Purpose, Security and Authorization of Notes</u>. The Notes are to be issued in anticipation of the issuance of bonds for the purpose of paying the costs of improving the municipal water system by constructing a new water treatment plant, acquiring and improving related interests in real property, improving and rehabilitating the existing water treatment plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto.

The bonds in anticipation of which the Notes are issued, unless paid from other sources and subject to bankruptcy laws and other laws affecting creditors' rights and to the exercise of judicial discretion, are to be paid from the proceeds of the levy of ad valorem taxes on all property subject to ad valorem taxes levied by the City, which taxes are within the ten-mill limitation imposed by law. The maximum maturity of bond anticipation notes for the improvements is two hundred forty (240) months.

Rating. No application for a rating on the Notes has been made by the City.

<u>Costs of Issuance</u>. The successful proposer will be responsible for the fees of CUSIP, DTC, the Ohio Municipal Advisory Council ("*OMAC*") and any other industry assessments. Payment of the fees and costs of CUSIP, DTC, OMAC and any other industry assessments shall be made by the successful proposer directly to the service providers. For information concerning OMAC, please contact OMAC at (330) 963-7444.

The City will be responsible for the payment of all other issuance costs, including the fees of Bond Counsel and the Paying Agent.

<u>Legal Opinion and Tax Matters</u>. Legal matters incident to the issuance of the Notes and with regard to the status of the interest on the Notes under existing federal and Ohio tax law are subject to the legal opinion of Squire Sanders (US) LLP, Bond Counsel to the City, which will be furnished without cost to the original purchaser at the time the Notes are delivered to it.

The legal opinion of Bond Counsel will include an opinion to the effect that under existing law: (i) interest on the Notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations and the Notes are qualified tax-exempt obligations as defined in Section 265(b)(3) of the Code; and (ii) interest on, and any profit made on the sale, exchange or other disposition of, the Notes are exempt from all Ohio state and local taxation, except the estate tax, the domestic insurance company tax, the dealers in intangibles tax, the tax levied on the basis of the total equity capital of financial institutions, and the net worth base of the corporate franchise tax. Bond Counsel will express no opinion as to any other tax consequences regarding the Notes.

The opinion on tax matters will be based on and will assume the accuracy of certain representations and certifications, and continuing compliance with certain covenants, of the City contained in the transcript of proceedings and that are intended to evidence and assure the foregoing, including that the Notes are and will remain obligations the interest on which is excluded from gross income for federal income tax purposes. Bond Counsel will not independently verify the accuracy of the City's certifications and representations or the continuing compliance with the City's covenants.

The opinion of Bond Counsel is based on current legal authority and covers certain matters not directly addressed by such authority. It represents Bond Counsel's legal judgment as to exclusion of interest on the Notes from gross income for federal income tax purposes but is

not a guaranty of that conclusion. The opinion is not binding on the Internal Revenue Service ("IRS") or any court. Bond Counsel expresses no opinion about (i) the effect of future changes in the Code and the applicable regulations under the Code or (ii) the interpretation and the enforcement of the Code or those regulations by the IRS.

The Code prescribes a number of qualifications and conditions for the interest on state and local government obligations to be and to remain excluded from gross income for federal income tax purposes, some of which require future or continued compliance after issuance of the obligations. Noncompliance with these requirements by the City may cause loss of such status and result in the interest on the Notes being included in gross income for federal income tax purposes retroactively to the date of issuance of the Notes. The City has covenanted to take the actions required of it for the interest on the Notes to be and to remain excluded from gross income for federal income tax purposes, and not to take any actions that would adversely affect that exclusion. After the date of issuance of the Notes, Bond Counsel will not undertake to determine (or to so inform any person) whether any actions taken or not taken, or any events occurring or not occurring, or any other matters coming to Bond Counsel's attention, may adversely affect the exclusion from gross income for federal income tax purposes of interest on the Notes or the market value of the Notes.

A portion of the interest on the Notes earned by certain corporations may be subject to a federal corporate alternative minimum tax. In addition, interest on the Notes may be subject to a federal branch profits tax imposed on certain foreign corporations doing business in the United States and to a federal tax imposed on excess net passive income of certain S corporations. Under the Code, the exclusion of interest from gross income for federal income tax purposes may have certain adverse federal income tax consequences on items of income, deduction or credit for certain taxpayers, including financial institutions, certain insurance companies, recipients of Social Security and Railroad Retirement benefits, those that are deemed to incur or continue indebtedness to acquire or carry tax-exempt obligations, and individuals otherwise eligible for the earned income tax credit. The applicability and extent of these and other tax consequences will depend upon the particular tax status or other tax items of the owner of the Notes. Bond Counsel will express no opinion regarding those consequences.

Payments of interest on tax-exempt obligations, including the Notes, are generally subject to IRS Form 1099-INT information reporting requirements. If a Note owner is subject to backup withholding under those requirements, then payments of interest will also be subject to backup withholding. Those requirements do not affect the exclusion of such interest from gross income for federal income tax purposes.

Bond Counsel's engagement with respect to the Notes ends with the issuance of the Notes, and, unless separately engaged, Bond Counsel is not obligated to defend the City or the owners of the Notes regarding the tax status of interest thereon in the event of an audit examination by the IRS. The IRS has a program to audit tax-exempt obligations to determine whether the interest thereon is includible in gross income for federal income tax purposes. If the IRS does audit the Notes, under current IRS procedures, the IRS will treat the City as the taxpayer and the beneficial owners of the Notes will have only limited rights, if any, to obtain and participate in judicial review of such audit. Any action of the IRS, including but not limited

to selection of the Notes for audit, or the course or result of such audit, or an audit of other obligations presenting similar tax issues, may affect the market value of the Notes.

Prospective purchasers of the Notes should consult their own tax advisers regarding pending or proposed federal and state tax legislation and court proceedings, and prospective purchasers of the Notes at other than their original issuance should also consult their own tax advisers regarding other tax considerations such as the consequences of market discount, as to all of which Bond Counsel expresses no opinion.

Legislation affecting tax-exempt obligations is regularly considered by the United States Congress and may also be considered by the State legislature. Court proceedings may also be filed, the outcome of which could modify the tax treatment of obligations such as the Notes. There can be no assurance that legislation enacted or proposed, or actions by a court, after the date of issuance of the Notes will not have an adverse effect on the tax status of interest or other income on the Notes or the market value or marketability of the Notes. These adverse effects could result, for example, from changes to federal or state income tax rates, changes in the structure of federal or state income taxes (including replacement with another type of tax), or repeal (or reduction in the benefit) of the exclusion of interest on the Notes from gross income for federal or state income tax purposes for all or certain taxpayers.

For example, recent presidential and legislative proposals would eliminate, reduce or otherwise alter the tax benefits currently provided to certain owners of state and local government bonds, including proposals that would result in additional federal income tax on taxpayers that own tax-exempt obligations if their incomes exceed certain thresholds. Investors in the Notes should be aware that any such future legislative actions (including federal income tax reform) may retroactively change the treatment of all or a portion of the interest on the Notes for federal income tax purposes for all or certain taxpayers. In such event, the market value of the Notes may be adversely affected and the ability of holders to sell their Notes in the secondary market may be reduced. The Notes are not subject to special mandatory redemption, and the interest rate on the Notes is not subject to adjustment in the event of any such change.

Investors should consult their own financial and tax advisers to analyze the importance of these risks.

<u>Limited Role of Bond Counsel</u>. In addition to rendering the legal opinion, Bond Counsel, whose legal services have been retained by the City, will assist in the preparation of, and advise the City concerning, documents for the note transcript. Bond Counsel has not been retained to confirm or verify, assumes no responsibility for, and expresses and will express no opinion as to, the accuracy, completeness or fairness of any statements in any reports, financial information, offering or disclosure documents or other information relating to the City or the Notes that may be prepared or made available by the City or others to those submitting proposals for or holders of the Notes or others.

<u>Form and Delivery of Notes Upon Payment of Purchase Price</u>. The Notes will be prepared in typewritten or xerographically reproduced form at the expense of the City. If the original purchaser requests printed Notes, the original purchaser must pay the expense of

printing. Delivery will be made without charge at such place in the State of Ohio as the original purchaser shall designate, *provided* that mutually satisfactory arrangements for delivery outside the State of Ohio at the expense of the original purchaser may be made. It is anticipated that delivery will be made on March 7, 2013, by 10:00 a.m., Ohio time. The original purchaser must pay for the Notes no later than 10:00 a.m. (Ohio time) on the date of delivery in Federal Reserve funds of the United States of America.

<u>CUSIP</u>. CUSIP numbers and any CUSIP Service Bureau charge for the assignment of the numbers are the responsibility of the original purchaser (see **Costs of Issuance**). Any delay, error or omission with respect thereto shall not constitute cause for the original purchaser to refuse to accept delivery of and pay for the Notes.

<u>Subsequent Events</u>. In the event that, prior to their delivery, the interest on the Notes should by any act of Congress or otherwise become subject to federal income tax, or any act of Congress should provide that the interest income on the Notes shall be taxable at a future date for federal income tax purposes other than as discussed herein, whether directly or indirectly, the original purchaser may refuse to accept delivery.

<u>Transcript of Proceedings</u>. The City will furnish the transcript of proceedings and a certificate that to the knowledge of the signers no litigation or administrative action or proceeding is pending or threatened at the time of initial delivery to restrain or enjoin, or seeking to restrain or enjoin, the issuance and delivery of the Notes or the levy and collection of the taxes or the charge and collection of any applicable rates, fees or charges for their payment, or to contest or question the proceedings and authority under which the Notes will have been authorized, issued, sold, signed or delivered or the validity of the Notes or the issuance of the bonds in anticipation of which the Notes are to be issued.

Other Obligations of the Purchaser. The original purchaser of the Notes from the City, by submitting its proposal, agrees to provide promptly and timely to the City and Bond Counsel information as to bona fide initial offering prices to the public and sales of the Notes appropriate for the determination of the issue price of, and the yield on, the Notes under the Code, as and at the time requested by Bond Counsel.

Questions. Any questions concerning the Notes should be addressed to the undersigned or the City's Bond Counsel, Squire Sanders (US) LLP (Chris Franzmann – (614) 365-2737).

Dated: February 7, 2013 Gregory J. Heath

Finance Director
City of Napoleon, Ohio
255 West Riverview Avenue

Napoleon, OH 43545 Telephone: (419) 599-1235

Facsimile: (419) 599-1235

E-Mail: gheath@napoleonohio.com

SUGGESTED PROPOSAL FORM

PROPOSAL FOR NOTES

February _____, 2013

City of Napoleon, Ohio c/o Gregory J. Heath Finance Director 255 West Riverview Avenue Napoleon, OH 43545

For all of your \$2,500,000 Capital Facilitie	s Notes, Series 2013 (the "Notes"), dated March 7,
2013, maturing March 6, 2014, and described in yo	our Invitation for Proposals dated February 7, 2013
(the "Invitation"), providing for receipt of proposa	als by 11:00 a.m. Ohio time on February 21, 2013,
we, jointly and severally if more than one name	is stated below, agree to pay the par value of the
Notes (\$2,500,000) plus a premium of \$,* plus accrued interest from
the date of the Notes to the date of delivery th	ereof, with the Notes to bear an interest rate of
%** per year.	
This proposal is made in accordance with a	and subject to the terms and conditions provided in
that Invitation, which is made a part of this proposa	al.
* If this blank is not filled in with a dollar amour ** Not to exceed 6.0%. For Information Only (Not a part of this proposal)	Printed Name of Firm Making Proposal
Gross Interest Cost \$ Less Premium or \$ Plus Discount	Signature of Person Making Proposal as an Authorized Officer or Agent
Net Interest Cost \$ Net Interest Rate%	Name and Title of Person Signing Proposal as an Authorized Officer or Agent
	Telephone Number of Signer

ORDINANCE NO. 003-13

AN ORDINANCE TO APPROVE CURRENT DECEMBER 2012 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and,

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and,

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; Now Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the Ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters, and sections within the December, 2012 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

Section 2. That, the following sections and chapters are hereby added, amended, or repealed as respectively indicated in order to comply with current State law.

Traffic Code

303.01	Compliance With Order of Police Officer. (Amended)		
303.041	Emergency, Public Safety and Coroner's Vehicles Exempt.		
	(Amended)		
303.99	General Traffic Code Penalty. (Amended)		
313.03	Traffic Signal Indications. (Amended)		
313.04	Lane-Use Control Signal Indications. (Amended)		
313.05	Special Pedestrian Control Signals. (Amended)		
313.06	Flashing Traffic Signals. (Repealed)		
333.09	Texting While Driving Prohibited. (Added)		
335.032	Electronic Wireless Communication Device Prohibited. (Added)		
335.07	Driving Under License Suspension or Restriction. (Amended)		
335.072	Driving Under Financial Responsibility Law Suspension or		
	Cancellation. (Amended)		
335.074	Driving Under License Forfeiture or Child Support Suspension.		
	(Amended)		
337.01	Driving Unsafe Vehicles. (Amended)		
337.09	Lights on Parked or Stopped Vehicles. (Amended)		
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)		
337.23	Limited Load Extension on Left Side of Passenger Vehicle.		

	(Amended)
337.29	Bumper Heights. (Amended)
339.01	Oversize or Overweight Vehicle on State Routes. (Amended)
339.03	Maximum Width, Height, and Length. (Amended)
339.06	Vehicles Transporting Explosives. (Amended)
339.07	Towing Requirements. (Amended)
339.08	Loads Dropping or Leaking. (Amended)
341.05	Commercial Drivers' Criminal Offenses. (Amended)

General Offenses Code

Penalties for Misdemeanors. (Amended)

Section 3. That, the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed:	
	John A. Helberg, Council President
Approved:	
	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay	Abstain

Attest:	
Gregory J. Heath, Clerk/Finance Dir	ector
• •	inance Director of the City of Napoleon, do hereby certify 3-13 was duly published in the Northwest Signal, a said City, on the day of _; & I further certify the compliance with rules established
in Chapter 103 of the Codified Ordin pertaining to Public Meetings.	nances Of Napoleon Ohio and the laws of the State of Ohio
	Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 002-13

AN ORDINANCE AMENDING CHAPTER 955 OF THE CODIFIED CODE OF THE CITY OF NAPOLEON TO ADJUST THE RECREATIONAL FEES AND TO ESTABLISH RECREATION PROGRAM PARTICIPATION FEES

WHEREAS, the overall year 2013 proposed City budget has been reviewed by the City administration and said administration deems it imperative that park and recreational fees be adjusted and participation fees be established in an effort to avoid the cutting of programs and/or services; and,

WHEREAS, the matter has been presented to the Parks and Recreation Board where the Board, acting in its advisory capacity, did recommend an increase in current park and recreational fees and the establishment of participation fees; and,

WHEREAS, this Council has considered all recommendations, and given the total economic climate of the City, now deems appropriate that participation fees be established as well as an increase in current park and recreational fees as recommended by the Board; Now Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, Section 955.09 of the City of Napoleon's Codified Code is hereby amended and enacted as follows:

"955.09 GOLF PRIVILEGE FEES.

Golf privilege fees for the municipal golf course shall be as follows:

(a) Adult person annual golf privilege card fee:

Resident: \$290.00 \$270.00 Nonresident: \$350.00 \$330.00

Each immediate family member of a person holding a valid annual golf privilege card to the municipal golf course may be included thereon for an additional annual amount of \$220.00 \$200.00 (for resident) and \$260.00 \$240.00 (for non-resident). An annual family golf privilege card which includes one adult person, the adult person's spouse, and all children meeting the definition of the immediate family that are between the ages of 6 and 11 years old at time of purchase, shall be at the rate of \$550.00.

(b) Student annual golf privilege card fee:

Resident: \$160.00 \$140.00 Non-Resident: \$200.00 \$180.00

(c) Senior citizen annual golf privilege card fee:

Resident: \$240.00 \$220.00 Non-Resident: \$270.00 \$250.00 A spouse of a senior citizen who purchased an annual golf privilege card from the municipal golf course, regardless of age, may be included on the annual golf privilege card for an additional \$160.00 \$140.00 (for resident) and \$180.00 \$160.00 (for non-resident).

- (d) To utilize privileges under an annual golf privilege card, fees shall be paid in full before a person plays golf on the course for the season (unless greens fees are paid). Upon full payment of an annual golf privilege card, a person may play golf on the course for the remainder of the season, without paying an additional greens fee.
- (e) All applications for an annual golf privilege card shall be presumed non-resident applications and considered as such until "resident" status is established by the person applying for an annual golf privilege card. Establishment of residency shall be in accordance with the policy established and adopted by the Parks and Recreation Board and approved by motion of Council. Any person purchasing an annual golf privilege card as a non-resident may, within twenty days from date of purchase, obtain a refund for the difference in cost between resident and non-resident should a change in status be established.
 - (f) Daily greens fees shall be as follows:
 - (1) <u>Generally.</u> Weekdays:

9 holes \$11.00 \$9.00 18 holes \$15.00 \$13.00

Saturday, Sunday and nationally recognized holidays:

9 holes \$13.00 18 holes \$17.00 \$15.00

(2) <u>Junior Greens Fees.</u> Weekdays:

9 holes \$5.00 18 holes \$10.00

Weekends and Nationally Recognized Holidays:

9 holes \$7.00 18 holes \$14.00

PREPAID DISCOUNT CARD FOR GREENS FEES

9 HOLES. FOR TEN ROUNDS \$85.00 \$75.00

(g) Fee for motorized cart use shall be as follows:

(1) Motorized cart fee - The privilege of using a non-City motorized cart on the course is restricted to persons holding a valid annual golf privilege card. The cart shall be used only by the holder of such card or his or her immediate family, and guests accompanied by the holder or a member of the holder's immediate family. The annual privilege fee is \$210.00 with an additional \$20.00 being charged if the motorized cart is electrically powered.

(2) Motorized cart rental 9 holes \$6.00 per person with

a maximum of two carts

per group.

(3) Motorized cart rental 18 holes \$9.00 per person

with a maximum of two carts per group.

(4) PREPAID DISCOUNT MOTORIZED CART RENTAL FOR 10 ROUNDS OF 9 HOLES

(i)

\$45.00 *\$50.00* PER PERSON

(h) Pull cart fee shall be as follows:

(1) Pull fee - No charge for using one's own cart

(2) Pull cart rental \$ 1.50 (up to 18 holes) Golf clubs rental \$ 2.00 (up to 18 holes)

- (j) Greens privilege fee and cart use fee shall be for the golfing season from April 1 through October 31, both dates inclusive. The City has the right to close the course at anytime for special events, unplayable conditions, or for other cause deemed appropriate by the Parks and Recreation Department.
- (k) The daily greens fee and daily cart rental fees during "off peak times" of the annual golf season for promotional reasons shall be reduced in an amount of thirty percent (30%) of the herein established rates. What constitutes and is declared "off peak times" is in the sole discretion of the Parks and Recreation Director.
- (l) Discounts shall apply to senior citizens as follows: \$3.00 off regular greens fees and \$2.00 off per person motorized cart rentals, both during the times of 8:00 a.m. through 1:00 p.m. on days of weekdays only, excluding nationally recognized holidays.
- (m) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly or annual rates."

Section 2. That, Section 955.10 of the City's Codified Code is hereby amended and enacted as follows:

" 955.10 SHELTER HOUSE/ COMMUNITY CENTER RATES.

(a) Shelter house rentals shall be as follows:

Rental Times Ritter Ritter Wayne Wayne (Weekday) (Weekend) (Weekday) (Weekend)

```
1:00 p.m. - 5:00 p.m.
                     25.00 35.00 30.00
                                           40.00 <del>20.00</del> 30.00
                                                               25.00 35.00
                                           45.00 25.00 35.00
9:00 a.m. - 5:00 p.m 30.00 40.00 35.00
                                                               30.00 40.00
6:00 p.m. - 11:00 p.m. 30.00 40.00 35.00
                                           45.00 25.00 35.00
                                                                30.00 40.00
1:00 p.m. - 11:00 p.m. 35.00 45.00 40.00
                                           50.00 30.00 40.00
                                                                35.00 45.00
9:00 a.m. - 11:00 p.m
                      4<del>0.00</del> 50.00 45.00
                                           55.00 35.00 45.00
                                                                40.00 50.00
```

Weekend rates will also apply on all City observed holidays; no proration of fees permitted.

Due at time of making reservation is a non-refundable \$5.00 application fee and a \$50.00 security deposit. The security deposit is refundable upon the facility being cleaned, not damaged and the timely return of all keys, except that in the event that a cancellation occurs less than 7 days prior to the reserved date; then the rental amount shall be forfeited to the City and deducted from the security deposit, not to exceed \$50.00. Any monies to be returned to the tenant will be paid within 30 days after the rental date.

(b) Rental of the Community Center at Oberhaus Park shall be as follows:

RENTAL TIMES	Weekday	Weekend
9:00 a.m 12:00 p.m.	\$40.00 \$50.00	\$50.00 <i>\$60.00</i>
1:00 p.m 5:00 p.m.	50.00 60.00	60.00 70.00
9:00 a.m 5:00 p.m.	70.00 80.00	80.00 90.00
6:00 p.m 11:00 p.m.	70.00 80.00	80.00 90.00
1:00 p.m 11:00 p.m.	80.00 <i>90.00</i>	-90.00 100.00
9:00 a.m 11:00 p.m.	100.00 110.00	110.00 120.00

Weekend rates will also apply on all City observed holidays; no proration permitted.

Due at time of making reservation is a non-refundable \$5.00 application fee and a \$50.00 security deposit. *FULL AMOUNT OF RENTAL IS DUE WHEN PICKING UP THE KEY.* The security deposit is refundable upon the facility being cleaned, not damaged and the timely return of all keys, except that in the event that a cancellation occurs less than 7 days prior to the reserved date, then the rental amount shall be forfeited to the City and deducted from the security deposit, not to exceed \$50.00. Any monies to be returned to the tenant will be paid within 30 days after the rental date.

- (c) Notwithstanding any other provision of these Codified Ordinances, the use of the Community Center at Oberhaus Park by the Napoleon based Rotary and Lions Club shall be pursuant to the terms and conditions established by separate agreement between the clubs and the City. Priority in reservation may be given to the clubs by the Parks and Recreation Director absent any provision in the agreement.
- (d) Except as provided herein, reservations shall only be made in the calendar year the facility is intended to be reserved. During the month of December in the

preceding year, residents, as defined in this chapter, shall be permitted to reserve dates for the following year.

- (e) Terms and conditions of any rental agreement shall be established by the City Manager and approved as to form and correctness by the Law Director."
- **Section 3**. That, Section 955.16 of the City of Napoleon's Codified Code is hereby amended and enacted as follows:

"MUNICIPAL SWIMMING POOL

955.16 SWIMMING POOL ADMISSION.

- (a) The annual swim admission card for the Municipal Swimming Pool shall be as follows:
 - (1) Family annual swim admission card fee:

Resident: \$100.00 Nonresident: \$125.00

(2) Adult individual annual swim admission card fee:

Resident: \$70.00 Non-resident: \$80.00

(3) Child individual annual swim admission card:

Resident: \$60.00 Non-resident: \$70.00

(4) Senior citizen annual swim admission card fee:

Resident: \$50.00 Non-resident: \$60.00

- (b) The daily swim admission fee for the Municipal Swimming Pool shall be as follows:
 - (1) Daily admission fee for children:

\$2.50 each.

(2) Daily admission fee for adults:

\$3.00 each.

- (c) The Director of Parks, Recreation and Cemeteries is authorized to establish up to six special pool events per season on which a reduced daily recreation admission fee could be offered on a per person or per family basis.
- (d) Annual swim admission cards are seasonal and are valid in the summer season of each year during hours as determined by the Parks and Recreation Department.
- (e) Pool facility exclusive use rental under terms and conditions and times as established and AUTHORIZED by the Parks and Recreation Director (SUBJECT TO SPECIFIC APPROVAL AND TERMS AS SET BY THE PARKS AND RECREATION DIRECTOR, ADDITIONALLY, PARKS AND RECREATION DIRECTOR RESERVES THE RIGHT TO DENY RENTAL FOR ANY REASON):

- (1) \$150.00 each event-SATURDAY OR SUNDAY EVENING FROM 6-9 PM: \$150.00
- (2) ALL DAY FRIDAY, SATURDAY, AND SUNDAY: \$500
- (f) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly or annual rates.

Section 4. That, Section 955.19 of the Codified Ordinances of the City of Napoleon be established and set forth as follows:

"955.19 RECREATION PROGRAM PARTICIPATION FEES

(A) RATES (PER PARTICIPANT):

ACTIVITY	(RATES)	RESIDENT	NONRESIDENT
TEE BALL		<i>\$20</i>	\$30
YOUTH LITTLE LEAGUE		<i>\$20</i>	<i>\$30</i>
JUNIOR LITTLE LEAGUE		<i>\$20</i>	<i>\$30</i>
HENRY CO. BANK LGE. S	OFTBALL	<i>\$20</i>	<i>\$30</i>
ROOKIE LEAGUE SOFTBA	ALL	\$20	\$30
MINOR LEAGUE SOFTBA	<u>LL</u>	\$20	\$30
MAJOR LEAGUE SOFTBA	<u>LL</u>	\$20	\$30
LITTLE CATS BASKETBA	LL	<i>\$20</i>	<i>\$30</i>
WILD KITTENS BASKETB	PALL	<i>\$20</i>	<i>\$30</i>
KIDDY CATS BASKETBAL	L	<i>\$20</i>	\$30
FLAG FOOTBALL		<i>\$20</i>	<i>\$30</i>
INTRAMURAL BASKETBA	LL.	<i>\$20</i>	<i>\$30</i>
TENNIS LESSONS/LEAGU	IE	<i>\$20</i>	<i>\$30</i>
SOCCER		<i>\$20</i>	<i>\$30</i>
SAFETY CITY		<i>\$10</i>	<i>\$15</i>

(B) REDUCED RECREATION PROGRAM USER FEE POLICY: THE CITY OF NAPOLEON PARKS AND RECREATION DEPARTMENT, AS PART OF ITS CONTINUED GOAL OF OFFERING RECREATION PROGRAMMING TO ALL OF ITS RESIDENTS, HAS MADE AVAILABLE THE FOLLOWING REDUCED RECREATION PROGRAM POLICY FOR THOSE FAMILIES THAT NEED FINANCIAL ASSISTANCE:

ELIGIBILITY: REDUCED FEES OR "GRANTS" ARE ALLOWABLE FOR CITY OPERATED YOUTH RECREATION PROGRAMS ONLY.

(1) GRANTS SHALL BE CONSIDERED BASED ON AN INDIVIDUAL(S) PARTICIPATION IN THE NAPOLEON AREA

SCHOOLS DISTRICT FREE AND REDUCED LUNCH PROGRAM.

- (A) VERIFICATION OF ENROLLMENT IN THE PROGRAM WILL BE THROUGH THE ASSISTANCE OF THE NAPOLEON AREA SCHOOLS.
- (B) AUTHORIZATION MUST BE GIVEN BY THE APPLICANT FOR THE NAPOLEON AREA SCHOOLS TO RELEASE FREE/REDUCED LUNCH PROGRAM INFORMATION TO THE CITY OF NAPOLEON. CONSIDERATION FOR GRANTS WILL NOT BE GIVEN IF AUTHORIZATION IS NOT RECEIVED.
- (C) APPLICATION FOR GRANTS SHALL BE SUBMITTED AT THE CITY OF NAPOLEON OFFICES AT THE TIME OF PROGRAM REGISTRATION.
- (D) ALL REQUESTS FOR GRANTS MUST BE SUBMITTED ON THE APPROPRIATE APPLICATION FORM
- (E) EACH APPLICATION SHALL BE CONSIDERED INDIVIDUALLY. COMPLETION OF THE APPLICATION DOES NOT AUTOMATICALLY ENSURE APPROVAL OF FEE REDUCTION.
- (F) APPLICANTS SHALL BE NOTIFIED OF THEIR STATUS PRIOR TO THE START OF THE PROGRAM
- (2) IF APPLICATION IS APPROVED FAMILIES (PARENTS OR GUARDIANS) WHO HAVE BEEN APPROVED FOR THE GRANT SHALL BE REQUIRED TO PAY 25% OF THE CURRENT RECREATION PROGRAM RATE IF THEY ARE ENROLLED IN THE FREE LUNCH PROGRAM. FAMILIES SHALL BE REQUIRED TO PAY 50% OF THE CURRENT RECREATION PROGRAM RATE IF THEY ARE ENROLLED IN THE REDUCED LUNCH PROGRAM. THE APPROPRIATE FEE MUST BE PAID TO THE CITY PRIOR TO THE START OF THE PROGRAM.
 - (A) FAILURE TO PAY WILL DISQUALIFY THE APPLICANT FOR PARTICIPATION OF THE REDUCED PROGRAM FEE PROGRAM. PARTICIPATION IN THE RECREATION PROGRAM IS STILL ALLOWED AT THE REGULAR PROGRAM RATE.

(B) ONLY TWO (2) REDUCED FEE GRANTS SHALL BE AWARDED PER PERSON, PER YEAR.

(C) IF A GRANT RECIPIENT CANCELS HIS/HER PARTICIPATION IN THE RECREATION PROGRAM WITHOUT A BONA FIDE REASON (INJURY, ILLNESS, ETC.) THE GRANT MAY NOT BE TRANSFERRED TO ANOTHER PROGRAM OR ACTIVITY IN THAT YEAR. THAT INDIVIDUAL WILL NOT BE PERMITTED TO ANY SUBSEQUENT APPLICATION REQUESTS DURING THAT YEAR. THIS SHALL BE DETERMINED SOLELY BY THE PARKS AND RECREATION DIRECTOR.

- (3) RECREATION PROGRAM REGISTRATION FORM MUST STILL **BE COMPLETED**
- (4) ONLINE REGISTRATION IS NOT AVAILABLE FOR THE REDUCED FEE PROGRAM
- (5) ADDITIONAL COSTS NOT ASSOCIATED WITH THE CITY'S RECREATION PROGRAM PARTICIPATION FEE MAY STILL APPLY (SUPPLIES, EQUIPMENT, ETC.)
- That, Sections 955.09, 955.10 and 955.16 of the Codified Ordinances, as Section 5. existed prior to the enactment of this Ordinance, are repealed.
- Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.
- That, if any other prior Ordinance or Resolution is found to be in conflict Section 7. with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 8.	That, upon passage, this Ordinance shall take effect at the earliest time			
permitted by	law.			
Passed:				
	John A. Helberg, Council President			

VOTE ON PASSAGE	Yea Nay	y Abstain
Attest:		
Gregory J. Heath, Clerk/Fi	inance Director	
Gregory J. Heath, Clerk/Fi	inance Director	
		ctor of the City of Napoleon, do hereby certify
I, Gregory J. Heath,	Clerk/Finance Direc	ctor of the City of Napoleon, do hereby certify was duly published in the Northwest Signal, a
I, Gregory J. Heath, that the foregoing Ordinance newspaper of general circulo	Clerk/Finance Direct No ntion in said City, on	was duly published in the Northwest Signal, a theday of,
I, Gregory J. Heath, that the foregoing Ordinance newspaper of general circuld ; & I further certify	Clerk/Finance Direct No ntion in said City, on y the compliance with	was duly published in the Northwest Signal, a theday of, h rules established in Chapter 103 of the
I, Gregory J. Heath, that the foregoing Ordinance newspaper of general circuld ; & I further certify Codified Ordinances Of Nap	Clerk/Finance Direct No ntion in said City, on y the compliance with	was duly published in the Northwest Signal, a theday of,
that the foregoing Ordinance newspaper of general circuld ; & I further certify	Clerk/Finance Direct No ntion in said City, on y the compliance with	was duly published in the Northwest Signal, a theday of, h rules established in Chapter 103 of the



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545
Chad E. Lulfs, P.E., P.S., Director of Public Works
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com

Memorandum

To: Dr. Jon A. Bisher, City Manager

From: Chad E. Lulfs, P.E., P.S., City Engineer

cc: Mayor & City Council

Greg Heath, City Finance Director

Date: February 4, 2013

Subject: Haley Avenue Interceptor I/I Reduction Project

(L.T.C.P. Project No. 17B) Recommendation of Award

On Wednesday, January 30, 2013, bids were opened and read aloud for the above referenced project. Two (2) bids were submitted and read as follows:

Vernon Nagel, Inc. \$860,351.13 Gleason Construction Co., Inc. \$1,023,714.00

The published Engineer's Estimate for this project is \$800,000.00. This project consists of replacement of the existing sanitary and storm sewers on W. Riverview Avenue from Haley Avenue to Glenwood Avenue.

Although no bids were below the Engineer's Estimate, the lowest bid was within 10% of the Engineer's Estimate. The budget for this project is \$800,000 which includes a grant in the amount of \$325,000. In addition, this project is required as part of our Long Term Control Plan. It is my recommendation to use funds from the Sewer Fund (521.5310.57800) to cover the additional cost. This fund contains a line item for Sanitary Sewer Emergency Repairs, as well as several other projects scheduled for this year that have potential to be completed under budget.

Having reviewed the submitted bids, it is my recommendation that Council award Vernon Nagel, Inc. the contract for the Haley Avenue Interceptor I/I Reduction Project (L.T.C.P. Project No. 17B) in the amount of \$860,351.13. If you have any questions or require additional information, please contact me at your convenience.

CEL



310 Glenwood Ave Box 151 Napoleon Ohio 43545 419-599-2810 Fax 419-599-7969 www.napoleonohio.com

Napoleon City Police Department

Memorandum

To:

City Council

From:

Chief Robert L Weitzel

CC:

file

Date:

01/29/2013

Re:

Replace 2 vehicles in PD fleet - Capital Project 2013

This year we are to replace two vehicles in the police department fleet as requested in the 2013 budget. A 2010 Ford Crown Victoria currently with over 87000 mile and a 2010 Dodge Charger with over 93000 miles. Mileage projected at time of replacement in May will be well over 100000 miles.

I intend to replace both cars with current year Dodge Chargers from the state cooperative bid contract. I have attached the State Bid specifications document along with the quote from the state bidder with up-fit costs included.

My budget for these two vehicles is \$53,000.00. Cost of vehicles including up-fit as outlined in the quote documents is \$49519.00. An additional \$1000.00 will be set aside for a local company to stripe the two cars. The total cost for the project is \$50519.00. These vehicle purchases were included in the approved capital projects ordinance at the beginning of the year.

I request Council move to approve the specifications as presented and the purchase of the two state contract vehicles to include striping and the up-fit cost.





CHRYSLER

Jeep,

756 West Ervin Road

Van Wert, Ohio 45891

855-246-4052

FAX 866-248-8919

www.grevechrysler.com • e-mail: dave.matarese@grevechrysler.com

Contractors ID # 34-1508415

2013 Dodge Charger

Base price \$21,533.00

Standard Police Equipment

- · 3.6-liter High-Output V6 engine
- 220-amp high-output alternator and 800 CCA battery
- 160-mph or 260-km (certified) calibrated speedometer
 - 18"x7.5" steel wheels and bright hubcaps
- · Five-speed automatic transmission with overdrive and Auto Stick®
 - · Column shifter with Auto Stick
 - · Four-wheel independent police performance suspension
- Heavy-duty cloth front bucket seats with manual lumbar and rear fixed cloth bench seat
 - · Load-leveling, height-control shock absorbers
 - P225/60R18 BSW W Rated performance tires
 - · Trunk-lid keylock cylinder fob
 - · Severe-duty cooling system
 - Dome lamp door switch deactivated
 - LH pillar mounted spot lamp
 - Integrated engine hour meter
 - · Police equipment interface module
 - Software-controlled alternating head- and taillamps (wigwag)
- Stealth mode switch (turns off instrument cluster and radio indicators;
 PRNDL dims to lowest legal limit)
 - Easy Path wiring grommet between underhood and passenger compartments and underhood lamp
 - · Independently switched white and red dome lamp
 - · Full size spare tire







756 West Ervin Road

OPTIONS

Van Wert, Ohio 45891

855-246-4052

FAX 866-248-8919

www.grevechrysler.com • e-mail: dave.matarese@grevechrysler.com

Contractor's ID # 34-1508415 • Item (1) P olice Special 4 door sedan

2013 Dodge Charger

Base price \$21,533.00

Delivery \$.28 per mile round trip (Minimum delivery charge \$50.00)

Code	Description	Price
Chry1	Extended warranty. 5 year 75,000 bumper to bumper, \$50 deductible\$	2,540.00
29A	5.7L V8 with fuel saver technology	1,485.00
CK-J	Black Vinyl floor covering\$	99.00
ATL/ED	Alternating Trunk Lights LED (specify color)\$	379.00
SPO	Special paint 2 tone Call for availability\$	2,000.00
SWP	Vinyl Wrap Doors Only\$	699.00
-LNF	Deduct spotlight\$	- 90.00
ECC	Extra cost colors	ee color selector
GUK	Heated Mirrors\$	70.00
AER	Street appearance package\$	494.00
AHM	Power Seats 8 way - includes power pedals	925.00
LNA	Dual spot lamps\$	199.00
W8A	Full wheel covers N/A with AER	90.00
X5	Vinyl rear bench seat\$	119.00
GXF	or GXA, GXE, GXG, Single key system choose 1\$	120.00
FL2	Fog Lamp Led	399.00
FPB	Setina front push bumper Black aluminum installed\$	375.00
FPB-LED	Setina push bumper with 2 front and 2 side LED warning	725.00
CW6	Rear door windows and handles deactivated	45.00
MCH	Marked car package H - includes: Code3 Excalibur light bar with alley lights, LED grille lamps, takedown lights, front and rear flashers, intersection lights, Mastercom 100-watt siren and switch control, 100 watt speaker, activate headlights and tail lights flashers, LED alternating trunk lights, console Installed\$	3,839.00
SLU	LED spot lamp upgrade\$	210.00
MCA	Marked car package same as MCH with Federal Signal Arjent or Legend Light Bar. Fully Populated customer choice of bars: PA640 Light and siren control	4,610.00
MJ3	Marked car package same as MCH except Whelen Justice light bar\$	4,399.00
ELP	Economy LED package, includes 100 watt siren, 100 watt speaker console, choice of Whalen Justice or Code 3 2,100 light bar 1 antenna cable to customer chosen location installed	3,799.00



















756 West Ervin Road

Van Wert, Ohio 45891

855-246-4052

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www.grevechrysler.com • e-mail: dave.matarese@grevechrysler.com

Contractor's ID # 34-1508415 • Item (1) P olice Special 4 door sedan

2013 Dodge Charger

Base price \$21,533.00

Delivery \$.28 per mile round trip (Minimum delivery charge \$50.00)

OPTIONS

Code	Description	Price
MCL	Same as MCH light bar becomes Whelen Liberty. 14 head LED High performance modules Red/Blue, Flashing alleys and takedowns Installed \$	4,999.00
ML3	Same as MCH except Code 3 RX2700 LED light bar or 2100\$	4,899.00
UMF	Unmarked package Federal Signal inc LED grille lights, PA640 siren switch control, 100 watt speaker, two LED rear deck light, console, LED-ATL, Magnetic mount 360 LED Installed\$	3,425.00
UMW	Unmarked package Whelen inc. LED grille lights, WS295 siren switch box, 100 watt speaker, Magnetic mount 360 LED, 2 LED rear deck lamps, ATL LED, console Installed	3,425.00
UMC	Unmarked package Code 3 inc Lamps ,Mastercom siren and switch control,100 watt speaker, dual rear deck LED, console, LED grille lights, LED ATL Installed	3,425.00
ICV	Eagle Eye 100 in car video system 4g o verhead camera with 3 1/2"screen Installed\$	3,995.00
DSGR	Dual shot gun mount\$	449.00
B3R	MPH Bee III Directional Traffic Radar with one antenna Installed (additional antenna add 600.00 installed)	2,195.00
10RP	Setina recessed panel part	725.00
108	Setina 10S partition with poly carb window and lower extn INSTALLED\$	650.00
SGR	Horizontal Shotgun Rack\$	310.00
CPS	Cruiser's Prisoner Seat installed	525.00
CST	Full slide out trunk tray\$	599.00
SWG	Setina Window Gaurd installed	225.00
SLC	Ship loose console for customer install\$	399.00
FOB	Additional Key FOB Max 4\$	99.00
SPL	Trunk Spoiler	399.00
LSA	Security Alarm\$	149.00

Trades accepted — Call or E-Mail for quote

[•] Transfer of existing equipment available - Call or E-Mail for quote

[·] Municipal Lease Financing - Call or E-Mail for quote







756 West Ervin Road

Van Wert, Ohio 45891

855-246-4052

www.grevechrysler.com • e-mail: dave.matarese@grevechrysler.com

2013 Dodge Charger **COLOR & TRIM AVAILABILITY**

DESCRIPTION	\$	FWP SMSRP	2_A
FLEET ONLY			
TRAILER HITCH & HARNESS		500	XFN
M/H AYE OR AYP OR AYN OR AYM OR AYH OR AYF			
VISOR LIGHTS		450	XGV
MH AYE OR AYP OR AYN OR AYM OR AYH OR AYF			
STEP #4 SELECT - COLOR & TRIM CODES			
COLOR/TRIM	\$	FWP SMSRP	BLACK
HD CLOTH BUCKET & REAR BENCH SEATS	(S)	N/C	C8X9
HD CLOTH BUCKET SEATS W/VINYL REAR FLEET ONLY	W/2_A	120	X5X9
MONOTONE PAINT - APA			
PRIMARY COLOR			
BILLET SILVER METALLIC CLEAR COAT		N/C	PSC
BRIGHT SILVER METALLIC CLEAR COAT		500	PS2
Non-Production Police Only Color			
BRIGHT WHITE CLEAR COAT		N/C	PW7
COPPERHEAD PEARL COAT		N/C	PLB
ELECTRIC BLUE PEARL COAT		500	PB5
Non-Production Police Only Color			40-0-0
GRANITE CRYSTAL MET. CLEAR COAT		N/C	PAU
IVORY 3 COAT		500	PWD
(EXTRA COST PAINT)	1		Market and the second
JAZZ BLUE PEARL COAT		N/C	PBX
MICHIGAN STATE POLICE BLUE		500	P79
Non-Production Police Only Color			
MIDNIGHT BLUE PEARL COAT		500	PB8
Non-Production Police Only Color			
PITCH BLACK		N/C	PX8
REDLINE 3 COAT PEARL		500	PRY
(EXTRA COST PAINT)			
SHERIFF'S TAN		500	P76
Non-Production Police Only Color			
WHITE GOLD CLEAR COAT		500	PWL
Non-Production Police Only Color			

Index No.: GDC050 Eff. Date: 12/14/12 Page No.: 26

BID PRICE

ITEM - 4 AUTOMOBILE, POLICE SPECIAL, 4 DOOR SEDAN, LARGE SIZE V6 REAR WHEEL DRIVE

DELIVERY: 90-180 DAYS A.R.O. (See IV.A.) INDICATE CITY/STATE OF MANUFACTURER: Brampton, Ontario

CONTRACTOR: Greve Chrysler MFG: Dodge MODEL: Charger MODEL NUMBER: LDDE48

REAR END GEAR RATIO: 2.65

ITEM NO.: 201

List any exceptions to the specifications:

Delivery charge per mile, per vehicle round trip map mileage for delivery by the contractor: \$.28. The maximum delivery charge the state will pay is \$0.60 or less per mile. The round trip map mileage figure will be multiplied by an estimated figure of 300 miles and added to the base cost of the vehicle for bid evaluation purposes only. If there is no delivery charge per mile round trip map mileage rate supplied or the calculated value of the delivery charge is less than the minimum delivery charge; the minimum delivery charge (Not to exceed \$50.00) will be used for evaluation purposes.

Minimum Delivery Charge, Not to Exceed \$50.00: \$50.00.

ITEM NO.	MILEAGE	UNIT COST
11592	Delivery charge per mile, per vehicle round trip map mileage for delivery by the contractor	\$.28 per mile
11593	Minimum Delivery Charge, Not to Exceed \$50.00	\$50.00

ITEM NO.	CONTRACTOR' S ORDER NO.	<u>OPTIONS</u>	<u>UNIT COST</u>
18287	АНМ	8 Way Power Seat – Driver Side	\$479.00
11569	ALT.	Inside Trunk Lid Flashing Warning Lights	
	ALT	(Activated when trunk lid is raised)	\$379.00
11573	X5	Vinyl Rear Bench Seat	\$119.00
23372	LSA	Factory Alarm	\$149.00
11578	CKJ	Heavy Duty Black Vinyl Floor Covering	\$0.00
19959	2TP	Special paint option (Two-Tone) Call for Availability	\$2000.00
18248	GUK	Exterior Heated Mirrors	\$59.00
23633	CW6	Rear Door Windows Inoperable *	\$25.00
23634	GXA	Single Keyed Alike *	\$140.00

^{*} Indicates additional items added to item 4.

Index No.: GDC050 Page No.: 27

BID PRICE

ITEM #4 AUTOMOBILE, POLICE SPECIAL, 4 DOOR SEDAN, LARGE SIZE V6 REAR WHEEL DRIVE (cont'd)

CONTRACTOR'

ITEM NO.	S ORDER NO.	<u>OPTIONS</u>	UNIT COST
11576	TEMP	_ 30-Day Tag	\$18.50
17165	KEY	_ Additional set of FOB Keys	\$99.00
17166	AEB	Street Appearance package	\$494.00
11579	LNA	_ Matching RH Spot Lamp	\$199.00
11577	EZH	_ 5.7L V8 Engine	\$1485.00
47407	500	Additional Option Package (Bidder to specify type:	# 400.00
17167	ECC	_ Extra Cost Colors)	\$499.00

List standard paint colors:

Billet Silver, Bright White, Copperhead, Granite Crystal, Jazz Blue, Pitch Black.

Extra Cost Colors: Bright Silver Metallic, Electric Blue, Ivory, Michigan State Blue, Midnight Blue, red Line, Sheriff Tan, White Gold.

GREVE CHRYSLER DODGE 750 WEST ERVIN ROAD VAN WERT OHIO 45891 P) 419-305-1970 F) 419-965-3023

E) BENR@STATEWIDEFORD.COM

CUSTOMER	Napoleon PD						
ATTN:	Chief Weitzel						
DATE:	1/28/2013						
QUOTE#	BR155						
VALID	30 Days						
QTY	DESCRIPTION	PART#	EACH	TOTAL			
2	2013 Dodge Charger		21,533	43,066			
2	Alternating Trunk Lights	ATL/ED	379	758			
2	Rear Door Windows and Handles	Inop CW6	45	90			
1	Setina Recessed Panel Partition	10SRP	725	725			
1	Setina Transfer kit 10SRP		185	185			
	('10 Charger to '13 Charger)						
1	Cruisers Prisioner Seat	CPS	525	525			
2	Setina Window Guards	SWG	225	450			
2	Ugrade Whelen Liberty TD's to LE	D	95	190			
	and New Lens Kit						
2	Setina Push Bumper	PB300	375	750			
2	100w Speaker w/ Mount		190	380			
1	Console		350	350			
1	Computer Mount (Side Console N	Mount)	250	250			
1	Labor to Transfer:		1800	1,800			
	2 Whelen Liberty Light Bars, 2 Co	ode 3					
	Mastercoms, 2 Dual Vertical Wea	ipon					
	Mounts, 2 Dual Antenna Radars,	1 Console					
	w/ Computer Mount, 1 Prisoner S	Seat, 1					
	Setina Partition, Radios and Activ	ate Head					
	Light and Tail Light Flashers						
				49,519			
	Thank you for the opportunity to provide you with this quotation. If you have any questions or						
	concerns feel free to contact me	via email or phone at 4	19-305-1970.				
	Ben Reigle						
	Fleet Sales						
	Greve Chrysler Dodge						



January 11, 2013

Medicare recently released The Ambulance Inflation Factor (AIF) for calendar year 2013 and has approved a 0.8% rate increase for EMS services. MED3OOO recommends that your department review and adjust your charge rates annually, and adjust them when appropriate. Now is also a good time to make any other adjustments that may be applicable. For your convenience we have included your current charge rates, if you elect to adjust fees simply list the new amount and the effective date of the rate change.

Proposed
Increased
Rate +0.890
J
#899 Inc.
6 46 Inc.
\$U20 THE

2012 Rates:		2013 Rates:	4-99 Ibc
ALS2 \$ 1123.94	ALS2 \$	1, 132 - 93	#8 99 Enc
ALS1 \$ 807.53	ALS1\$	813.99	
BLS \$ 525.21	BLS\$	529.41	= \$420 Inc.
Mileage \$ 13.43	Mileage \$	13.54	= \$0 P Inc.

X		
Authorized Signature	Printed Name	
Agency Name: E47 - Napoleon		
Effective date change of new rates:		
If you have any concerns/questions, plea	se feel free to contact me.	
Best,		

Jennifer Stafford | Client Relations Manager **MED3OOO**, Inc. | *Outcomes Matter* 3131 Newmark Drive | Suite 100 | Miamisburg, OH | 45342

937-424-3707 Direct 937-694-6265 Cell 937-291-2971 Fax

Jennifer Stafford@MED3000.com | www.MED3000.com | http://ems.med3000.com



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151 Napoleon, OH 43545 Chad E. Lulfs, P.E., P.S., Director of Public Works Telephone: (419) 592-4010 Fax: (419) 599-8393 www.napoleonohio.com

Memorandum

To: Dr. Jon A. Bisher, City Manager

From: Chad E. Lulfs, P.E., P.S., Director of Public Works

Mayor & City Council cc:

> Greg Heath, City Finance Director Jeff Rathge, Operations Superintendent

January 21, 2013 Date: Subject: Mini Excavator

As discussed during the 2013 Budget negotiations, I am requesting that the Operations Department be allowed to purchase a Mini Excavator. As part of that discussion, it was requested that additional information be provided regarding the use of such equipment if it was readily available. Following is a list of work that was performed in the 2012 calendar year in which this type of equipment would have expedited the activities performed and/or allowed for safer working conditions (by department):

Work Activity by	Estimated Hours to Perform
Department/Division	Work with Existing Equipment
Water Distribution	
Disconnection of Water Service at 629 W. Washington	1 Day
Water Main Break at Intersection of Strong Street &	
Sheffield Avenue	1 Day
Water Main Break on Kenilworth Avenue: Stabilizer on Ba	ackhoe
Caused Break in Existing Concrete Walk	1 Day
Repair of Leaking Watch Valve on Oakwood Avenue near	
American Road: Excavation around Existing Water Main	1 Day
Disconnection of Water Service at 318 Union Street	1 Day
Repair of Water Shut-Off on Daggett Drive	½ Day
Repair of Water Shut-Off on Graceway Drive	½ Day
Water Main Break at Intersection of Rohm Drive &	
Briarcliff Drive (Saturated Ground)	1 Day
Water Main Break on Jahns Road under Concrete Drive	1 Day
Replacement of Lead Water Service on N. Perry Street	1 Day
Installation of new Water Service on Westmorland Avenue	e 1 Day
Repair of Leaking Watch Valve on Freedom Drive	1 Day
Replacement of Lead Water Service on Haley Avenue	1 Day
Repair of Water Shut-Off on Norton Avenue	1 Day
Installation of Fire Line Tap for the Armory on E. Clinton	Street 1 Day

Streets/Sewer Collection

Pavement Repair in Alley behind Post Office	1 Day
Catch Basin Replacement on Oakwood Avenue at North Street	1 Day
Catch Basin Replacement at Intersection of Sheffield Avenue	
& Welsted Street	1 Day

Parks & Recreation

Excavation for Cemetery Plots when Ground is Saturated or an	
Existing Headstone Prevents Lowering Stabilizers on the Backhoe 12 Days	c
Excavation of Existing Stone Parking Area along Existing	,
Fence in Golf Cart Parking Area (Saturated) 2 Days	:

W.W.T.P.

VanHyning Lift Station Repairs (Inside Fence) 3 Da	ing Lift Station Repairs (Inside Fence) 3	Days
--	---	------

<u>W.T.P.</u>

Installation of Sampling Hydrant	at Henry County Hosn	ital 1 Day
installation of Sampling Hydrailt	at Helli y Coulity Hosp	itai i Day

Electric

Southside Substation Upgrades	4 Days
Glenwood Substation Upgrades	4 Days

Administration

Installation of new Control Lines for Above Ground Fuel Storage	
Tanks at Operations Building Adjacent to Existing Building	2 Days

Total: 45 Days

Following is a list of days on which a Mini Excavator was rented by the City of Napoleon (by department):

Work Activity by	Estimated Hours to Perform
Department/Division	Work with Existing Equipment
Streets/Sewer Collection	
Installation of Storm Sewer and Catch Basin on Oh	nio Street between

Willard Street and Reynolds Street

Repair of Water Mai	n Exiting the Wate	r Treatment Plant	5 Days
ixcoan or water with	II LAITIIZ TIC WATE	i ilcanincii iliani	J Days

Electric

<u>W.T.P.</u>

Upgrades at Industrial Substation	3 Days
Upgrades at Southside Substation	2 Days

Total: 15 Days

5 Days

We have begun researching the size and type of Mini Excavator we would prefer to purchase. The general specifications for the piece of equipment are:

Horse Power 50-60

Weight 18,000 lbs +/-

Excavation Depth 15' +/-Hydraulics Location External

The other preferred option we are considering is Zero Tail Swing. Due to safety concerns, we would prefer that the body of the excavator does not extend past the outside edge of the tracks when the operator swings.

In our research, we found approximate costs as follows:

Zero Tail Swing, Mini Excavator, Including	
Three (3) Buckets & Hydraulic Thumb	\$86,400.00
Trailer (20 Ton)	\$21,700.00
Trade-In Value of Backhoe	-\$20,000.00

Total: \$87,100.00

We acquired rental rates for similar pieces of equipment. By applying this rate to the hours of usage listed above, the estimated costs for rental of this equipment are as follows:

Rental Rates (Per Day)	\$250.00
Potential Expenditure for Leasing Equipment in 2012	\$11,250.00
Approximate Cost of Past Leasing (Previous 5 years)	\$3,750.00

By multiplying the potential expenditure from 2012 (\$11,250) by five (5) and adding in the approximate leasing costs from actual leases over the past five years, the City of Napoleon would have expended approximately \$60,000 over the past five (5) years by leasing the proper equipment. This does not take into account the safety issues with using the wrong piece of equipment to perform work. Please consider our request to purchase this piece of equipment.

CEL



Form No. OEC-2012 OHIO ETHICS COMMISSION

FINANCIAL DISCLOSURE STATEMENT

This statement is to be filed in 2013

Financial information for calendar year 2012

Please type or print clearly. See <u>instructions</u> for assistance with this page.

		First Name			M
				_	
Address		City		State	Zip
County	E-mail Address		Phon		
county	Timan / taur ess		()	
SECTION B. STATUS (Check a Candidate	i ii i i	DATES: Please list the date	e of		
Write-in Candidate	II -	t election (primary, specia			
Elected to an office		l) when your name will ap			
Appointed to an unexpir	red on the	ballot.			
term in elective office Public Official	Month	n Dav Year	_		
Public Employee	Month				
Voluntary Filer		2013			
SECTION C. PUBLIC POSITIO Position/Title (Example: cour		oard member. or iob title)			Seeking
Position/Title (Example: cour	ncil member, sheriff, b	oard member, or job title)			Seeking
					Hold
Dublic Entity you come in 201	12 comed in 2012 on	will come if alacted			☐ Held
Public Entity you serve in 201	13, served in 2012, or v	will serve if elected			
Public Salary:					
	Start Month [Day Year	End Mon	th Day	Year
Uncompensated	-				
Less than \$16,000	Date:		Date:		
			Date:		
Less than \$16,000 \$16,000 or more	Date:	E, OR JOB	Date:		
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1. SOURCES OF INCOME - ALL FILERS MUST ANSWER THIS QUESTION:	(For help,	see instructions page 4)
☐ I have no sources of income that I am required to list.		
Source of Income	Service Provided	Amount
A		
В		
С		
D		
E		
F		
2 COLUMNIC OF CIETS AND PHOTO AND THE OWNER THE OWNER.	(For hole	see instructions need []
2. SOURCES OF GIFTS - ALL FILERS MUST ANSWER THIS QUESTION: I have no sources of gifts that I am required to list.	(FOI Heip,	see instructions page 5)
Source of Gift	Source of Gift	
A	D	
В	E	
C	F	
3. NAMES OF SPOUSE RESIDING IN HOUSEHOLD AND ANY DEP	ENDENT CHILDREN - ALL FILERS MUST ANSWER	THIS QUESTION:
There are no immediate family members whose names I am	required to list. (For help,	see instructions page 5)
Husband/Wife Residing in Household	Dependent Child	lren
Husband/Wife Residing in Household	Dependent Child	dren
Husband/Wife Residing in Household Dependent Children	Dependent Child	dren
	Dependent Child	dren
	Dependent Child	dren
Dependent Children		
	(For help,	
Dependent Children 4. NAMES OF BUSINESSES - ALL FILERS MUST ANSWER THIS QUESTION	(For help,	
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You are not required to disclose your personal residence or real property held primarily for personal recreation.

6. CREDITORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION I have no creditors that I am required to list.	:	(For help, see instructions page 6)
Creditor		Creditor
А	D	
В	E	
С	F	
7. DEBTORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION: I have no debtors that I am required to list.		(For help, see instructions page 6)
Debtor		Debtor
А	С	
В	D	
8. INVESTMENTS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUEST have no investments that I am required to list.	ION:	(For help, see instructions page 6 and 7)
Corporation, Trust, Business Trust, Partnership, or Association		Nature of Investment
Α		
В		
С		
D		
E		
F		
IF YOU NEED ADDITIONAL SPACE, PL	LEASE USE THIS A	TTACHMENT PAGE.
9. OFFICES/FIDUCIARY RELATIONSHIPS - ALL FILERS MUST ANSWER TO I have no offices or fiduciary relationships that I am required		(For help, see instructions page 7)
Corporation, Trust, Business Trust, Partnership, or Association		Office or Nature of Relationship
Α		
В		
 SKIP QUESTIONS 10 AND 11 IF YOU ARE A: College or university trustee Candidate for a city, township, school district, or ESC position that is paid less than \$16,000 a year 	•	ip, school district, ESC, or sanitary district apployee serving in a position that is paid 5,000 a year
10. FOOD OR BEVERAGES - SKIP THIS QUESTION IF LISTED IN BOX ABOVE I have no sources of meals, food, or beverages that I am requ		(For help, see instructions page 8)
Source of Food or Beverages		Source of Food or Beverages
Α	С	

D

В

11. TRAVEL EXPENSES - SKIP THIS QUESTION IF LISTED IN BOX ON PAGE 3:	(For help, see instructions page 8)
☐ I have no sources of travel expenses that I am required to list.	
Source of Travel Expenses	Amount
Α	
В	
С	
D	
E	
F	
12. NON-DISPUTED INFORMATION - <u>ALL state employees, state officials and state boottrustees</u>) are REQUIRED to answer Question 12. All other filers should skip this question and go	
I have no information that I am required to list.	(For help, see instructions page 9)
Non-Disputed Information	n
Α	
В	
13. SIGNATURE - ALL FILERS MUST SIGN THE STATEMENT:	(For help, see instructions page 9 and 10)
By signing this statement:	
 I swear or affirm that this statement and any additional attachments and constitute my complete, truthful, and correct disclosure of all rec page 1 is a correct mailing address. 	
 I acknowledge and understand that, among other potential violations a criminal misdemeanor of the first degree, in violation of Sections 10 punishable by a fine of not more than \$1,000, imprisonment of not m 	02.02(D) and 2921.13(A)(7) of the Revised Code,
 I acknowledge and understand that filing a false statement may be gr from public employment pursuant to Sections 3.04 and 124.34 of the 	·
 I acknowledge that, in 2012, I served in, or in 2013, I am serving in or this statement. 	a candidate for, the position indicated on page 1 of
If you have any questions before signing this form, please contact the Ohio E	thics Commission at (614) 466-7090.
Before signing this statement, please review to make sure that you have answ you have nothing to list in response to any question, check the box indicating required question is omitted, the Commission will return the statement to you complete statement by the appropriate filing deadline will be assessed a late	that you have nothing to list. If the response to any u as incomplete. Any person who fails to file a
My filing fee is: Enclosed (check or money order payable to "Ohio Ethics Commission") Submitted Online	(For help, see instructions page 2)
My public agency is required to pay my filing fee.	
YOUR SIGNATURE IS REQUIRED HERE:	Date:

02/01/13 01:41 PM

Fw[2]: Legislation Introduced in Ohio House

From: "Gregory J Heath" < gheath@napoleonohio.com>

To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

Attachments: House Republican Release.pdf (134.4 kB);

Rox, Please include in Council Packets. Thank you.

----Original Message----

From: "Ronald Behm" <rbehm@napoleonohio.com>
To: "Greg Heath" <gheath@napoleonohio.com>

Date: 02/01/2013 11:00 AM

Subject: Fw: Legislation Introduced in Ohio House



For Immediate Release: January 30, 2013

Contact: Mike Dittoe (614) 466-0863

House Republicans Introduce First Legislative Initiatives 130th General Assembly to continue focus on jobs and workforce development, among other significant initiatives

COLUMBUS—The Ohio House Republican Caucus today introduced its first set of bills that strive to accomplish a variety of goals, from improving workforce development efforts and revising school safety laws, to assisting local governments with efficiency measures.

"While these 10 bills are not part of an official House Republican "priorities list," they reflect some of the bigger issues we will face in the first six months," said Speaker of the Ohio House William G. Batchelder (R-Medina). "These are the first in a series of many important bills that we will be introducing over the course of this General Assembly as we work to boost workforce development efforts, improve our tax climate, enhance local government operation, improve health care, and create a better quality of life for all Ohioans."

The legislative initiatives that the House Republican Caucus introduced are as follows:

House Bill 1 (Derickson, Romanchuk) – Ohio Means Jobs. This legislation rebrands Ohio's patchwork of workforce centers, currently referred to as "One-Stops," as "Ohio Means Jobs _____ County" to ensure consistency, reduce public confusion, and connect these centers directly to OhioMeansJobs. It also requires all workforce investment boards to use OhioMeansJobs as the only job matching tool by July 2013 to streamline job-matching services, reduce duplication, and maximize this increasingly important benefit to Ohioans.

House Bill 2 (Derickson, Brown) – Helping the unemployed get back to work. This bill requires that all applicants for unemployment insurance register with OhioMeansJobs prior to applying for benefits and requires applicants to make direct contact with their local One-Stop (or future OhioMeansJobs office) by the eighth week of unemployment benefits. This will ensure that unemployment insurance applicants are maximizing their job search opportunities and make it easier for the applicant to navigate the many different services that currently exist.

House Bill 3 (Sears, Kunze) – Improving health insurance oversight. In order to protect our competitive marketplace, it is important that we control the regulatory authority over the sales, solicitation and recommendation of health insurance options. This legislation provides for the certification and oversight of health exchange navigators, and adjusts continuing education requirements for insurance agents. It outlines the scope of practice of a navigator, as well as specific requirements for licensure and ethics requirements.

House Bill 4 (Stautberg, Blessing) – Local Government Performance Measure Grant Program. This legislation creates 100 micro-grants to help Ohio's local governments improve government efficiency, maintain vital services, and save taxpayer dollars in an effort to make Ohio more competitive. These grants will give local entities the tools to efficiently manage functions and services by using performance measurements and benchmarking. The funds will be repurposed from the existing appropriation of \$36 million in unused loan dollars from the Local Government Innovation Fund.

House Bill 5 (Grossman, Henne) – Municipal income tax uniformity. This legislation seeks to make Ohio's municipal income tax system as fair and uniform as possible throughout Ohio's more than 600 taxing municipalities. Among other provisions, it creates uniform treatment of filing requirement, defines "resident" to eliminate the requirement that someone can be a resident of an Ohio city without being a legal resident of the state of Ohio, and creates a uniform net operating loss carry-forward period of five years.

House Bill 6 (Thompson, Green) – Local government agreed upon procedures. This legislation specifies that local government entities that qualify for an agreed-upon procedures audit must meet defined criteria. An agreed-upon procedures audit is a lower cost method that allows eligible government agencies to save money and time without sacrificing accountability. The Ohio Auditor of State's office estimates that more than 1,000 government entities may qualify for this kind of audit.

House Bill 7 (Huffman) – Internet sweepstakes. This is a redrafted version of House Bill 605 from the previous General Assembly, taking into account concerns that the Ohio Attorney General and others have raised regarding the need for sweepstakes parlor or sweepstakes internet café regulation. This version tightens some of the definitions and adds the ability for businesses to obtain a waiver from being labeled a sweepstakes terminal device facility for their customer reward programs.

House Bill 8 (Roegner, Kunze) – Working to ensure safer schools. The provisions of this legislation will be drafted based on interested party input during the committee process. It will incorporate research and suggestions brought forth by the public.

House Bill 9 (Stautberg) – Commercial foreclosure updates. This bill adds to and clarifies the powers of a receiver (someone who, in the case of commercial foreclosure, is appointed by the court to serve as a caretaker of the real property) and enables a receiver to sell real property by modifying who can be appointed a receiver and what authorizations they have under the law to handle the property for which they are responsible.

House Bill 10 (C. Hagan) – Fiscal Integrity Act. This legislation increases accountability and penalizes wrong-doing from local fiscal officers. It creates a uniform removal provision and due process for county auditors and treasurers, municipal fiscal officers, and township fiscal officers. It also deals with provisions pertaining to dereliction of duty and local government audits.

Committee hearings on these bills and others recently introduced are expected to commence in the near future. The Speaker looks forward to extensive debate and discussion on these important pieces of legislation throughout the committee process.

Memorandum

To: Technology and Communication Committee, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Media

From: Gregory J. Heath, Finance Director/Clerk of Council

Date: 1/28/2013

Re: Technology and Communication Committee Meeting Cancellation

The February 4, 2013, meeting of the Technology and Communication Committee has been <u>CANCELED</u> due to lack of non-tabled agenda items.

January 25, 2013

Congress sends security request to utilities

By Kevin Koloini - director of reliability standards compliance

An unknown number of AMP members recently received a letter from U.S. Reps. Edward Markey and Henry Waxman requesting responses to 15 detailed questions regarding "your entity's efforts to ensure your electric grid assets are protected from a cyber or physical attack or geomagnetic storm" by Feb. 15.

AMP requests that those members that did get an "official" letter from Congress (as opposed to informal channels) hold off for now on drafting responses to the questions. APPA, in coordination with other trade associations, is developing guidance on how its members who received the attached letter from Congress should respond. APPA and other trade associations anticipate responding to the letter as well, although we have just begun gathering information on how best to respond.

AMP also cautions members that answering some of the questions directly could reveal Critical Energy Infrastructure Information (CEII) and/or could violate NERC CIP reliability standards. APPA is seeking clarification of these points from NERC. Further, some of the questions may proceed from inaccurate factual premises.

If your utility received this letter directly from Congressman Markey's or Congressman Waxman's office, please contact me at 614.540.0857 or kkoloini@amppartners.org. AMP staff is attempting to develop a full list of each of the member utilities that were contacted directly. The letter may have been sent via email or by "snail" mail or both. Also, the letter may have been sent to a government relations staff or communication staff contact at your utility, not necessarily directly to your general manager/CEO.

Thanks for your attention to this matter and your patience as we coordinate with APPA and other trade associations.

Trends in sustainability

By Julia Blankenship - manager of energy policy and sustainability

The U.S. Department of Energy last month issued a report on global oil production, projecting that the Saudis will retain their status as the world's No. 1 crude oil producer for the foreseeable future – despite other projections that the United States could rival Saudi Arabia with the influx of shale oil and other unconventional supplies.

The devil appears to be in the details – as the United States lags behind Saudi Arabia by only 0.6 million barrels when all petroleum liquids are included in the daily calculation. Nonetheless, DOE projects that the Saudis will maintain their ability to influence the market as a swing producer, and that the United States will still be vulnerable to price fluctuations. The interconnectedness of global oil markets is also expected to influence price and supply of natural gas, including possible United States exports of liquefied natural gas (LNG).

see SUSTAINABILITY Page 2

Planning is under way for 2013 APPA Legislative Rally; webinars scheduled

By Michael Beirne – assistant vice president of government affairs and publications

Information and registration materials were sent to members earlier this week for the annual APPA Legislative Rally, which will take place March 11-13 at the Grand Hyatt Washington in Washington, D.C. AMP and OMEA have regularly made our presence known at the Rally by having one of the largest delegations in attendance, and we expect 2013 to be no exception.

We strongly encourage AMP members from every state to attend the Rally. It is important that congressional policymakers hear from the public power community and our concerns.

The following are some of the key issues Congress and the Administration will be focusing on in the upcoming months that could impact the operations of your electric system:

- Reducing the deficit and reforming the tax code, both of which we expect to include discussion about limiting or eliminating taxexempt financing
- Regulatory improvements to benefit hydropower development and relicensing
- The U.S. Environmental Protection Agency's myriad regulatory initiatives and the impacts on energy reliability and the economy
- Wholesale market issues and cybersecurity

As in previous years, AMP/OMEA will offer two webinars the week prior to the Rally – 2 p.m. March 5 and 10 a.m. March 7 - to review and discuss issues of importance. Login information will be sent to members following registration. These calls are open to members who are attending the Rally as well as those who have an interest in federal issues.

Please contact Betty Wehrman at 614.540.6413 or bwehrman@amppartners.org with questions, to register for a webinar, or if you did not receive Rally information.

American Municipal Power
1111 Schrock Road,
Columbus, Ohio 43229
614.540.1111 • FAX 614.540.1113
www.amppartners.org

with slowing demand. BP also projects that the United States will become the world's largest producer of crude oil and biofuels in 2013, staking a slightly more optimistic position than DOE.

In a related matter, BP announced last week that the United States will be 99 percent energy self-sufficient by 2030

in its annual energy outlook (found here) mostly due to

increased unconventional oil and gas production combined

SEPA offers conference scholarships

By Alice Wolfe - manager of alternative generation and Smart Grid

The Solar Electric Power Association (SEPA) is offering scholarships for its Utility Solar Conference. Now in its fifth year, the 2013 event will be held April 16-17 in Portland, Oregon.



The scholarships are given to encourage attendance from utility staff that would not otherwise be able to attend due to budgetary and/or travel restrictions. Applications are due by Feb. 20 and applicants will be notified by Feb. 27 if they have been selected to receive a scholarship.

The conference is a chance for utilities to discuss critical issues and share experiences. The event is geared to a wide range of attendees, including executives, distribution engineers and program managers. Slated conference topics include:

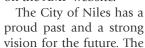
- The Value of Solar: Rates and Revenue Retention
- Community Solar: Building a Program that Fits the Utility
- Evaluating Proposals and Project
- Streamlining Processes: Solving the Interconnection Bottleneck

To apply for a scholarship, visit http://www.surveymon.key.com/s/2013SEPAScholarships

AMP highlights Niles in latest online Member Spotlight

By Krista Selvage - manager of publications

Niles, Ohio, is the latest member community to be highlighted in AMP's Member Spotlight on the AMP website.





city is an ideal location for the growth of industry and the city has been successfully developing a wide industrial base.

Companies located in the City of Niles benefit from some of the lowest water and electric rates in the country. The Niles Light Department, established in 1895, provides electrical service to about 11,000 customers.

We encourage you to visit Member Spotlight and take a little time to get to know some of the other AMP member communities and see what they are up to.

On Peak (16 hour) prices into AEP/Dayton Hub Week ending Jan.25 MON THE WED THU FRI \$50.50 \$40.75 \$44.75 \$52.00 \$54.00 Week ending Jan. 18 TUE MON WED THU FRI \$32.50 \$35.00 \$34.75 \$32.50 \$33.50 AEP/Dayton 2014 5x16 price as of Jan. 25 — \$41.35 AEP/Dayton 2014 5x16 price as of Jan. 18 — \$41.20

AMP kicks off 2013 finance, accounting subcommittee with Eastern Pennsylvania/ Delaware meeting

By Chris Deeter - senior director of member credit compliance

The first finance and accounting subcommittee meeting of 2013 was held Jan. 24 in Philadelphia. There were 20 attendees from five member communities.

Following a continental breakfast and time for networking, Dawn Lund, with Utility Financial Solutions, led a discussion on explaining rate increases to councils and the end user.

AMP's Financial Advisor Ted Sobel, with Samuel A. Ramirez & Co., then gave a presentation on interest rates and fixed income debt strategies. This was followed by an overview of recent actions of the Federal Reserve by Jim Moore, principal at Kensington Capital Advisors and AMP derivatives advisor.

Pam Sullivan, AMP senior vice president of marketing and operations, then provided information on the AMP Eastlake project, followed by a question and answer session.

Steve Green, principal at Winkel, Green and Van Horn, discussed internal controls; and finance director for the Village of Montpelier, Ohio, Kelly Hephner presented "Not on My Watch" – a case for internal controls review.

The next finance and accounting meeting will take place Feb. 14 at Dow Leadership and Conference Center in Hillsdale, Michigan. If you have any questions or would like to obtain a copy of the agenda for the upcoming meeting, please do not hesitate to contact me at 614.540.0848 or cdeeter@amppartners.org

Member Directory updated

Updates have been made to the AMP Member Directory. The 2013 directory is located on the Member Extranet section of the AMP website (login required). On that web page, you will also find a Word document that details all the changes made since the last directory update. Please contact Bethany Kiser at 614.540.0945 or bkiser@amppartners.org with directory changes or questions. We appreciate you keeping us up-to-date on changes in your community.

AFEC weekly update

By Craig Kleinhenz - manager of power supply planning

AFEC had another strong week of production, as cold weather set in on the region on Monday. The week started out with the plant being dispatched offline last Sunday due to economic reasons. The plant returned to full output during the Monday morning peak and ended the day with an 81 percent load factor. With cold temperatures pushing loads up, the plant saw strong production almost every day this week.

The lone exception to this was a transmission outage in the FirstEnergy area on Wednesday into Thursday. The plant saw some localized congestion which resulted in the plant moving to lower production levels. Even with not running Sunday and reduced production Wednesday into Thursday the plant ended the week with a 64 percent load factor.

On-peak prices were stronger than last week but still not enough to see many hours of duct burner operation. For the week AFEC was \$6.47/MWh cheaper than Day Ahead 7x16

Save the date – Sustainability **Subcommittee Quarterly Webinar**

By Julia Blankenship

Please note that the next quarterly meeting of AMP's Sustainability Subcommittee will be held via webinar at 2 p.m. Feb. 27. Official meeting notifications will be sent within the next two weeks.

AMP staff is in the process of developing the agenda, but will at least provide updates on various AMP projects and the Efficiency Smart program. If you have suggestions, please feel free to contact me at 614.540.0840 or jblankenship@amppartners.org

AMP's Sustainability Subcommittee is open to all AMP member communities interested in promoting sustainability and sustainable business practices. We welcome your participation.

APPA webinar focuses on efficient customer service

APPA and Hometown Connections will offer the webinar "Improving Customer Service and Operational Efficiency through Integrated Technology," from 2 to 3:30 p.m. Feb. 14.

The webinar will highlight how utilities can leverage new integrated software and technologies to provide better customer service and operate more efficiency while reducing burden on staff.

Speakers are Steve Collier, vice president of business development for Milsoft Utility Solutions Inc., and Jim Briggs, general manager of utilities for Georgetown Utility Systems.

Cost is \$89, \$179 for nonmembers. To register, visit http://www.publicpower.org/events/webinarpublicpow er11.cfm?ItemNumber=36453



News or Ads?

Call Krista Selvage at 614.540.6407 or email to kbselvage@amppartners.org if you would like to pass along news or ads.

Energy prices relatively flat

By Craig Kleinhenz

After the last several weeks of ups and downs in the energy markets, things ended the week fairly flat. March natural gas prices closed down \$0.05/MMBtu from last week to end at \$3.45/MMBtu.

2014 on-peak electric prices at AD Hub finished up \$0.15/MWh from last week, closing at \$41.35/MWh. The cooler temperatures we experienced this week are expected to end this weekend. After some warmer temperatures next week the cold is forecasted to return next weekend.

Update Classifieds

City of Columbus seeks power division administrator

The City of Columbus Department of Public Utilities is seeking qualified candidates for an administrator for the division of power. Under administrative direction, this position is responsible for planning, coordinating, and directing the operations of the Division of Power.

Applicants must possess a Bachelor's degree and five years of management experience to include policy formulation and implementation, management of a budget in excess of one million dollars, and direction of a large staff (20 employees or more) through subordinate supervisors.

Substitutions: A master's degree in business administration, public administration, or closely related field may be substituted for one year of the required experience. Salary \$89,627 to \$149,344.

Send resumes by Feb. 7 to: Krista McGee, Department of Public Utilities, 910 Dublin Road - Room 4150, Columbus, OH 43215, or fax them to 614.645.0500, or email to <u>DPURecruitment@Columbus.gov</u>. Telephone: 614.645.5883. EOE

Calendar

Feb. 14—AMP finance & accounting subcommittee meeting Dow Leadership and Conference Center,

Hillsdale, Michigan

Feb. 28—AMP finance & accounting subcommittee meeting Zelienople Borough Council Chambers,

Pennsylvania

March 11-13—APPA Legislative Rally Grand Hyatt, Washington, D.C.

March 14—AMP finance & accounting subcommittee meeting

March 23—APPA Lineworkers Rodeo Kissimmee, Florida

March 24-27—57th Annual Engineering and Operations Technical Conference Kissimmee, Florida

April 23-24—7th Annual AMP Technical Services Conference Columbus

Fw: Ohio Municipal League Legislative Bulletin

From: "Gregory J Heath" <gheath@napoleonohio.com> 02/01/13 03:01 PM

To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

-----Original Message-----

From: "Ohio Municipal League" <ajoos@omlohio.org>

To: gheath@napoleonohio.com Date: 02/01/2013 02:46 PM

Subject: Ohio Municipal League Legislative Bulletin

Having trouble viewing this email? Click here



Legislative Bulletin

Ohio Municipal League February 1, 2013

MUNICIPAL INCOME TAX UNIFORMITY LEGISLATION INTRODUCED

On Wednesday, Ohio House of Representatives Majority Whip Rep. Cheryl Grossman (R-Grove City) and Rep. Mike Henne (R-Clayton) re-introduced their municipal income tax uniformity legislation, which last year was HB 601 and is now HB 5. A copy of the legislation can be found at http://www.legislature.state.oh.us/bills.cmf?ID=130_HB_5.

Although we are still going through the bill and comparing the two proposals for changes, the legislation very closely mirrors the proposal that was introduced last General Assembly. We will be providing our members with greater detail on the exact differences in the two bills and areas where we continue to have opposition or areas that we support proposed language, in upcoming bulletins.

The first obvious difference is in the weight of the two bills. There have been more pages added to HB 5, compared to the previous version, so the bill is longer by 12 pages. We have not been able to identify any areas where municipalities suffer significant revenue loss or loss of local control that have been "fixed" in HB 5. So far, we have been able to tell that more language has been added that has not been seen before in any of the interested party meetings, technical corrections were made to improve previously offered language and added cross referencing and sections that further complicate legislation that was intended to "simplify" the administration of the municipal income tax.

Briefly, the following are a few of the most onerous parts of HB 5 that are a carry-over from HB 601 and remain the source of our most passionate opposition. Again, we have drafted language that addresses all these areas creating greater uniformity but does not cause the potentially devastating impacts to local budgets and loss of local control that continues to be advanced legislatively. Briefly they are:

- language that would impose an unfunded mandate on 239 Ohio municipalities by mandating that they must offer businesses a five year net operating loss carry forward tax deferment plan:
- changes to the occasional entrant treatment remains as in 601 by extending from 12 to 20 the number of days the transit worker can work in a community before the income tax would apply to that workers use of municipal services; the other significant revenue issue in the proposed change to the current uniform 12 day occasional entrant law that was enacted in 2000 (Rep.Mottley-HB477) is the new restriction that would be placed on communities current treatment of the obligation of a taxpayer to be responsible for the total tax due when the days in a community threshold is met. HB 5 says, like HB 601 that municipalities can only collect tax on the 21st day and forward and no back tax obligation would be due. HB 5 does correctly define a day from "majority" to "preponderance" before the day can count toward the new 20 day threshold;
- the language that would create massive revenue loss for some cities and villages by prohibiting municipalities from applying their local income tax to any business in their community that have sales generated through distribution centers or internet sales by removing the "throw back" provision, remains in the legislation and remains a "goal" of those seeking greater "uniformity";
- the language remains in HB 5 that would invalidate all local municipal tax ordinances and mandate that municipalities adopt the provisions of Ohio Revised Code 718, by reference, which would be a tremendous loss of local control by taking away the ability of Ohio cities and villages to control and administer their own voter supported local income tax;
- the growth of state government language survived also by the proposed creation of the Municipal Income Tax Policy Board. Unfortunately, the new language goes farther in giving the new layer of state bureaucracy more regulatory authority over cities and villages and expands their ability to unnecessarily interfere in local issues.

These are only a few of the objectives that we have been able to identify in a bill that is being championed as being "revenue neutral" and a product that will be more "user friendly" to the taxpayer.

We continue to encourage our members, if you have not already done so, please consider all the areas of reform that are being presented in HB 5 and analyze what these changes will mean to your current revenues. Examples such as the language in HB 5 that would require all municipalities to tax all ages of taxpayers, including those workers under the age of 18 years of age, remains in the bill and may have a positive effect on your local budgets, if your community had made the overt choice that taxing these younger workers wasn't something that your community felt it needed to do. There are other areas that may increase collections by a very small amount and in no way would offer any financial advantage compared to the drastic revenue reduction measures proposed in HB 5. Please share those fiscal analysis with your State Representative and Senator and please provide us with a copy so we can better understand from a statewide perspective how these changes may alter the operations of Ohio municipalities.

In following Legislative Bulletins, we will go further into breaking components of HB 5. We expect that HB 5 will be assigned to the House Ways and Means Committee, like HB 601. We will be sure to keep our members up to date on committee activity surrounding this bill and will send out special alerts when the committee begins taking testimony.

MORE BILLS OF MUNICIPAL INTEREST INTRODUCED

Along with the municipal income tax uniformity bill that was introduced, the Ohio House also accepted for introduction of four other bills that will affect municipalities.

HB 17, legislation introduced by returning state Representative Jack Cera (D-Mingo Junction)which would require that for fiscal year 2014 and each fiscal year thereafter, the Local Government Fund must receive the same proportion of state tax revenue that the Fund received in fiscal year 2005. A copy of the bill can be found here:

http://www.legislature.state.oh.us/bills.cfm?ID=130 HB 17.

- HB 10, Rep. Christine Hagan's (R-Alliance) reintroduced bill from the last General Assembly that would establish the Fiscal Integrity Act. The legislation would require education programs and continuing education requirements for township and municipal fiscal officers; it would establish procedures for removing fiscal officers, county treasurers and county auditors from office and would create fiscal accountability requirements for schools. municipal corporations, townships and counties. The bill can be found at: http://www.legislature.state.oh.us/bills.cfm?ID=130 HB 10.
- HB 4, sponsored by Rep. Peter Stautberg (R-Cincinnati) which would establish the Local Government Performance Measurement Grant Program enabling the creation of 100 microgrants to help Ohio's local governments. The grants will incorporate the use of benchmarking and performance measurements to define criteria with funds used to finance the grant program from the unused \$36 million that remains in the Local Government Innovation Fund, that was created in HB 153. A copy of the bill can be found here: http://www.legislature.state.oh.us/bills.cmf?ID=130 HB 4.
- HB 6, introduced by Rep. Thompson (R-Marietta) is legislation that would specify that local governments that qualify for an agreed-upon procedures audit must meet defined criteria and will eliminate the Auditor of State exemption from filing a rule summary and fiscal analysis with proposed rules. The bill can be found at http://www.legislature.state.oh.us/bills.cfm? ID=130 HB 6.

The Ohio Senate has not unveiled their first group of bills to be introduced but we expect those to be presented very soon. As always, we will keep our members informed of bills that are offered that will affect Ohio municipalities and any comment activity surrounding these proposals.

LEGISLATVE COMMITTEE SCHEDULE FOR THE WEEK OF FEBRUARY 3, 2013

Tuesday, February 5, 2013

HOUSE FINANCE AND APPROPRIATIONS

Tue., Feb. 5, 2013, 4:00 PM, Hearing Room 313

First hearing and testimony from OBM Director Tim Keen and the Legislative Service Commission on the operating budget bill, pending introduction and referral.

HOUSE MANUFACTURING AND WORKFORCE DEVELOPMENT Rep. Schuring: 614-752-2438 Tue., Feb. 5, 2013, 4:00 PM, Hearing Room 114

OHIO WORKFORCE DEVELOPMENT LAW (DERICKSON T, ROMANCHUK M) To require a local workforce investment area to use OhioMeansJobs as the local workforce investment area's HB1 job placement system, to rename county one-stop systems, and to make other changes to

Rep. Amstutz: 614-466-



Napoleon Fireman's Association Annual Pancake Breakfast

Sunday,
February 10th
7:00 am - 1:00 pm



at the Napoleon Fire Department