
Memorandum

To: Mayor & Members of Council
From: Jon Bisher/*rd*
Subject: General Information
Date: March 1, 2013

CALENDAR

MONDAY, MARCH 4, 2013

➤ **PUBLIC HEARING NOTICE** – 2013 CDBG/HOME/OHTF Funding Programs @ 6:45 pm

➤ **AGENDA** – City Council Meeting @ 7:00 pm

C. APPROVAL OF MINUTES – February 12 and February 18, 2013

E. REPORTS FROM COUNCIL COMMITTEES

The Majority Report from the February 25th meetings are enclosed for each committee:

1. *Finance & Budget Committee*
2. *Safety & Human Resources Committee*

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 007-13** an Ordinance Amending the City of Napoleon's Ordinance No. 010-07 and Authorizing the Finance Director and other City Offices to Accept Payments through the Use of a Financial Transaction Device or Contracted Service(s), and Declaring an Emergency. (*Suspension Requested*)
2. **RESOLUTION NO. 008-13** a Resolution Authorizing the City Manager to Issue a Request for Application for Services Relating to the Administration and Writing of Grants for the FY 2013 Community Development Block Grant and the Community Development Program, and Declaring an Emergency. (*Suspension Requested*)
3. **RESOLUTION NO. 009-13** a Resolution Authorizing the City Manager to Enter into a Contract with Enaqua for the Purchase of a Noncontact Disinfection System, and Declaring an Emergency. (*Suspension Requested*) – **a copy of Enaqua's Agreement and Scope of Supply (Revised) is enclosed.**
4. **RESOLUTION NO. 010-13** a Resolution Authorizing the City Manager to Enter into a Contract with Courtney and Associates for Professional Services Regarding the Water Rate and Cost of Service Study Update; and Declaring an Emergency.
5. **RESOLUTION NO. 011-13** a Resolution Authorizing Contracts with the Townships of Napoleon, Harrison, Freedom and Henry County South Joint Ambulance District for Fire Service and/or Emergency Medical Service Commencing April 10, 2013; and Declaring an Emergency. (*Suspension Requested*)

6. **RESOLUTION NO. 012-13** an Ordinance Repealing Ordinance No. 013-12 and Establishing New Per Person User Fees for EMS Basic Life Support, Advanced Life Support Level 1 Service, and Advanced Life Support Level 2 Service, Mileage Charge, Mutual Aid, Medicaid, Nursing Home Service and Non-Emergency Transport Service as it relates to Coroner Cases, all provided by the City of Napoleon Rescue.

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

J. GOOD OF THE CITY

1. *Approval of Purchase of a Substation Service Truck off the State Contract*
 - a. A copy of the specifications for a 37' Aerial Unit Aerial Tower and Accessories is enclosed. Replacement of the Substation Service Truck was included in the 2013 Budget.
- Greg Heath has included his "response" to items 2 and 3.
2. *Recommendation to Reduce Income Tax Department by One Full Time Person*
3. *Recommendation to Not Outsource all of the Income Tax Operations*
4. *Recommendation to Direct the Law Director to bring Legislation to Raise EMS Transport Service Rates and to prepare 2013 Contracts and Resolutions for the Townships - Resolution No. 012-13 and No. 011-13 above.*
5. *Grant Donation from Firefighters Charitable Foundation Inc. in the amount of \$300.00*

INFORMATIONAL ITEMS

In response to the questions raised at last Monday's Safety & Human Resources Committee meeting about the fire tanker truck and credit consideration on the Township EMS/Fire contracts, please see the attached Memo from Greg Heath.

RELATED ITEMS

1. **TECHNOLOGY & COMMUNICATION COMMITTEE**; Monday, March 4th @ 8:00 pm
2. **TMACOG / The Big Picture March**
3. **AMP UPDATE**/February 22, 2013
4. **OML LEGISLATIVE BULLETIN**/February 22, 2013

February 2013							March 2013							April 2013						
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24	25	26	27	28			24	25	26	27	28	29	30	28	29	30				
							31													

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
24 AMP - Bisher (Arizona)	25 6:30 PM Finance & Budget Committee Meeting 7:30 PM Safety & Human Resources Committee Meeting AV - Shery AMP - Bisher (Arizona)	26 AMP - Bisher (Arizona)	27	28 BISHER - Vacation	1 BISHER - Vacation	2 BISHER - Vacation
3 BISHER - Vacation	4 6:45 PM Public Hearing (CDBG/HOME/OHTF Programs) 7:00 PM City COUNCIL Meeting 8:00 PM Technology & Communication Committee AV - Dan	5	6	7	8	9
10 APPA Conference - DC: Bisher.	11 6:30 PM Electric Committee BOPA Meeting 7:00 PM Water/Sewer Committee Meeting 7:30 PM Municipal Properties/ED Committee Meeting AV - Rox APPA Conference - DC: Bisher.	12 5:00 PM Planning Commission Mtg. APPA Conference - DC: Bisher.	13 6:30 PM Joint Meeting of Parks & Rec Board and Parks & Rec Committee AV - Rox APPA Conference - DC: Bisher.	14	15	16
17	18 6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 8:00 PM Parks & Rec Committee Meeting AV - Dan	19	20 AMP - Bisher	21 AMP - Bisher	22	23
24	25 6:30 PM Finance & Budget Committee Meeting 7:30 PM Safety & Human Resources Committee Meeting AV - Shery	26	27	28	29 HOLIDAY - City Offices Closed	30
31	1 7:00 PM City COUNCIL Meeting AV - Dan	2	3	4	5	6

**NOTICE OF FIRST PUBLIC HEARING - CITY OF NAPOLEON
 FY 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
 FY 2013 HOME INVESTMENT PARTNERSHIPS PROGRAM
 OHIO HOUSING TRUST FUND (OHTF)**

The City of Napoleon intends to apply to the Ohio Department Services Agency (ODSA) for funding under the Small Cities Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships Program. CDBG & HOME are federally funded programs administered by ODSA, Office of Community Development (OCD). The ODSA also administers the state funded Ohio Housing Trust Fund (OHTF). The City may be eligible for Fiscal Year 2013 CDBG/HOME/OHTF funding, providing the City meets applicable program requirements. The programs available to City of Napoleon are outlined in the State of Ohio Consolidated Plan and will be presented at the Public Hearing.

This first of two public hearings will be held on **Monday, March 4, 2013 at 6:45 p.m.** in the City of Napoleon Council Chambers, 255 Riverview Avenue, Napoleon, Ohio. The purpose of the public hearing is to provide citizens with pertinent information about the programs available and program requirements. A broad range of activities can be funded through the programs, including: housing rehabilitation, economic development, and water and sewer facilities. Projects must be designed to primarily benefit low-to-moderate income persons, aid in the prevention of slums or blight, or meet an urgent need in the community.

The following CDBG/HOME/OHTF programs may be available to City of Napoleon in FY 2013:

PROGRAM	FUNDS
* Community Housing Improvement Program (CHIP)	\$400,000
* Residential Public Infrastructure Program	\$500,000
* Economic Development Program	\$10,800,000 statewide
- Loan Program	
- Public Infrastructure Grants	
* Microenterprise Business Development Program	\$60,000
* Discretionary Grant Program	\$1,500,000 statewide
* New Horizons Fair Housing Assistance Program	\$30,000

The primary focus of this First Public Hearing is to give an overview of the above-listed programs. A second public hearing will be held at a future announced date prior to the submittal by the City of specific grant applications. Citizens are encouraged to attend this meeting on March 4, 2013 to provide input on the City program.

If a participant will need auxiliary aids (interpreter, Braille or taped material, listening device, other) due to a disability, please contact Maumee Valley Planning Organization prior to March 4, 2013 at 419-784-3882 in order to insure that your needs will be accommodated. The City of Napoleon Council Chambers is handicapped accessible.

City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Monday, March 4, 2013 at 7:00 PM

- A. Attendance** *(Noted by the Clerk)*
- B. Prayer & Pledge of Allegiance**
- C. Approval of Minutes:** 2/12 and 2/18 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- D. Citizen Communication**
- E. Reports from Council Committees**
- 1. Finance & Budget Committee** *(Majority Report)* met on Monday, February 25 and recommended:
 - a. To table *Mayor's Presentation on Spending Plan*;
 - b. To accept the Finance Director's recommendation to reduce the Income Tax Department by one full-time person (in response to Performance Audit Recommendation #11);
 - c. To not outsource all of the income tax operations (in response to Performance Audit Recommendation #10)
 - 2. Safety & Human Resources Committee** *(Majority Report)* met with the Townships on February 25 and:
 - a. Recommended to direct the Law Director to bring legislation to raise EMS transport services rates and to prepare 2013 contracts and resolutions for the Townships.
- F. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
- 1. Civil Service Commission** did not meet on Tuesday, February 26 due to lack of agenda items.
 - 2. Parks & Recreation Board** did not meet on Wednesday, February 27. The Board will instead meet jointly with the Parks & Recreation Committee and City Council on Wednesday, March 13.
- G. Introduction of New Ordinances and Resolutions**
- 1. Ordinance No. 007-13**, An Ordinance amending the City of Napoleon's Ordinance No. 010-07 and Authorizing the Finance Director and other City offices to accept payments through the use of a financial transaction device or contracted service(s), and Declaring an Emergency *(Suspension requested)*
 - 2. Resolution No. 008-13**, A Resolution authorizing the City Manager to issue a Request for Application for services relating to the administration and writing of grants for the FY 2013 Community Development Block Grant and the Community Development Program, and Declaring an Emergency. *(Suspension Requested)*
 - 3. Resolution No. 009-13**, A Resolution authorizing the expenditure of funds over twenty-five thousand dollars (\$25,000.00) for the purpose of obtaining a non-contact disinfection system and authorizing the City Manager to enter into a contract with Enaqua for said purchase, and Declaring an Emergency. *(Suspension Requested)*
 - 4. Resolution No. 010-13**, A Resolution authorizing the City Manager to enter into a contract with Courtney and Associates for professional services regarding the Water Rate and Cost of Service Study Update, and Declaring an Emergency.
 - 5. Resolution No. 011-13**, A Resolution authorizing contracts with the townships of Napoleon, Harrison, Freedom, and Henry County South Joint Ambulance District for fire service and/or emergency medical service commencing April 1, 2013; Declaring an Emergency. *(Suspension Requested)*
 - 6. Resolution No. 012-13**, An Ordinance repealing Ordinance No. 013-12 and establishing new per person user fees for EMS Basic Life Support, Advanced Life Support Level 1 Service, and Advanced Life Support Level 2 service, mileage charge, mutual aid, medicaid, nursing home service and non-emergency transport service as it relates to coroner cases; all provided by the City of Napoleon Rescue. *(Suspension Requested)*
- H. Second Readings of Ordinances and Resolutions**
There are no second readings of Ordinances and Resolutions.
- I. Third Readings of Ordinances and Resolutions**
There are no third readings of Ordinances and Resolutions.
- J. Good of the City** *(Any other business as may properly come before Council, including but not limited to:*
- 1. Discussion/Action:** Approval of purchase of a Substation Service Truck off the State contract
 - 2. Discussion/Action:** Recommendation to reduce Income Tax Department by one full-time person
 - 3. Discussion/Action:** Recommendation to not outsource all of the Income Tax operations
 - 4. Discussion/Action:** Grant/Donation from Firefighters Charitable Foundation, Inc. in the amount of \$300.00
- K. Executive Session** *(As needed)*

L. 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.)*

M. 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)

- a. Review Possibility of MIS Assistant Position (Tabled)

2. Electric Committee (2nd Monday)

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

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

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

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

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

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

- a. PC 13-03 Review of Changes to Planning & Zoning Codes
- b. Updated Info from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

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

Special Meeting with Parks & Recreation Board & City Council on Wednesday, March 13 @ 6:30 PM

- a. Review of the Municipal Operation of the Golf Course
- b. Outsource Management of the Municipal Swimming Pool
- c. City Employee Discounts
- d. Reduce Parks & Recreation Department Staffing by 1.5 FTE (Committee only)
- e. Outsource of Cemetery Mowing, Burial & Maintenance Functions (Committee only)

6. Finance & Budget Committee (4th Monday)

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

- a. Mayor's Presentation on Spending Plan (Tabled)

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

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

- a. Review of EMS Costs & Revenues with Townships
(2013 Regular Meetings with Townships scheduled for July 22, November 25)

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, March 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, April 9 @ 4:30 PM – March meeting is canceled.)

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

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, April 9 @ 5:00 PM – March meeting is canceled.)

4. Tree Commission (3rd Monday)

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

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, March 26 @ 4:30 PM)

6. Parks & Recreation Board (Last Wednesday)

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

Special Meeting with Parks & Recreation Committee & City Council on Wednesday, March 13 @ 6:30 PM

- a. Review of the Municipal Operation of the Golf Course
- b. Outsource Management of the Municipal Swimming Pool
- c. City Employee Discounts

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

Special Meeting Minutes

Tuesday, February 12, 2013 at 6:30 PM

PRESENT	
Council Members	John Helberg – President, Jeffrey Lankenau, Travis Sheaffer, James Hershberger (arrived at 6:35), Patrick McColley, Christopher Ridley, Jason Maassel
Mayor	Ronald A. Behm, Mayor
City Manager	Dr. Jon A. Bisher, City Manager
Law Director	Trevor Hayberger, Law Director
Finance Director/Clerk	Gregory Heath, Finance Director/Clerk of Council
City Staff	Robert Bennett, Fire Chief Scott Bockelman, Police Dispatcher Dennis Clapp, Electric Superintendent Roxanne Dietrich, Executive Assistant Scott Hoover, Water Treatment Plant Superintendent John Leatherman, Parks & Recreation Worker I David Mack, Police Lieutenant Jeff Nicely, Police Patrolman Jeff Rathge, Operations Superintendent Tom Zimmerman, Building & Zoning Inspector
Recorder	Barbara Nelson
Others	News Media, Ken Hawley, Rev. Peter Marcis, Scott Bockelman, Roger Sonnenberg
ABSENT	
Council	None
Call To Order	President Helberg called the meeting to order at 6:30 PM
Review Of Recommendations In Performance Audit	President Helberg said it took a long time to get the performance audit completed and reviewing the report will be a long process. We are listing issues tonight in order to research them and make responsible decisions. We don't want heated discussions.
Motion To Shelve Audit Report	Motion: Sheaffer Second: Based on performance audit recommendations, that Council shelve the performance audit report and not waste any more time on it
Failed: Lack Of 2nd	Motion failed for lack of a second Helberg created a formal list that follows the audit report. We want to set timelines on follow-up and who will do it. The report did not weigh in what our level of service should be, so we want to add that in.
R01 Outsource Emergency Communication Svcs.	Recommendation 01: Outsource emergency communication services Helberg suggested that an ad hoc committee or commission of Council be formed to meet with the county and research the subject.
Prayer For Weitzel Family	Hershberger arrived and introduced Rev. Peter Marcis, noting that he asked the Pastor to give a blessing tonight for Police Chief Weitzel and his family. Rev. Marcis said he was Chaplain for the Fire Department for 17 years and worked with Marla Weitzel. They never lost hope and were an inspiration during Marla's battle. Rev. Marcis offered a prayer for Police Chief Weitzel and his family.

R.06 Golf Course

R.06 Discontinue municipal operation of the golf course

Maassel suggested the possibility of selling naming rights to the golf course, clubhouse and holes 1-9. This might raise enough money to keep the course in the City. McColley suggested inviting golfers to discuss issues at another meeting

Sheaffer asked how many employees take advantage of employee discounts for Parks & Recreation (P&R) programs. Those discounts could be eliminated. Helberg asked if the \$77,000 P&R deficit includes capital expenses. Bisher said it does not include capital. McColley asked to see the last 3-5 years of capital expenses for the golf course that were not included in operation costs. Lankenau suggested having a public forum with one issue: golf course.

Sheaffer said someone mandated that the P&R Department must live within their levy money. Council did not say this. If we close the golf course, are we morally obligated to reduce the levy amount since taxpayers voted for it? McColley said the State cut our funds. The EPA is the #1 threat to the City of Napoleon. Sheaffer said he would like to add to the discussion list whether the Recreation Department must live within their levy funds...and if not, to what degree the general fund will subsidize them. Helberg asked if this should be part of the golf course issue. Sheaffer said it could be in general for any P&R issues. Before slashing something, we could put an increased levy on the ballot to see if taxpayers want to pay more for it.

Hershberger said he doesn't have a problem supporting the pool. It is for parents and children. He played golf for many years, but he doesn't think we should subsidize the golf course, but not at the expense of the pool. McColley noted that golfers can travel to other courses, but a child can't ride his bike to Wauseon to swim. Helberg said he was asked to declare whether we are going to leave the golf course this season or shut it down so people know what to do. Maassel said it is in the budget for this year. Lankenau, McColley, Sheaffer & Hershberger agreed. Helberg asked if memberships should stay as they are. Lankenau said he doesn't want to re-decide this issue that was decided by the P&R Board. It is budgeted that way. Sheaffer said maybe there will be an overflowing of memberships.

Ridley said even if there is an overflowing of memberships, we are not arbitrarily deciding to cut services and save a bunch of money. We have a boot to our neck from the EPA. We are borrowing \$25,000,000. Instead of spending \$150,000 on a golf course that will lose money, why not give it to private ownership now? We're borrowing \$2.5 million and blowing \$150,000. See if a private group wants to run it this year instead of hanging on for one more year. McColley said it would take longer than April to come up with a 501c3. Hayberger said Council could be creating a self-fulfilling prophecy. If golfers don't get a straight answer about the golf course, why would they buy a pass?

Sheaffer said, "I think we can take a little bit of time. Our current rate structure is covering that service and according to this report, we are not any higher than our peers."

Mayor Behm said, "Tell that to a family in town that has to pay double water and sewer rates than they were paying a number of years ago. Tell that to a family of four who is paying double for gas than what they were just a few years ago; who are out there paying 30% higher for the cost of beef; who is out there paying 30-40% higher for the cost of bread."

Bargaining Agreements

Bisher said he was given a draft of the State audit report that said the annual impact of this item was \$17,000. He made cuts, sent the draft back to the State and it came back saying the annual impact was \$30,000. Some things that cost money in contracts are there because other things don't cost money. It took 10 years to get longevity out of contracts and that cost a personal day. That's why it's called negotiations. It is not fair to pick things out to negotiate without considering what was traded for it. We can talk about these as a starting list with the 3 unions. A flat dollar amount implies you got nothing for your money. The auditors put in any number they wanted. He recommended an Executive Session for bargaining negotiations to go over the report. Helberg agreed that benefits values should be considered when negotiating. The action expected on this item will be negotiations.

R11 Reduce Income Tax Staffing

R11 In the alternative to R10, reduce Income Tax Dept. staffing by 0.5 FTE
Helberg said we will wait to see what Heath recommends on R10 at the next Finance & Budget Committee.

R09 - Eliminate Some Recreation Programs

R09 Eliminate recreation programs that do not generate sufficient revenue or ensure fees to cover program costs.
Lankenau suggested Council wait to see what happens with other P&R issues before addressing this one. McColley said the Board put fees in place that will cover some programs. Sheaffer noted that the audit was done before the fees were in place. Bisher said if the golf course is closed, the goal has been made. The P&R Board is volunteer. They have been asked to do tough things.

R03 Develop Formal Sick Leave Policy

R03 Develop formal sick leave policies to communicate expectations to employees, define patterns of abuse and specify disciplinary actions.
Bisher said the auditors noticed a high sick rate usage at the police department. They asked if we have a sick leave policy for police. We don't, but we have the City policy. Employees get FMLA time off but it runs concurrently with sick leave. They can't use up their sick leave and then take FMLA. We can't pinpoint the high usage right now, but can analyze it. He doesn't believe we have any abuse of the policy.

R17 Reduce 2 Vehicles From City Fleet

R17 Reduce at least two vehicles from the City-wide fleet
Bisher said we use the police department's old vehicles. The auditors pointed out that after two years use, taking off stripes, etc. we have vehicles that don't get good mileage. It might be cheaper to lease something. Sheaffer said police cars typically have 100,000 miles after two years and are used 24 hours/day in the City. McColley suggested developing a formal policy on this. Bisher said we have two extra cars now and will get rid of one. The auditors suggested paying mileage instead of using City vehicles but reducing the rate per mile to \$.45. He asked the auditors what they get and they get the full government rate per mile. Bisher will review a policy.

R04 Develop Vehicle Replacement Plan For Police Fleet

R04 – Develop a vehicle replacement plan for patrol vehicles and properly size the police vehicle fleet.
Bisher will get recommendations from staff and create a policy.

R05 Develop Resource Allocation Plan For P&R Income Tax

R05 – Develop a resource allocation plan for P&R Department income tax.
Heath said he doesn't agree with this concept, but he wasn't here for the original P&R levy. McColley made a motion to remove R05. Helberg said he would like to wait for the other outcomes before addressing this. McColley withdrew his motion.

R13 Analyze Salary Step Schedules

R13 – Analyze salary step schedules for the Sanitation, Wastewater Treatment and Water Treatment departments.

something out. We are here to find solutions or possibilities.

Mayor Behm said the golf course is a small part of a bigger picture. \$100,000 is nothing to the City. We need \$2,000,000 a year to cover EPA Mandates. We are doing projects, borrowing money and raising rates now. We're trying to find ways to save money. This is one of those areas. We have been pulling \$100,000 out of the general fund to subsidize P&R. The P&R Board reviewed the problem and decided to implement rates for kids in P&R programs. The two areas we lose money are the golf course and pool. We can close the golf course or sell it to take care of that problem, but it won't prevent raising the water & sewer rates.

Cotter said the P&R Board has been looking at this for several years. Weather has been a problem the last two years. There was a flood in 2011 and a drought in 2012. Council asked the Board to shrink the amount of the subsidy. We were approaching \$100,000 in 2012 and that is down to just over \$30,000 for 2013. McColley said the Board has done a fantastic job so far. It was difficult to do. Helberg said the Board and the golf course staff should all be commended.

Sheaffer asked if anyone is charged when the course is closed for tournaments. Cotter said we don't charge the high school because we have a reciprocating agreement with the schools. We can make that amount up in revenue from cart rentals, etc. unlike when the pool is closed for tournaments.

Mike Sanholtz said he has been on the P&R Board for over 20 years and active in every recreation levy committee. The City is lucky to have dedicated P&R Board members. Bisher took money from P&R's 2013 budget. The Board applied for a beer license to help increase revenues. Sanholtz pays \$490 per year and has his own cart. He would be willing to pay \$590, \$600 or \$700, and so would many other golfers like him, to keep the golf course open. The Board lowered greens fees to attract out-of-towners. We didn't want to charge fees to young people to participate in P&R programs. We have to raise money for scholarships. Cotter has been the Recreation Director for over 20 years. He knows Napoleon and the people here. This is a well-run program. The golf course will rebound. Young people do play there. We can encourage 3 hour scrambles for people who don't have 6 hours to spare. The Legion can take on lunches. There are lots of opportunities, but we need time. We'll do what we can in the next two years to make the golf course work. Council has bigger fish to fry with the swimming pool. The leaks there have been slowed down, but replacing the pool in 6-10 years will cost much more. P&R was flush 20 years ago. We had over \$100,000 in the P&R Fund when Oakwood Park was built and we didn't come to Council for money. Sanholtz asked Council to give more than a year to solve the problem. There won't be revenue if there is bad weather again this year. The Board can prove the course is solvent. It has been there since 1929. Don't shut it down.

McColley said turning the golf course around requires that the people who are here participate. Helberg said he brought up the idea of raising membership rates, but got no support. Sanholtz said most people didn't realize that the course might close. He wouldn't object to another review of rates. The course doesn't open until April 1. McColley said a joint meeting of the P&R Board and Committee has been set for Wednesday, March 13. Sanholtz said a committee of golfers could be formed or they could come to the meeting to give input. Hole sponsorships can be done for fundraisers. We have done this before. McColley said there could also be naming rights. The golfers could form a 501c3 and lease the golf course for \$1. Sanholtz asked what the City would do about runoff on the golf course then.

Gregg Merrill said he has been a golf coach for 10 of the last 12 years. 22 schools feed into Four County Career Center. Napoleon has received more money in golf scholarships than the other 21. If you don't golf, you don't understand the golf course property. It is a crown jewel of the community. We can't look at a deadline of September. He and Diane Ressler talked to an individual who will generate \$2,000 for the course. There are many things to be done. Golfers didn't fight to make money the last ten years because we didn't know the course was in trouble. If we can cut losses to \$30,000 this year, can we have more time to make the golf course solvent?

Helberg suggested that golfers come up with a plan between now and August on how to operate the golf course from 2014 on. It doesn't have to be a zero subsidy, but we would like it to be. He is afraid what will happen to the golf course if it goes private and that person fails. McColley said the goal is for P&R to stay within the P&R levy revenues. The Board controls that dedicated funding. Merrill said diehard golfers talked about going elsewhere, but there are ridiculously low prices here now. They are willing to step up.

Diane Ressler said she wants to talk about what the course means to many people. She thanked Council for listening and for considering the future and the fellow golfers who are here. The golf course has been around since the 1920's when William Rockefeller laid it out. Closing the golf course would take away recreation for all ages. A group of men come out there every day for coffee, conversation and golf. This is the best time of their day. It gives them physical exercise and mental stimulation. A Special Olympics Invitational brings 10 teams from all over northwest Ohio. There are 35-40 kids at the course every Wednesday in summer learning the game and how to get along with others and adults. Ressler asked Council to let them try and continue to make the course a place where people around the area will come. She invited everyone to come for a tour. They can walk to the 7th tee and enjoy the beauty there. She and Cotter are working on a lot of ideas to increase play. Council should try to keep businesses open, not close them.

Ken Hawley thanked Council for allowing citizens to give input. He wishes they would have done that before \$75,800 was spent on the performance audit. Heath's figures and Cotter's figures for the golf course are different. The golf course has lost money over a number of years. It will take time to solve the problem permanently. We need a strategic plan. There are not many opportunities for the elderly in this community. Many people's quality of life depends on the golf course. Non-golfers walk the course. He contacted 9 other golf courses. They do many things that we don't do to save money. The people he talked to wouldn't touch the course because there is no access and it is located on a flood plain. Hawley asked Council to let golfers work on a strategic plan to solve the problem.

McColley said he wants to see golfers at the meeting on March 13. This is important. They will have to fight to come up with a solution so Council can decide where to go from there. Helberg asked if there were any other questions or issues to bring to that meeting. Hawley said the performance audit said our course is open about 30 days less than other courses. Most of them start on March 1 through November 15 pending weather. Bisher said he received an email about the golf course. This helped because it was written down. Putting thoughts down on paper allows staff to work the problem. It helps with brainstorming and pursuing creative objectives.

Roger Bell suggested moving the fireworks to a different location this year. July 4 is the biggest golf day of the year and the course here is closed. Another idea is to buy a golf simulator and stay open all year long.

Passed
Yea-7
Nay-0

Roll call vote on above motion:
Yea- Hershberger, Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel
Nay-

Adjournment

Meeting adjourned at 8:38 PM.

John A. Helberg, Council President

Approved:
March 4, 2013

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

DRAFT

City of Napoleon, Ohio

Finance & Budget Committee

Majority Report

The Finance & Budget Committee met on Monday, February 25, 2013 and recommended:

1. To table *Mayor's Presentation on Spending Plan*;
2. To accept the Finance Director's recommendation to reduce the Income Tax Department by one full-time person (in response to Performance Audit Recommendation #11);
3. To not outsource all of the income tax operations (in response to Performance Audit Recommendation #10).

Chris Ridley, Chair

John Helberg, Committee

Jason Maassel, Committee

Mayor Ronald Behm, Committee

City of Napoleon, Ohio

Safety & Human Resources Committee

Majority Report

The Safety & Human Resources Committee met with Townships on Monday, February 25, 2013, and recommended to direct the Law Director to bring legislation to raise EMS transport services rates and to prepare 2013 contracts and resolutions for the Townships.

James Hershberger, Chair

Travis Sheaffer, Committee

John Helberg, Committee

ORDINANCE NO. 007-13

**AN ORDINANCE AMENDING THE CITY OF NAPOLEON'S
ORDINANCE NO. 010-07 AND AUTHORIZING THE FINANCE
DIRECTOR AND OTHER CITY OFFICES TO ACCEPT
PAYMENTS THROUGH USE OF A FINANCIAL TRANSACTION
DEVICE OR CONTRACTED SERVICE(S); AND DECLARING AN
EMERGENCY.**

WHEREAS, the City desires to exercise its home rule authority and permit the use of Financial Transaction Devices or contracted services to those individuals and entities making payment of City taxes, fines, fees and other types of monetary obligations; and,

WHEREAS, such devices or contracted services are permitted by Ohio Law for County Offices and State Offices subject to certain regulations; and,

WHEREAS, this Council desires to substantially follow the regulations established in State Law as it relates to County and State government;

WHEREAS, this Council desires to amend City Ordinance No. 010-07 to allow for the use of contracted services to those individuals and entities making payment of City taxes, fines, fees and other types of monetary obligations; Now Therefore,

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

Section 1. That, the City Finance Director is authorized to accept payments related to taxes, fines, fees and/or other types of monetary obligations from individuals and/or entities by use of a financial transaction device ***OR CONTRACTED SERVICE(S)***.

Section 2. That, for the purpose of this Ordinance, the words of this Section 2 shall have the following meaning:

"Financial transaction device" includes a credit card, debit card, charge card, or prepaid or stored value card or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications.

“CONTRACTED SERVICE(S)” MEANS ANY SERVICE PROVIDED BY THIRD PARTY TO ACCEPT, TAKE, AND/OR PROCESS A CREDIT CARD, DEBIT CARD, CHARGE CARD, OR PREPAID OR STORED VALUE CARD OR AUTOMATED CLEARINGHOUSE NETWORK CREDIT, DEBIT, OR E-CHECK ENTRY THAT INCLUDES, BUT IS NOT LIMITED TO, ACCOUNTS RECEIVABLE AND INTERNET-INITIATED, POINT OF PURCHASE, AND TELEPHONE-INITIATED APPLICATIONS.

"City expenses" includes fees, costs, taxes, assessments, fines, penalties, payments, or any other expense a person or entity owes to a City office.

Section 3. That, the Finance Director may have paid all City expenses through the use of the financial transaction device ***OR CONTRACTED SERVICE***.

Section 4. That, the Finance Director shall determine which financial transaction device or **CONTRACTED SERVICE(S)** will be utilized, which may include all devices **OR SERVICE(S)** defined as such in Section 2 of this Ordinance.

Section 5. That, if a person elects to make a payment to the City by a financial transaction device **OR CONTRACTED SERVICE(S)** and a surcharge or convenience fee is imposed, the payment of the surcharge or fee **IS PAYABLE AND** shall be considered voluntary and the surcharge or fee is not refundable.

Section 6. That, a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device **OR CONTRACTED SERVICE(S)** shall be as follows:

~~**\$3.00 per each Payment Transaction less than or equal to \$10,000.00; and, \$15.00 per each Payment Transaction greater than \$10,000.00.**~~

A FIXED RATE FEE OR PERCENT OF PAYMENT TRANSACTION NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) PER DEVICE OR CONTRACTED SERVICE TRANSACTION, THE FIXED FEE OR PERCENT OF PAYMENT TRANSACTION SHALL BE AMENDABLE FROM TIME TO TIME BY THE APPROVAL OF THE CITY COUNCIL BY SIMPLE MOTION. THE ORIGINAL FIXED FEE AND PERCENT OF PAYMENT ARE INCLUDED AS EXHIBIT A, WHICH IS ATTACHED AND INCORPORATED HEREIN.

Section 7. That, the surcharge or convenience fee as found in Section 6 of this Ordinance shall not be imposed unless authorized or otherwise permitted by the rules prescribed by an agreement governing the use and acceptance of the financial transaction device **OR CONTRACTED SERVICE(S)**.

Section 8. That, if a surcharge or convenience fee is imposed, every City office accepting payment by a financial transaction device **OR CONTRACTED SERVICE(S)**, regardless of whether that office is subject to a resolution or ordinance adopted by City Council, shall clearly post a notice in that office and shall notify each person making a payment by such a device **OR CONTRACTED SERVICE(S)** about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium. Each notice shall include all of the following:

- (1) A statement that there is a surcharge or convenience fee for using a financial transaction device **OR CONTRACTED SERVICE(S)**;
- (2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable;
- (3) A clear statement that the surcharge or convenience fee is **PAYABLE AND** nonrefundable.

Section 9. That, uniform application of surcharges or convenience fee among different types of City expenses is not required; however, any changes shall not take effect until approved by Council.

Section 10. That, if a person makes payment by financial transaction device **OR CONTRACTED SERVICE(S)** and the payment is returned or dishonored for any reason, the person is liable to the City for payment of a penalty over and above the

amount of the expense due. A penalty fee for returned or dishonored transactions shall be as follows:

~~**\$4.00 as a Returned Transaction Fee for each Return Transaction.**~~

AS STATED IN EXHIBIT A, WHICH MAYBE AMENDED FROM TIME TO TIME BY CITY COUNCIL BY SIMPLE MOTION.

The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.

Section 11. That, no person making any payment by financial transaction device ***OR CONTRACTED SERVICE(S)*** to the City or its departments shall be relieved from liability for the underlying obligation except to the extent that the City realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device ***OR CONTRACTED SERVICE(S)*** issuer or other guarantor of payment in the transaction, the underlying obligation shall survive and the City shall retain all remedies for enforcement that would have applied if the transaction had not occurred.

Section 12. That, to the extent permitted by law, a City elected or appointed official or employee who accepts a financial transaction device ***OR CONTRACTED SERVICE(S)*** payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments.

Section 13. 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 14. 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 15. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and 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 Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 007-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 008-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR APPLICATION (RFA) FOR SERVICES RELATING TO THE WRITING AND ADMINISTRATION OF GRANTS FOR THE FY 2013 COMMUNITY DEVELOPMENT BLOCK GRANT AND THE COMMUNITY DEVELOPMENT PROGRAM; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon desires to have non-profit agencies perform the necessary functions for the FY 2013 Community Development Block Grant (CDBG) and Community Development Program (including the Community Housing Improvement Program); and

WHEREAS, the scope of the work includes development of grant applications, environmental review records, fair housing program, technical assistance for grant activities, and any related CDBG/RLF planning work; and,

WHEREAS, response to the RFA will be used to select a qualified non-profit to perform the required grant writing and administrative assistance needed for the above stated scope of work; Now Therefore,

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

Section 1. That, the City Manager is authorized to issue the Request for Application "RFA" regarding the selection of a non-profit agency to perform the required grant writing, administrative assistance, and other scope of work related matters for the FY 2013 Community Development Block Grant (CDBG) and Community Development Program (including the Community Housing Improvement Program) .

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution 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 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely selection of the agency to timely prepare the grants, documents, and other services necessary to assure public peace, health or safety; therefore, it shall be in full force and 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 Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 008-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

REQUEST FOR APPLICATION (RFA)

The City of Napoleon requests qualification statements/proposals from non-profit agencies to perform necessary functions for its FY2013 Community Development Block Grant (CDBG) Community Development Program (including the Community Housing Improvement Program). Scope of work includes development of grant applications, environmental review records, fair housing program, technical assistance for grant activities, and any related CDBG/RLF planning work.

This notice shall serve as our Request for Application (RFA) for services. Response to this RFA will be used to select a qualified non-profit to perform the required grant writing and administrative assistance needed by the City of Napoleon.

Selection of an agency will proceed in the following manner:

1. The City of Napoleon will review and evaluate the RFA's filed by the deadline. Evaluation criteria include, but are not limited to:
 - a. Specialized experience or technical expertise of the firm and its personnel in connection with CDBG and other economic and community development services to be provided.
 - b. Past record of performance on contracts with the City of Napoleon including quality of work, timeliness and cost control.
 - c. Capacity of firm to perform the work within time limitation, taking into consideration the current and planned workload of the firm;
 - d. Familiarity of the firm with the type of problems applicable to the requested services.
 - e. Experience working on CDBG, RLF, economic development, housing or other similar projects involving federal funds.
 - f. Familiarity and experience with the City of Napoleon and its neighborhoods.
2. Negotiations for a contract will begin with the top candidate selected. If negotiations are not successful, the process will begin again with the candidate rated second and so on.
3. Upon completion of successful negotiations, a contract will be executed with the City of Napoleon.

FY2013 CDBG Neighborhood Revitalization Set-Aside and related Competitive CDBG Programs. For ease of execution, should the City decide to include an application for Neighborhood Revitalization or other Competitive CDBG Program, the City will negotiate a separate fee with the candidate selected as the CDBG Community Development consultant to undertake the preparation, administration and implementation of the FY2013 CDBG Neighborhood Revitalization Set-Aside and/or related Competitive CDBG Programs. This fee will be based in part on the scope, scale and complexity of the project. The consultant selected shall possess the same qualifications as for the CDBG Community Development Program. The fee shall not exceed the allowable cap mandated by the Office of Community Development.

Interested non-profit agencies should provide the City of Napoleon with the following information:

1. A detailed listing of the scope of services that will be provided.
2. A brief 1-2 page description of qualifications of personnel who will be doing the work, their experience in and familiarity with the City of Napoleon and familiarity with the CDBG programs.
3. Location of the agencies' office and number of hours/days per week which will be devoted to the City's CDBG program.
4. A statement of the hourly billing rates for all personnel.

Offerers are invited to submit qualification statements in the form requested to be received no later than 4:00 PM on February 28, 2013 to:

City Manager
City of Napoleon
255 West Riverview Avenue
Napoleon, Ohio 43545.

Best regards,

Dr. Jon Bisher
City Manager

RESOLUTION NO. 009-13

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF OBTAINING A NON-CONTACT DISINFECTION SYSTEM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ENAQUA FOR SAID PURCHASE, AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon desires to purchase the components necessary to make UV Reactor (“Unit B”) fully functional; and,

WHEREAS, Unit A and Unit B have been previously purchased from Enaqua; and

WHEREAS, Unit B has already been delivered, assembled, and installed at the City of Napoleon’s Waste Water Treatment Plant; and

WHEREAS, Enaqua is already familiar with the City of Napoleon’s UV Reactors because they both were assembled and installed by Enaqua; and,

WHEREAS, Reactor Unit A is already fully functional due to the knowledge and expertise of Enaqua, the City desires to have Reactor Unit B made fully functional and identical to Unit A, therefore Enaqua’s knowledge and expertise of Unit A would be very useful to the purchase and installation of Unit B; and

WHEREAS, Enaqua is desirous of selling the components to the City of Napoleon at a large discount because the City purchased both reactor units, A and B, from Enaqua; and

WHEREAS, said purchase has already been approved in the 2013 budget; **Now Therefore,**

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 from the 2013 Budget for the purchase of a non-contact disinfection system from Enaqua.

Section 2. That, the City Manager is authorized to enter into a Contract with Enaqua for the purchase of the non-contact system.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution 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 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City

and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to receive the low purchase price as well as to begin to use the second reactor which would expeditiously eliminate a condition related to public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and 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 Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 009-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



**AGREEMENT AND SCOPE OF SUPPLY: NAPOLEON OHIO WASTEWATER TREATMENT PLANT
 ULTRAVIOLET DISINFECTION EQUIPMENT EXPANSION UNIT "B"**

Prepared for: CITY OF NAPOLEON OH
Project Name: CITY OF NAPOLEON OH EXPANSION

Consulting Engineer: STANTEC
Specification Section: 11600 (system specifications only)
Enaqua Reference: No.: 070122-1-MKJ

Enaqua is pleased to offer the attached scope of equipment and supply agreement for your consideration. The customer is advised to read and become familiar with all the information contained in this Work Scope. Enaqua will not be responsible for the supply of any equipment, materials or performance not specifically addressed in this Work Scope. Additional documentation, (such as Terms and Conditions of payment, schedules, and articles) may be attached to the end of this document.

Any changes, revisions, or modifications to this Work Scope are to be handled through a changer order, and are not effective until acknowledged by Enaqua in writing.

This Agreement for the supply of components and devices required to complete UV Reactor Ci9.10103 (formerly known as, Series 23, Model I10103clx), Unit B located at Napoleon OH WWTP is agreed to by and between:

<p>EN AQUA</p> <p>_____ By Manoj Jhawar, CEO Date</p>	<p>OWNER Name Address</p> <p>By: _____ Print Name, title and date below:</p>
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Under this agreement, Enaqua shall provide the equipment as stated herein below, for a cost of \$244,700 plus freight. The installation time allotted is two people for 3 days. Any additional time required due to lack of site readiness is \$1,500 per person plus expenses. A total of \$1,200 has been allotted for air fares; any increase in fares shall be invoiced at additional cost.

This is the entire agreement and shall constitute the basis of any discussion relating to changes or revisions in the scope of supply. Enaqua's terms and conditions of sale as they appear herein below are incorporated by reference.



NAPOLEON OH WASTEWATER TREATMENT PLANT

ENAGUA NON CONTACT DISINFECTION SYSTEM SCOPE OF SUPPLY

Unless otherwise indicated in this scope, all conduits, connectors, local disconnects, and transformers (if required) are the responsibility of the Contractor / Owner and are not included in this scope of supply. ENAGUA shall provide all components required per the attached list and drawings (if required). All civil work, including but not limited to: installation of system, electrical wiring and protective covers shall be by others. Electrical wiring between the control panel and power source shall be by others. ENAGUA shall work with the plant to minimize the on-site installation requirements

INSTALLATION CONTRACTOR / OWNER'S RESPONSIBILITY:

The Installation Contractor / Owner shall be responsible for interconnecting piping on water cooled systems from the UV cooling pumps to the UV Reactor. The Installation Contractor / Owner shall be responsible for Equipment unloading, moving and rigging into position.

ULTRAVIOLET REACTOR COMPONENTS:

ENAGUA'S RESPONSIBILITY:

The UV reactor body identified as Unit "B" has been previously delivered assembled and installed on the Jobsite. This project is to supply and install the required components to make the second Reactor on site fully functional. Included in the project will be the:

Item Description:	Quantity:
Lamp Rack Assembly (with ballasts)	33
Air to Water Heat Exchanger	12
Cooling pump & Flow switch	1
Back Up Cooling Pump	1
UV Sensor	1
Ultrasonic Level Sensor	1
001.0617045 Lamps (reactor 2)	396
001.0617045 Lamps (upgrade reactor 1)	396
Enagua Data Center (EDC)	2
Active Data Router (ADR)	6
HUB	1



ELECTRICAL DISCONNECT PANEL

ENAGUA RESPONSIBILITY:

One electrical disconnect shall be provided for the reactor. The Installation Contractor / Owner shall distribute the incoming power (supplied by others) to the individual banks of the Contractor / Owner UV reactor. All wiring to and from the disconnect to be by others.

Quantity supplied:	1
Enclosure rating:	NEMA 4
Dimensions and weight:	36" x 24" x 8" / 100 lbs

INSTALLATION CONTRACTOR / OWNER'S RESPONSIBILITY:

The Installation Contractor shall be responsible for locating and mounting the Electrical Disconnect in a proper and safe location in accordance with the system design and national and local safety codes. The Installation Contractor / Owner is responsible for bringing power to each of the electrical enclosures in the system. The Installation Contractor / Owner shall be responsible for all electrical connections outside the skid limits of the Enagua supplied equipment. The Installation Contractor / Owner shall be responsible for insuring that all interconnections between the main power grid and the Electrical disconnect are in compliance with all local and national electrical codes.

The Installation Contractor / Owner will run between the UV reactor and the associated ELECTRICAL Disconnect:

- 3 ea. 2 inch, protective conduit
- 3 ea. 1 inch, protective conduit

The Installation Contractor / Owner will run, wire sets suitable for 480V 3 phase service (4 wire plus ground #8awg) between the ELECTRICAL ENCLOSURE PANEL and each reactor bank (one set in each 2 inch conduit).

The Installation Contractor / Owner will run wire sets suitable for 120V 1 phase service between the ELECTRICAL ENCLOSURE PANEL and each reactor bank (one set in each 1 inch conduit).



HMI PANEL CONNECTION

EN AQUA RESPONSIBILITY

The previously installed HMI Panel shall house the electronic data center (EDC), and human mechanical interface (HMI) panel. The HMI will be a color panel PC (previously installed). All programming necessary to make the existing HMI work with the 2nd UV reactor shall be provided by Enaqua. As a point of clarification – Enaqua shall not provide a 2nd HMI or panel. The existing panel shall be utilized to house the new EDC.

INSTALLATION CONTRACTOR / OWNER'S RESPONSIBILITY:

The installation Contractor / Owner is to be responsible for the installation, and connection of the data cable(s) between the UV reactors and the HMI panel.

The Installation Contractor / Owner will run between each UV Reactor and the HMI PANEL:

- 1 ea. 1 inch, protective conduit

The Installation Contractor / Owner is to be responsible for the installation, and connection of the Ethernet data cable(s) between the UV reactor(s) and the EDC (located in the HMI PANEL) via the 1 inch protective conduit. Our electrical supply will be detailed on our shop drawings.

The Installation Contractor / Owner shall be responsible for any wiring, hardware or software required to connect to the customers SCADA control system.

The Installation Contractor / Owner shall be responsible for all cables, conduits and connections between the HMI PANEL and any valves or other devices not expressly indicated above.

ADDITIONAL EQUIPMENT

All other materials, items and components not expressly stated in this work scope shall be the responsibility of the Installation Contractor / Owner.

NOTES AND CLARIFICATION TO SPECIFICATION



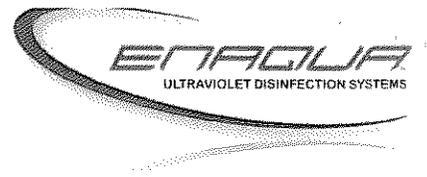
WARRANTY:

ENAQUA RESPONSIBILITY:

Enaqua will warrant the equipment and parts for 12 months after startup after the date of shipment, whichever comes first. Refer to the attached terms and conditions for other warranties on specific items.

MICROBIOLOGICAL PERFORMANCE TESTING AND TESTS NOT OTHERWISE INDICATED IN THIS WORK SCOPE:

The Installation Contractor / Owner shall be responsible for Analytical testing including independent lab services, bottles, samples, shipment etc. The installation Contractor / Owner is to be responsible for completing the performance testing per the approved testing protocol.



TERMS AND CONDITIONS OF SALE

§1 ENTIRE AGREEMENT: The terms and conditions of this document shall be incorporated in and become a part of any agreement or order between ENAIQUA (hereinafter referred to as "SELLER") and the customer (hereinafter referred to as the "CUSTOMER"), derived from the product(s) described in the attached proposal.

No other terms, conditions or agreements, whether contained in the CUSTOMER'S purchase order form or otherwise, shall be binding on the SELLER except to the extent that such other terms are typed or handwritten in full, (not merely printed or incorporated by reference) in a separate document signed by the President or Vice President of the SELLER; provided, however, that the SELLER'S warranty shall be incorporated by reference as set forth in §8 entitled "Warranties" below. No agent, employee, or representative of Seller has any authority to bind Seller to any affirmation, representation, or warranty concerning the goods sold under this contract, unless an affirmation, representation or warranty made by an agent, employee or representative is specifically included within this written contract, it has not constituted a part of the basis of this bargain and shall not in any way be enforceable.

The rights and duties of the CUSTOMER, or any other person claiming through or under the CUSTOMER and of the SELLER, with respect of sale, delivery, installation and use of the products, will be governed by these terms and conditions and the laws of the State of California. The terms and conditions stated on the attached proposal or order will, if different, supersede the individual sections of these terms and conditions with which they differ, but the other individual sections of these terms and conditions will remain in force and all terms and conditions be they within this document or on the attached proposal be governed by the laws of the State of California, USA.

§2 TITLE AND RISK OF LOSS: Title to and risk of loss of goods shall pass to the CUSTOMER upon the delivery of goods to a carrier at the SELLER'S plant. If the goods are held in the factory beyond the shipping date for the CUSTOMER'S convenience, the risk of loss shall pass to the CUSTOMER upon the date originally scheduled for shipping. The CUSTOMER shall pay all costs of insurance from the time the risk of loss passes to the CUSTOMER. Title to and risk of loss of said goods shall pass to CUSTOMER in no other way, notwithstanding any agreement to the contrary, including but not by way of limitation, any agreement to pay freight, express, or other transportation or insurance.

§3 TAXES, DUTIES AND CLEARANCE EXPENSES: CUSTOMER assumes full responsibility including reporting and payment of any and all sales or use taxes, import duties, or other expenses relating to clearance of the goods described in the attached proposal, at destination, or any and all other charges of like nature which may be imposed upon such goods.

§4 SHIPMENTS: SELLER shall not be liable for any damages claimed resulting from delay in shipment of the goods after the date of shipment specified in this proposal and or order unless date of shipment is expressly stated in this order to be of the essence of the agreement. All goods are shipped f.o.b. SELLER'S plant.

§5 CLAIMS: Within thirty (30) days after tender of delivery to, or receipt by CUSTOMER of any shipment and before any part of such goods (except for reasonable test and inspection quantities) has been changed from its original conditions, CUSTOMER shall inform SELLER in writing if said goods are found defective or short in any respect. Failure to so inform SELLER or use of said goods (except for reasonable test and inspection) shall be conclusive that SELLER has satisfactorily performed.

§6 PRICES: All prices quoted, unless otherwise noted by the SELLER, are f.o.b. Vista, California, USA, and they exclude sales and use taxes if any and transportation and insurance charges, all of which will be borne by the CUSTOMER. All quotations are made for acceptance at the SELLER'S main administrative offices in San Diego, California, USA within 45 days of the date of the attached proposal, and are subject to change during that period.

Scope of Supply Agreement
NAPOLEON OH WWTP UV DISINFECTION

PLEASE INITIAL ALL PAGES HERE: >>>



The SELLER reserves, at all times, the right to adjust prices based upon the CUSTOMER'S request for:

- A. 1. Changes in specifications,
2. Short or unanticipated production runs,
3. Rescheduling of production and delivery schedules which affects goods in process, in which event the SELLER also has the right to complete and invoice such goods in process and ship them immediately or warehouse them at the CUSTOMER'S expense; and
- B. 1. Materials price change to the SELLER,
2. Contracted labor price change to the SELLER,
3. Duties, services or other expenses beyond the SELLER'S reasonable control.

In the event prices are adjusted because of material price change to SELLER, SELLER shall give CUSTOMER written notice of such price adjustment. Where a production schedule is initiated for the CUSTOMER'S convenience which requires SELLER to maintain an excessive inventory of materials, SELLER may require advance payments from CUSTOMER in an amount sufficient to carry such excess material inventory.

§7 PAYMENTS: The SELLER may, at his option, draw at sight on the customer or require the customer to obtain an irrevocable letter of credit in favor of the SELLER from an issuer and terms acceptable to the SELLER. The terms of payments will be as follows unless otherwise specified in a signed proposal provided by SELLER:

- 25% due upon acceptance of the order or as agreed in writing.
- 25% due prior to Assembly with Enaqua receipt of signed Submittal documents
- 40% due upon delivery to the job site or designated destination
- 10% due 30 days after delivery

In the event payment by the customer is not made when due, the customer shall pay interest on any overdue amount at the rate of 2% per month from the actual date of delivery to the carrier for shipment or the scheduled date of delivery if the delivery is delayed for the CUSTOMER'S convenience.

§8 WARRANTIES: The SELLER hereby warrants to CUSTOMER that the goods herein described will be free from any liens or encumbrances, that good title to said goods will be conveyed to CUSTOMER by sale of the same.

SELLER warrants its products to be free of defects in material and workmanship under normal conditions of usage and service for one year from the date of shipment.

Any additional warranties from the SELLER are set forth in full in a separate document, which is attached hereto and incorporated herein by this reference.

Materials not manufactured by SELLER receive only such warranty, if any, of the manufacturer thereof and which are hereby assigned to CUSTOMER without recourse to SELLER. SELLER'S obligation under this warranty is limited to and shall be fully discharged by repairing or replacing any defective part f.o.b SELLER'S plant. SELLER shall not be liable for repair or alteration made without SELLER'S prior written approval. Item returned to SELLER for warranty examination must be shipped freight prepaid.

SELLER warrants that the goods are as described in this contract, but no other express warranty is made in respect to the goods. If any model or sample was shown Buyer, that model or sample was used merely to illustrate the general type and quality of the goods and not to represent that the goods would necessarily conform to the model or sample.

§9 SELLER'S LIABILITY: SELLER SHALL NOT BE LIABLE FOR PROSPECTIVE PROFITS OR SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES, NOR SHALL RECOVERY OF ANY KIND AGAINST SELLER BE GREATER IN AMOUNT THAN THE PURCHASE PRICE OF THE SPECIFIED GOODS SOLD AND CAUSING THE ALLEGED DAMAGE, WHETHER SUCH CLAIM BE BASED ON CONTRACT OR TORT.

§10 ALL OTHER WARRANTIES AND DAMAGE: THERE ARE NO WARRANTIES ESTABLISHED, EXPRESS OR IMPLIED OR STATUTORY, INCLUDING THE WARRANTY OF MERCHANTABILITY, EXCEPT THOSE SET

AGREEMENT AND SCOPE OF SUPPLY (Revised)

January 31, 2013



FORTH IN §8 ENTITLED "WARRANTIES" ABOVE OR ANY PERFORMANCE WARRANTY WHICH IS ATTACHED TO THIS ORDER. THE GOODS SOLD UNDER THIS CONTRACT ARE PURCHASED BY THE BUYER "AS IS" AND THE SELLER DOES NOT WARRANT THAT THEY ARE OF MERCHANTABILITY OR THAT THEY CAN BE USED FOR ANY PARTICULAR PURPOSE.

§11 TERMINATION and Modifications: Any agreement based upon this order may be terminated by the CUSTOMER provided cancellation charges are paid by the CUSTOMER as follows:

- A. Any order cancellation prior to the initiation of production at 25% of the order value.
- B. Any order cancellation while work is in progress at 50% of the order value.
- C. Any order completed must be paid for in full at the quoted price plus interest on late payments whether or not shipment is accepted.

This contract can be modified or rescinded only by a writing signed by both of the Parties or their duly authorized agents.

§12 FORCE MAJEURE: No party to any agreement based upon this proposal/order shall be liable for any loss or damage of any nature whatsoever incurred or suffered as a result of any failures or delays in performance caused by strikes, lockouts or labor disputes, fires, acts of GOD or the public enemy, riots, incendiaries, interference by civil or military authorities, compliance with the laws of the United States of America or with the orders or policies of any governmental authority, delays in transit or delivery on the part of transportation companies or communication facilities, or failures of sources of materials. In such event, SELLER may, at its option, make deliveries ratably with reference to itself and its customers.

§13 WAIVERS: SELLER'S waiver of any breach or failure to enforce any of the terms, conditions and specifications of this proposal/order shall not in any way affect, limit or waive SELLER'S right thereafter to enforce and compel strict compliance with every term, condition and specification hereof.

§14 PERMITS, ORDINANCES AND CODE COMPLIANCE: CUSTOMER has full responsibility for obtaining any licenses, permits and inspections required with respect to installation and use of the goods herein described.

§15 GOVERNING LAW: Any agreement based upon this order and obligations thereby imposed on the SELLER and the customer shall be governed by and construed according to the laws of the State of California, USA. Buyer and Seller shall have all rights and remedies afforded each by the Uniform Commercial Code as adopted by the State of California as effective and in force on the date of this contract. The laws of the State of California shall govern this contract and the venue for any action, including arbitration or other alternative dispute resolutions, filed by either party is San Diego County, California. In the event of any action, including arbitration, and any appeal there from, is filed to enforce or interpret this contract, the prevailing party shall be entitled to its costs and reasonable attorney's fees.

§16 ASSIGNMENTS: Any agreement based upon this proposal/order shall not be assigned by CUSTOMER without the prior written consent of the SELLER. Nothing herein contained, however, shall prevent SELLER from lawfully assigning any agreement based on this proposal/order to any wholly or partially owned subsidiary or affiliate of seller or to a person, firm or corporation acquiring all or substantially all of the assets of SELLER. No right or interest in this contract may be assigned by Buyer without the written permission of the other party, and no delegation of any obligation owed, or of the performance of any obligation, by either Buyer or Seller, may be made without the written permission of the other party. Any attempted assignment or delegation shall be wholly void and totally ineffective for all purposes unless made in conformity with this paragraph.

§17 This writing is intended by the Parties as a final expression of their agreement concerning the matters contained herein, and is also intended as a complete and exclusive statement of the terms and conditions of their agreement. No course of prior dealings between the Parties and no usage of trade shall be relevant to supplement or explain any term used in this contract. Acceptance or acquiescence in a course of performance rendered under this contract shall not be relevant to determine the meaning of this contract even though the accepting or acquiescing party has knowledge of the nature of the performance and opportunity for objection.



ADDENDUM 1

The following changes to the payment terms outlined in the Terms and Conditions of Sale (above) have been agreed upon by Enaqua and the City of Napoleon OH as they related to this project:

- a) Payment of balance (50%) will be Net thirty days (30) after the delivery of the components to the jobsite (or designated location), presuming that Enaqua has completed the upgrade prior to the end of the thirty day (30) period.
- b) If the final completion of the upgrade extends beyond thirty days (30) from the delivery of the components due to no fault of Enaqua, the City will make final payment Net thirty days (30) after the delivery of the components.
- c) If the final completion of the upgrade extends beyond thirty days (30) from the delivery of the components due to the fault of Enaqua, the City will make final payment Net 15 days after the completion of the upgrade.
- d) Laws governed by the State of Ohio (versus the State of California) is acceptable to Enaqua.

END OF ADDENDUM 1

RESOLUTION NO. 010-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COURTNEY AND ASSOCIATES FOR PROFESSIONAL SERVICES REGARDING THE WATER RATE AND COST OF SERVICE STUDY UPDATE; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon does, from time to time, update and review its Water Rate and Costs of Service Study; and,

WHEREAS, this review and update of the Water Rate and Costs of Services is helpful for improving various bond ratings; and,

WHEREAS, the City is now desirous of contracting with Courtney and Associates for their professional services to conduct the Water Rate and Costs of Service Study update, Now Therefore,

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

Section 1. That, the City Manager is authorized to enter into a contract with Courtney and Associates for their professional services regarding the Water Rate and Cost of Service Study update.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution 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 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for timely review of Water Rates and Costs of Services so that such information will be available for any plans or decisions relating to the erection of the new water treatment plant which is necessary to assure public peace, health or safety; therefore, it shall be in full force and 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 Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 010-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 011-13

A RESOLUTION AUTHORIZING CONTRACTS WITH THE TOWNSHIPS OF NAPOLEON, HARRISON, FREEDOM, AND HENRY COUNTY SOUTH JOINT AMBULANCE DISTRICT FOR FIRE SERVICE AND/OR EMERGENCY MEDICAL SERVICE COMMENCING APRIL 1, 2013; DECLARING AN EMERGENCY

WHEREAS, the Townships of Napoleon, Harrison, and Freedom desires to enter into a contract with the City for Fire and Emergency Medical Rescue Services as authorized in Section 9.60 and Section 505.44 of the Ohio Revised Code; and,

WHEREAS, the Henry County South Joint Ambulance District of Henry County, Ohio, desires to enter into a contract with the City for Emergency Medical Services as authorized in Section 9.60 of the Ohio Revised Code; Now Therefore,

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

Section 1. That, the City Manager is authorized to enter into City Contract No. 2013-03 with Napoleon Township; City Contract No. 2013-04 with Harrison Township; and, City Contract No. 2013-05 with Freedom Township, all of Henry County, Ohio, for Fire Services and Emergency Medical Services, including billing services related thereto; the terms and conditions having been approved by this Council in the form as currently on file in the office of the City Finance Director. The City Manager is authorized to make non-material changes to the contracts as deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; further, the contracts shall be effective April 1, 2013.

Section 2. That, the City Manager is authorized to enter into City Contract No. 2013-06 with the Henry County South Joint Ambulance District of Henry County, Ohio, for Emergency Medical Services only, including billing services related thereto; the terms and conditions having been approved by this Council in the form as currently on file in the office of the City Finance Director. The City Manager is authorized to make non-material changes to the contracts as deemed appropriate by the City Manager and as approved as to form and correctness by the City Law Director; further, the contracts shall be effective April 1, 2013.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution 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 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for emergency services to be rendered in a timely manner, emergency services also utilized by the City inhabitants when needed outside the City's jurisdictional boundaries; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and 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 Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 011-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 012-13

AN ORDINANCE REPEALING ORDINANCE NO. 013-12 AND ESTABLISHING NEW PER PERSON USER FEES FOR EMS BASIC LIFE SUPPORT, ADVANCED LIFE SUPPORT LEVEL 1 SERVICE, AND ADVANCED LIFE SUPPORT LEVEL 2 SERVICE, MILEAGE CHARGE, MUTUAL AID, MEDICAID, NURSING HOME SERVICE AND NON EMERGENCY TRANSPORT SERVICE AS IT RELATES TO CORONER CASES; ALL PROVIDED BY THE CITY OF NAPOLEON RESCUE

WHEREAS, emergency run activity and particularly emergency medical rescue service run activity is increasing each year; and,

WHEREAS, the City continues to investigate different methods to maintain the level of quality of emergency services at a reasonable cost; and,

WHEREAS, the City Council desires to implement a fair and equitable user fee which includes a moderate increase from that previously authorized instead of imposing additional taxes in order to operate the rescue service; Now Therefore,

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

Section 1. That, the Napoleon City Fire/Rescue Department, (hereinafter referred to as "the City") shall initiate a new user fee for delivery of emergency medical rescue services rendered by the City within its corporation limits or outside the corporation limits when no contract exists and when not otherwise prohibited by law. The rate of the user fee to be charged shall be that as established in §3 of this Ordinance. Nothing in this Section shall be construed as limiting the authority of the City to charge additional amounts for services and supplies provided that are over and above the base rate services in accordance with a separate fee schedule as approved by motion of Council.

Section 2. That, emergency medical rescue services rendered by the City as a result of utilization of a primary contract or an existing mutual aid contract with another state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state, shall be billed for emergency medical rescue services pursuant to the terms of such contract. Where the state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state receives emergency medical rescue services without a contract, then such services shall be billed pursuant to Ohio law or, in the event Ohio law does not apply, such state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state that received the mutual aid shall only be billed an amount not to exceed its established user fee, if any; however, except as may otherwise be provided by Ohio law, when no contract exists, the state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state served shall only be responsible for payment to the extent it collects from the end user.

Section 3. That, it is hereby authorized and approved as reasonable and necessary, the following rates for emergency medical rescue services when services are rendered by the City to any person within the corporation limits or to any person outside the corporation limits when not otherwise prohibited by law:

Base Rate per person (user fee) - Basic Life Support (BLS) (emergency and non-emergency) - \$529.41; Advanced Life Support Level 1 (ALS 1) (emergency and non-emergency) - \$813.99; Advanced Life Support Level 2 (ALS 2) (emergency and non-emergency) - \$1132.99

Loaded Mile charge of \$13.54 (per loaded mile), in addition to user fees. (Rounding of mileage shall be in accordance with Medicare Regulations)

Section 4. Definitions as described in this Ordinance:

"Advanced Life support, level 1 (ALS1)" (emergency and non-emergency): as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

"Advance Life support, level 2 (ALS2)"(emergency or non-emergency): as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

"Basic Life Support (BLS)" (emergency and non-emergency): as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

"Emergency Medical Rescue Services" means: the providing of Basic Life Support (BLS)(emergency and non-emergency); Advanced Life support, level 1 (ALS1) (emergency and non-emergency); and/or, Advance Life support, level 2 (ALS2)(emergency or non-emergency).

"Loaded Mile" means: mileage traveled from the point of loading the person in the ambulance or other ground transport vehicle and ending with the transport at the point of delivery to the medical facility or landing zone.

Section 5. That, the Finance Director and/or City Manager are authorized and directed to contract with a billing and collection agency, as he deems appropriate, subject to approval by motion of Council, for collection of user fees as a result of emergency medical rescue services being provided by the City.

Section 6. That, any bills that remain unpaid after following collection guidelines as approved by the Finance Director, shall be reviewed annually by the Finance Director and City Manager to determine if further collection efforts are feasible and in the best interest of the City. The decision to reduce or abate an account or to pursue further collection efforts is in the sole combined discretion of the two above mentioned persons. As it relates solely to Medicare claims, the City will accept the Medicare allowed charge as payment in full and may not bill or collect from the patient any amount other than the unmet Part B deductible and Part B coinsurance amounts. As it relates solely to Medicaid claims, the City will accept the Medicaid allowed charge as payment in full. For emergency medical rescue services and ambulance transport being provided by the City to patients in "nursing home" facilities, otherwise covered under Medicaid, the City will accept the minimum payment of \$90.00 for BLS services and \$170.00 for ALS 1 and ALS 2 services, both inclusive of loaded mile, from the facility as full and final payment for the medical rescue services and ambulance transport.

Section 7. That, there is hereby established a fee for non-medical transports as it relates to Coroner ordered transports of \$100.00, inclusive of loaded mile.

Section 8. That, all amounts collected as a result of this Ordinance shall be placed into such a fund as established by the Finance Director to be used for the fire and rescue department.

Section 9. That, the City Finance Director and/or City Manager may enter into contracts with insurance companies and other entities responsible for patient payment for emergency medical services rendered to accept discounted amounts.

Section 10. That, in the event that Medicare or Medicaid Regulations, as applicable, conflict with any provision contained in this Ordinance, then the Medicare and or Medicaid Regulations, as applicable, shall control.

Section 11. That, any services provided from March 1, 2000 to the effective billing date of this Ordinance for which a fee has been or should have been billed pursuant to Ordinance Numbers 53-01, 035-05, 092-06, 034-08, 098-08,033-10, and 013-12 shall not be abated, but shall remain as a valid collectable debt owed to the City, unless otherwise discharged in accordance with law.

Section 12. That, Ordinance No. 013-12 is repealed in its entirety effective at 12:01 AM on April 1, 2013.

Section 13. 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 14. 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 15. That, this Ordinance shall take effect April 1, 2012.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 012-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



City of *NAPOLEON*, Ohio

255 West Riverview Avenue • P.O. Box 151
Napoleon, Ohio 43545-0151
Phone: (419) 592-4010 • Fax: (419) 599-8393
Web Page: www.napoleonohio.com

February 15, 2013

Superintendent
Dennis P. Clapp

Mr. Dennis Clapp
Electric Department Superintendent

Supervisors
Mike Dietrich

I would like to make a recommendation as to the purchasing of a new bucket truck for the City of Napoleon Electric Department. This would replace the bucket truck currently in service for substation maintenance personnel.

Substations
Todd R. Wachtman
Nikk K. Hogrefe

Truck specifications were all obtained from the Ohio State Term Schedules (STS) contract list and included Altec, Dueco, and Versalift. Detailed aerial lift and truck specifications were researched and compared. Defining features included ANSI Class C insulated, combination articulating/extending boom, continuous rotation, platform rotation, fiberglass service body, aluminum understructure and tailshelf, and outrigger stabilizers.

It is my recommendation to purchase the proposed Versalift SST-37-EIH unit under Ohio STS Contract #7751501309 with Utility Truck Equipment Inc. at a cost of \$97980.

Todd Wachtman
Substation Specialist

"2013 CIP & Major Contract Listing"		2013 APPROPRIATION BUDGET - CAPITAL IMPROVEMENT PROGRAM & MAJOR CONTRACT LISTING					
Department / Category	# of	>\$1,000 MAJOR SERVICES & OTHER CNT.	57000's MACHINERY & EQUIPMENT	57200's BUILDINGS& IMPRVMENTS.	2013 TOTAL REQUESTS	OTHER FUNDS AS LISTED	
Item Description	Un.					OTHER COMMENTS	
6110 ELECTRIC/OPERATIONS & DIST.							
<i>Major Contracts:</i>							
- APPA Membership Fees	--	7,800			7,800	APPA Membership Fees	<- 500.6110.52010 Memberships and Dues
- OMEA Membership Fees	--	11,000			11,000	OMEA Membership Fees	<- 500.6110.52010 Memberships and Dues
- Henry County CIC Membership Fees	--	1,260			1,260	Henry County CIC Membership Fees	<- 500.6110.52010 Memberships and Dues
- Ohio Utility Protection Services Contract (OUPS)	--	1,000			1,000	Ohio Utility Protection Services (OUPS)	<- 500.6110.52010 Memberships and Dues
- TMACOG Membership (Area Council of Govmnts.)	--	1,000			1,000	TMACOG (Area Council of Governments)	<- 500.6110.52010 Memberships and Dues
- Substation Consultants (Spectrum)	--	5,000			5,000	Substation Consultants (Spectrum)	<- 500.6110.53300 Services Fees-Professional Services
- Neptune Maint.Contract (Meter Readers)	--	1,500			1,500	Neptune Maint.Contract (Meter Readers)	<- 500.6110.53300 Services Fees-Professional Services
- SCADA Control Maintenance Contract	--	8,500			8,500	Annual SCADA Maintenance Contract	<- 500.6110.53300 Services Fees-Professional Services
- Copier Maintenance	--	500			500	Copy Machine Maintenance Contract	<- 500.6110.53300 Services Fees-Professional Services
- PML Service Support Contract	--	9,700			9,700	Support for Substation Meters & Relays	<- 500.6110.53300 Services Fees-Professional Services
- Substations Relay Testing	--	20,000			20,000	Substations Relay Testing-All Substations	<- 500.6110.53300 Services Fees-Professional Services
- Chipper & Misc. Equipment Maint. (Undefined)	--	7,500			7,500	Chipper & Misc. Equip. Maint. (Undefined)	<- 500.6110.53520 Contract Maintenance-Equipment
- Street Lighting Improvements	--	25,000			25,000	Street Lighting Improvements	<- 500.6110.54200 Supplies-Outdoor Lighting
- Uniforms (Cleaning, Repair & Replacements)	--	9,000			9,000	Uniform Costs	<- 500.6110.54800 Supplies-Uniforms
<i>Machinery and Equipment:</i>							
- GIS Hardware & Software System	--		50,000		50,000	GIS Hardware & Software System	<- 500.6110.57000 Machinery & Equipment
- Replace Substation Serv.Truck-1995 (\$105,000/Un)	1		105,000		105,000	Replace Substation Service Truck-1995	<- 503.6110.57000 Machinery & Equipment
- Replace Meter Reader Truck-2002 (\$35,000/Un)	1		35,000		35,000	Replace Meter Reader Truck-2002	<- 503.6110.57000 Machinery & Equipment
- Replace Pickup Truck-1998 (\$25,000/Un)	1		25,000		25,000	Replace Pickup Truck-1998	<- 503.6110.57000 Machinery & Equipment



UTILITY TRUCK EQUIPMENT, INC.
23893 U.S. 23 SOUTH
P.O. BOX 130
CIRCLEVILLE OH 43113

Telephone 740-474-5151

Fax 740-474-4402

NAPOLEON 37' AERIAL UNIT

AERIAL TOWER AND ACCESSORIES

Versalift model SST-37-EIH insulated aerial tower with a maximum working height of 42', and a maximum horizontal side reach of 27'- 9". Includes the following features and accessories:

- 24" x 30" x 42" enclosed fiberglass platform with cover.
- Full pressure platform mounted 3-function single handle control.
- Full pressure individual lower controls, with upper control override.
- Hydraulic platform leveling system with upper and lower tilt controls.
- Combination articulating/telescoping boom assembly.
- Upper fiberglass telescoping boom with outer boom insert.
- Articulating steel lower boom assembly.
- ANSI category "C" insulation rating for 46KV and below.
- 360 degree continuous rotation.
- Center mount pedestal at front of body, with booms stowed to the rear.
- Two (2) vertical hydraulic outriggers between cab and body.
- Outrigger / boom interlock system.
- 12 gallon integral oil reservoir located in pedestal.
- 3 GPM open center hydraulic system.
- Engine driven clutch pump assembly with brake interlock.
- One (1) set of hydraulic tool outlets located at platform.
- Remote engine stop/start system with upper and lower controls.
- 2-speed engine throttle system with upper, lower, and curbside rear controls.
- 12 volt emergency power system with upper and lower controls.
- Upper boom storage cradle with ratchet type tie down strap.
- Tubular rubber platform support.
- Safety harness and lanyard.
- Two (2) operator/service manuals.
- Finish paint standard white urethane.
- ANSI A92.2 data plate.
- Inclinator each side on rear of body.
- Complete installation and testing of aerial tower and accessories.



AERIAL SERVICE BODY

Fiberglass service body, 132" long, 94" wide, with 18" deep side compartments. Includes the following features and accessories:

- Heavy duty 6" steel body understructure.
- Body modification for installation of aerial tower.
- Stainless steel hinges and recessed two stage paddle latches.
- Steel treadplate cargo area floor.
- Door holders on all side compartment doors.
- Automotive bulb type rubber door seals on all body doors.
- Deluxe interior package with material trays, hooks, and long shelf storage.
- Curbside #2 access opening with steps to cargo area.
- 30" full width steel treadplate rear tailshelf.
- Removable rear tailboard.
- ICC rear bumper with gripstrut step each side.
- Grab rail installed at curbside rear.
- Two (2) composite outrigger pads and holders.
- Two (2) rubber wheel chocks and holders.
- Combination ball / pintle hook assembly.
- Fire extinguisher, first aid kit, and triangle reflector kit.
- Standard LED lighting package.
- LED rope lighting in each compartment with dash switch.
- Four (4) light strobe system.
- Lighted master switch on dash.
- Electric back up alarm.
- Rear trailer receptacle.
- Rear mud flaps.
- Standard white gelcoat finish on sideboxes.
- Complete installation of body and accessories.

STANDARD UNIT PRICE.....\$57,163.00.

CONTRACT DISCOUNT.....(\$4573.00).

TOTAL F.O.B. DESTINATION.....\$52,590.00.



STANDARD UNIT OPTIONS

<u>OPTION #</u>	<u>PRICE EACH</u>
BASE EQUIPMENT PACKAGE	\$52,590.00
4)180 degree hydraulic platform rotator.	\$1440.00
5) 50 KV 24" x 30" platform liner.	\$475.00
16) Aluminum understructure with aluminum treadplate cargo floor.	\$720.00
17) Aluminum treadplate cargo wall liners and compartment tops.	\$960.00
22) Aluminum ladder rack assembly, installed.	\$850.00
23) #2 curbside compt. with shelving in lieu of access opening.	No Charge
24) Curbside tailshelf access steps in lieu of #2 access opening.	\$440.00
27) Rod lock door system for side compartments.	\$395.00
40) UTE grounding system with tower, body, and grounding stirrup attached to a single point on chassis frame. Includes curbside rear grounding stirrup.	<u>\$650.00</u>
TOTAL PRICE OF EQUIPMENT WITH OPTIONS	\$ 58,520.00

NOTE: NO WHEEL WELL OFFSETS IN CARGO AREA

NOTES

- Requires selection of the appropriate chassis. Customer furnished chassis must meet minimum requirements for installation of equipment.
- Delivery: Approximately 210-240 days after receipt of order.
- Terms: 1%-20 days or Net 30 days.

We appreciate the opportunity to assist with your equipment requirements. If you have any questions or require additional information, please contact us at your earliest convenience.

Sincerely,
Utility Truck Equipment, Inc.

Rick Ellingsworth

Rick Ellingsworth



FORD F550 CAB AND CHASSIS

- 2012 or newer Ford F550 4x2 chassis cab.
- XL trim package.
- 165" wheelbase, 84" C.A.
- Two (2) front tow hooks.
- 6.7L diesel engine.
- Clean idle decal.
- 6 speed automatic transmission.
- Transmission PTO provisions.
- 19,500# GVWR payload plus upgrade package.
- Limited slip rear axle.
- Extra heavy duty suspension.
- 4 wheel ABS hydraulic brake system.
- Speed control and telescoping steering wheel.
- Heavy duty alternator.
- Dual maintenance free batteries.
- AM/FM stereo radio with clock.
- Engine block heater.
- 40 gallon aft axle rear fuel tank.
- Urea tank driver side inside frame rail.
- Standard interior trim.
- Vinyl 40/20/40 bench seat.
- Standard gauge cluster.
- Factory air conditioning.
- Manual telescoping trailer tow mirrors.
- LT225 radial tires, traction rear.
- Ford standard oxford white paint.

STANDARD UNIT PRICE.....\$41,277.00.

CONTRACT DISCOUNT.....(\$3302.00).

TOTAL FOR F550 CHASSIS CAB.....\$37,975.00.

STANDARD OPTIONS

BASE CHASSIS PRICE	\$37,975.00
1) Cab running board and step combination.	\$375.00
2) Trailer brake controller.	\$230.00
3) Keyless entry, power windows and door locks, heated mirrors.	<u>\$850.00</u>
CHASSIS PRICE WITH OPTIONS INCLUDED	\$39,410.00



NOTES

STS 7751501309

MAY 2012

- Chassis must be purchased in conjunction with contract equipment package.
- Pricing subject to changes established by Ford Motor Company.
- Delivery: Approximately 210-240 days after receipt of order.
- Terms: 1% - 20 days or Net 30 days.

We appreciate the opportunity to assist with your equipment requirements. If you have any questions or require additional information, please contact us at your earliest convenience.

Thank you for your consideration.

Sincerely,
Utility Truck Equipment, Inc.

Rick Ellingsworth

Rick Ellingsworth

**SUMMARY SHEET FOR CITY OF NAPOLEON 37 FT AERIAL PACKAGE**

BASE EQUIPMENT PACKAGE	\$52,590.00
4) 180 degree hydraulic platform rotator.	\$1440.00
5) 50 KV 24" x 30" platform liner.	\$475.00
16) Aluminum understructure with aluminum treadplate cargo floor.	\$720.00
17) Aluminum treadplate cargo wall liners and compartment tops.	\$960.00
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TOTAL PRICE OF EQUIPMENT WITH OPTIONS	\$ 58,520.00

BASE CHASSIS PRICE	\$37,975.00
4) Cab running board and step combination.	\$375.00
5) Trailer brake controller.	\$230.00
6) Keyless entry, power windows and door locks, heated mirrors.	<u>\$850.00</u>
CHASSIS PRICE WITH OPTIONS INCLUDED	\$39,430.00

TOTAL DELIVERED PRICE WITH STANDARD OPTIONS \$ 97,950.00





CITY OF NAPOLEON, OHIO

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151

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

phone (419) 599-1235 fax (419)-599-8393

Web Page: www.napoleonohio.com

E-mail: gheath@napoleonohio.com

DATE: February 25, 2013

TO: Members of City Council
Ronald A. Behm, Mayor
Dr. Jon A. Bisher, City Manger
Trevor Hayberger, Law Director

FROM: Gregory J. Heath, Finance Director/Clerk of Council *GH*

SUBJECT: Performance Audit - Income Tax Operations - Response

The Performance Audit prepared by the Auditor of State Office, released on January 31, 2013, has two (2) recommendations regarding the Income Tax Operations, they are:

- R.10 Outsource all or a portion of income tax operations.
- R.11 In the alternative to R.10, reduce Income Tax Department staffing by 0.5 FTE.

In response, similar to the other recommendations made by the Auditor of State Office, there are no solutions offered on how to accomplish them. These recommendations, and associated savings, do not account for current, historic and/or expected Citizen Service Levels. They give no path or propose any solution on how to implement what they suggest may be savings. It only throws a concept on the wall and hope it sticks. It also does not account for certain levels of personnel and processing that would still be required in-house even if the Income Tax Operations were fully outsourced. It also does not detail the basis of the figures in the report and how they relate to the City, it only assumes that they do relate. Additionally, some of the figures are mathematically incorrect and do not compute to what is listed in the report. The peer-to-peer comparisons are flawed and not a true reflection of Cities our size with comparable service levels. (Exp. - Comparing the City to Villages that are a fraction of our size and do not compare in services provided.)

However, with an understanding of what City Council is trying to accomplish, my Staff and I have done a review of the proposed recommendations; we have made contacts with other Cities using outsourcing services, including those that have and now are bringing collections back in-house; reviewed the overall operations of the Finance Department, including the Income Tax Operations; and, have identified areas of internal restructuring that will create a total potential savings of **\$60,890**. This is accomplished by the following actions:

- 1 – Do NOT Outsource the Income Tax Operations as listed in R.10.

We DO NOT recommend outsourcing the full Income Tax Operations at this time as proposed by the Auditor of State. Upon reviewing other Cities that do outsource their Income Tax we have found issues in the process that is both positive and negative. In No instance have we found that the City is able to totally eliminate staffing for the Income Tax function. The “so-called” savings listed in the Performance Audit does not properly account for this net cost issue.

(Income Tax Review – Continued Next Page)

The report cites Oberlin whom outsources to RITA, but retains one employee to service its five (5) largest employers. In contacting Oberlin, they actually internally service their top twenty (20) plus accounts. This represents their major withholding accounts, and it represents over 50% of their actual Income Tax revenue. They do this to preserve their cash flow.

To outsource without accounting for the quarterly cash flow issue would have a major impact on the City's cash flow of Income Tax, and this issue was not listed in the report; in addition, overall service levels that were not factored in this recommendation, along with many other needed considerations were not included to make such a change. Some other negatives of outsourcing in addition to reduced Cash Flow, includes the loss of in-house control of the Income Tax Data Base, referring Citizens to other locations outside the City for assistance and information, no Local Auditing or Local Reviews of newspapers or other similar audits to discover New Accounts, loss of cooperation with the local Court in prosecuting cases, and dealing with a Third Party whom has many Clients of which the City would be a small fish in a much larger pond. The agencies cited in the report are all out of the Cleveland, Ohio area.

There are many other intangibles like the Income Tax Operations personnel performing backup functions to other critical areas in Finance (Utility Billing, Payroll, Accounts Payable, Council Clerking, etc.), and many more shared functions that I will not take time here to mention.

2 – To reduce Income Tax Department Staffing as listed in R.11 by 0.5 FTE (We Identified 1.0 FTE).

Taking advantage of a timely retirement, we propose to reduce the staffing in Income Tax by one (1.0) FTE versus the (0.5) FTE proposed in the report. This process would have the least impact on Finance Personnel, and would keep the Income Tax Operation in-house with the City. The total savings is estimated at **\$60,890**, as compared to the savings of \$50,800 listed in the report for R.10. This would be accomplished in the following manner:

Income Tax Operations –

- Current *Income Tax Administrator* will retire on or about June 30, 2013.
- Internally promote current *Accounts Payable Clerk* into *Income Tax Administrator* position.
- Move current *Income Tax Account Clerk* into *Accounts Payable Clerk* position.
- Do not fill the vacated *Income Tax Account Clerk* position.
- Maintain current shared *Account Clerk* position between Income Tax and Utility Billing.
- **Net Savings - \$51,760.**

Finance Administrative Operations –

- Internally promote current *Accounts Payable Clerk* into *Income Tax Administrator* position.
- Move current *Income Tax Account Clerk* into *Accounts Payable Clerk* position.
- **Net Savings - \$9,130.**

(NOTE: Savings in Finance Administrative is due to differences in current Pay Steps and Hospitalization Premium levels "Family versus Single".)

- **TOTAL Net Savings - \$60,890.**

=====

To be clear, since I have been with the City I have continually reviewed how the Finance Department performs services and is staffed. I have previously reduced Staff from the levels they were when I first came. I would have not requested the current budgeted staffing levels we have if I felt it wasn't necessary to meet the needs of the City. A reduction of one (1) fulltime staff member will have an impact on how we allocate resources to the various functions we are responsible to accomplish. Through cooperation of Staff, reallocation of workloads, continued training, and close management of resources, we feel this proposal can meet the needs of reducing costs and maintain service levels for the City. Thank you.

Potential Additional Tax Generated at Various Tax Credit Reduction Levels

	<u>2011</u>	<u>2010</u>
Tax Credits:		
Tax Rate Higher than 1.5%		
Qualifying Wages:	\$34,476,510.53	\$31,632,721.29
Reduction of Credit:		
100%	413,718.13	379,592.66
95%	393,032.22	360,613.02
90%	372,346.31	341,633.39
85%	351,660.41	322,653.76
80%	330,974.50	303,674.12
75%	310,288.59	284,694.49
70%	289,602.69	265,714.86
65%	268,916.78	246,735.23
60%	248,230.88	227,755.59
55%	227,544.97	208,775.96
50%	206,859.06	189,796.33
45%	186,173.16	170,816.69
40%	165,487.25	151,837.06
35%	144,801.34	132,857.43
30%	124,115.44	113,877.80
25%	103,429.53	94,898.16
20%	82,743.63	75,918.53
15%	62,057.72	56,938.90
10%	41,371.81	37,959.27
5%	20,685.91	18,979.63
0%	0.00	0.00
Tax Rate Lower than 1.5% (.5% & 1%)		
Qualifying Wages:	\$2,508,307.56	\$3,546,787.20
Reduction of Credit:		
100%	30,099.69	42,561.45
95%	28,594.71	40,433.37
90%	27,089.72	38,305.30
85%	25,584.74	36,177.23
80%	24,079.75	34,049.16
75%	22,574.77	31,921.08
70%	21,069.78	29,793.01
65%	19,564.80	27,664.94
60%	18,059.81	25,536.87
55%	16,554.83	23,408.80
50%	15,049.85	21,280.72
45%	13,544.86	19,152.65
40%	12,039.88	17,024.58
35%	10,534.89	14,896.51
30%	9,029.91	12,768.43
25%	7,524.92	10,640.36
20%	6,019.94	8,512.29
15%	4,514.95	6,384.22
10%	3,009.97	4,256.14
5%	1,504.98	2,128.07
0%	0.00	0.00
Additional Tax Generated:		
Reduction of Credit:		
100%	\$443,817.82	\$422,154.10
95%	\$421,626.93	\$401,046.40
90%	\$399,436.04	\$379,938.69
85%	\$377,245.14	\$358,830.99
80%	\$355,054.25	\$337,723.28
75%	\$332,863.36	\$316,615.58
70%	\$310,672.47	\$295,507.87
65%	\$288,481.58	\$274,400.17
60%	\$266,290.69	\$253,292.46
55%	\$244,099.80	\$232,184.76
50%	\$221,908.91	\$211,077.05
45%	\$199,718.02	\$189,969.35
40%	\$177,527.13	\$168,861.64
35%	\$155,336.24	\$147,753.94
30%	\$133,145.35	\$126,646.23
25%	\$110,954.45	\$105,538.53
20%	\$88,763.56	\$84,430.82
15%	\$66,572.67	\$63,323.12
10%	\$44,381.78	\$42,215.41
5%	\$22,190.89	\$21,107.71
0%	\$0.00	\$0.00

*Figures based on 2011 and 2010 Napoleon Returns filed to date - 02/25/2013



FIREFIGHTERS CHARITABLE FOUNDATION INC

ONE WEST STREET
FARMINGDALE, NY 11735
516-249-0332

12/20/2012

PAY TO THE ORDER OF NAPOLEON FIRE-RESCUE

\$ ****300.00**

Three Hundred and 00/100*****

DOLLARS

NAPOLEON FIRE-RESCUE
ATTN: CHIEF ROBERT BENNETT
265 WEST RIVERVIEW AVE
NAPOLEON, OH 43545-1748

MEMO GRANT DONATION

FIREFIGHTERS CHARITABLE FOUNDATION INC
NAPOLEON FIRE-RESCUE

12/20/2012

13317

GRANT DONATION

300.00

RECEIVED

RECEIVED

FEB 26 2013

FEB 02 2013

NAPOLEON FIRE

NAPOLEON FIRE

103400 CASH - 1ST GRANT DONATION

300.00

FIREFIGHTERS CHARITABLE FOUNDATION INC
NAPOLEON FIRE-RESCUE

12/20/2012

13317
300.00

GRANT DONATION

PAYMENT RECORD

103400 CASH - 1ST GRANT DONATION

300.00

01/11/12 10:00 AM



CITY OF NAPOLEON, OHIO

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151
Gregory J. Heath, Director of Finance/Clerk of Council
phone (419) 599-1235 fax (419)-599-8393
Web Page: www.napoleonohio.com
E-mail: gheath@napoleonohio.com

DATE: March 1, 2013

TO: Members of City Council
Ronald A. Behm, Mayor
Dr. Jon A. Bisher, City Manger
Trevor Hayberger, Law Director

FROM: Gregory J. Heath, Finance Director/Clerk of Council *GH*

SUBJECT: Fire Tanker Truck and Credit Consideration on Township EMS/Fire Contracts

During the joint meeting of the Safety and Human Resources Committee with the Townships on Monday, February 25, 2013, a question was raised by the Township Trustees regarding the Old Fire Tanker Truck. Specifically, they inquired where the proceeds of the Tanker Truck sold at auction last year went; and, was there any monetary consideration made back to the Fire Department for the transfer of the Old Fire Tanker Truck to the Streets Operation.

The following is based on research regarding the two (2) Tanker Trucks:

1985 Mack Tanker Truck -

This Tanker Truck was **never in or associated with the Fire Department.** The 1985 Mack Truck Chassis was originally purchased as a Refuse Packer Truck, and operated as such until sometime in the early 1990's when it was replaced and taken out of service.

Around this time, the City had implemented a program of applying sludge to farm fields and needed a vehicle to transport the sludge. The packer unit was removed and replaced with a Tank for hauling sludge. The vehicle operated in this capacity until the mid to late 2000's when it was taken out of service.

In the late 2000's the City implemented an anti-icing program of applying brine to the City Streets. The 1985 Mack Tanker Truck was converted to apply brine for anti-icing and was placed back into service until 2012. At that time the 1979 Mack Fire Tanker Truck replaced the 1985 Mack Tanker Truck for the anti-icing program.

The 1985 Mack Tanker Truck was sold at City Auction in May 2012, and sold for \$10,100.

1979 Mack Fire Tanker Truck -

In the early 1980's the City purchased for the Fire Department a 1979 Mack Tractor Truck Chassis and had a Water Tank added to the chassis for water hauling to fires. This truck remained in service as a Fire Tanker Truck until 2011 when it was taken out of service in the Fire Department. The City in 2011 purchased a New Fire Tanker Truck utilizing a grant.

(Tanker Truck Review – Continued Next Page)

The 1979 Mack Fire Tanker Truck was transferred to the Street Department and converted to apply brine for anti-icing in 2012, and continues to be used in that capacity today.

Recommendations on monetary or other considerations regarding the Tanker Trucks:

1985 Mack Tanker Truck - This vehicle was never part of or paid from any funds directly or indirectly related to the Fire Department. This vehicle sold at auction in 2012 for \$10,100 and the funds were placed into the 100 General Fund. I **DO NOT recommend** giving Credit or any other monetary considerations on these funds back to the Fire Department, or the Fire Equipment Fund.

1979 Mack Fire Tanker Truck – This vehicle was internally transferred from the Fire Department to the Street Department. The City historically **HAS NOT CHARGED**, or required any receiving Departments, to pay for or be charged an expense for the unused or unneeded equipment. The equipment that is transferred, along with any remaining Depreciation Value, is also transferred to the receiving Department. In this case there is **NO Depreciation Value** remaining on the 1979 Mack Fire Tanker Truck. I **DO NOT recommend** giving Credit, or any other monetary consideration, based on the estimated value of the truck, back to the Fire Department, or the Fire Equipment Fund. This is consistent with prior practice and policy.

If you have any questions regarding this information, please feel free to give me a call at (419) 599-1235.

Thank you.

City of Napoleon, Ohio

TECHNOLOGY & COMMUNICATION COMMITTEE

LOCATION: City Hall Offices, 255 W. Riverview Avenue, Napoleon, Ohio 43545

Meeting Agenda

Monday, March 4, 2013 at 8:00 PM

- I. Approval of Minutes from December 3, 2012 *(In the Absence of any Objections or Corrections, the Minutes Shall Stand Approved)*
- II. Review the Possibility of an Additional IT Position (Tabled)
- III. Any Other Matters Currently Assigned To Committee

Gregory J. Heath, Clerk/Finance Director

City of Napoleon, Ohio
Technology & Communication Committee

Meeting Minutes

Monday, December 3, 2012 at 8:00 PM

PRESENT

**Members
City Staff**

Jason Maassel - Chair, James Hershberger, Christopher Ridley

Dr. Jon A. Bisher, City Manager

Gregory J. Heath, Finance Director/Clerk of Council

Dan Wachtman, MIS Administrator

Recorder

Barbara Nelson

Others

News Media, Patrick McColley

ABSENT

None

Call To Order

Chairman Maassel called the meeting to order at 9:10 PM.

Minutes Stand Approved

Minutes from the April 2, 2012, meeting stand approved as presented.

**Combining Court Server
With City Server**

Wachtman said the Municipal Court has its own server now. There was \$14,000 in the budget for a server for the court, which is how this subject came up. Court servers are typically run by Henchens software. We ran into trouble with them about 10 years ago and it backfired on us. Wachtman talked to Henchens. They look at a virtualization platform where there are multiple servers on one physical box. We can't support that in-house because we don't feel it is the best way to go. Wachtman recommended that the Court stay with the recommended server from Henchens or it may come back to bite us when we need support.

Ridley asked if there was any crossover between that system and other City systems. Wachtman said it is widely used. The police and sheriff departments access it as read only. It sits on our network but they have their own server. Henchens is willing to look at lesser things that we don't need like a tape drive for \$2,000. We backup our system in three different places now and don't need this item. Bisher said if something breaks, Henchen fixes it. It is a problem for Wachtman if they jump into our system. Wachtman recommended that the City stay with the current setup and save as much money as we can with negotiations.

Ridley and Wachtman discussed operating systems, servers, backups and VMware. Wachtman is talking to the techs about a free version of VMware.

**Motion To Stay With
Current Configuration**

Motion: Ridley

Second: Hershberger

To stay with our current configuration and not combine with the court server

Passed

Yea-3

Nay-0

Roll call vote on above motion:

Yea-Ridley, Maassel, Hershberger

Nay-

Additional IT Position

Maassel said he would like to see what the performance audit says regarding what other cities do. Bisher said we can wait to find out and come back to this subject later. He believes we are thin with just one person and also supporting the county sheriff's office. He had Wachtman hire a consultant to fill in for when

Wachtman is off, so there is a backup who knows the system and passwords. Wachtman said he uses this person twice a month to cut costs. Wachtman works 2-4 hours per week for the sheriff's department. We bill for 100 hours per year at \$55.00 per hour. He could use another person for consistency. The consultant from Sonit in Archbold can't keep up with the changes. He would recommend hiring a part-time person at least two days per week. He could use professional services money to pay for this person. It could be someone who is going to school. We pay \$85 per hour for Sonit to be here plus ½ hour driving time.

Ridley said he's used Sonit & EK Computer in his work with various agencies. Both provided good service. Wachtman said he looked at EK a year or so ago, but they didn't have the experience on what he needed at the time. He has also used Christopher Badenhop for \$40/hour. Bisher said we have to be careful who has access to sensitive data for income tax, finances, etc. We talked to the county about GIS, but that may not work due to our NRF requirements. We are held to a high standard on homeland cyber security. We get checked and can be fined if we are not doing it right. We are a power generator and have national electric cyber security standards. Maassel said if another person was hired, they could take some of the easy jobs from Wachtman.

Heath said there have been issues with website maintenance. Bisher said we've come a long way since the last meeting regarding Council packets and police reports online. Ridley said Council wants to make sure we are being cost conscious. Maassel said the audit should show us if we need another person.

**Motion To Table Until
Performance Audit Is
Official**

Passed
Yea-3
Nay-0

Motion: Ridley Second: Hershberger
To table *Review the Possibility of an Additional IT Person* until the Performance Audit is official

Roll call vote on above motion:
Yea- Ridley, Maassel, Hershberger
Nay-

Maassel asked what happens with old computers. Wachtman said he pulls the old hard drives or wipes them and they go to auction. We have donated some to the Big Brother organization and the Senior Center, but nobody else seems to want old stuff.

Motion To Adjourn

Passed
Yea-3
Nay-0

Motion: Ridley Second: Hershberger
To adjourn the meeting at 9:35 PM

Roll call vote on above motion:
Yea- Ridley, Maassel, Hershberger
Nay-

Date Approved:

Jason Maassel, Chair

Fw: The Big Picture March | TMACOG

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

03/01/13 08:52 AM

For Council Packets

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

From: TMACOG <public.info@tmacog.org>
To: gheath@napoleonohio.com
Date: 03/01/2013 08:02 AM
Subject: The Big Picture March | TMACOG

[View in a web browser](#)



Volume 17 Issue No. 3 March 2013

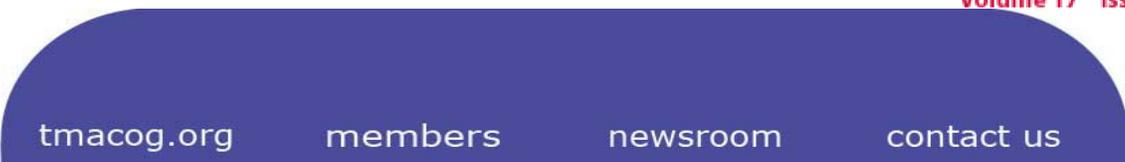


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FEATURES

Transportation Legislative Agenda

TMACOG and a Transportation Coalition of 16* additional partners have collaborated to produce the 2013-14 Transportation Legislative Agenda. This document describes and itemizes the priorities and goals for the transportation system in northwest Ohio and southeast Michigan. The agenda is a guide for state and federal lawmakers as they debate, set policy, and make funding allocations affecting transportation in the region...[read more](#)

TRANSPORTATION

Transportation Summit

From Policy to Projects: Moving People and Goods



Transportation stakeholders from throughout the region have gathered to study and discuss the transportation system in northwest Ohio and southeast Michigan nearly every year since 1993. This regional

Upcoming Events

Ohio Sunshine Law Training

Friday, March 8, at Owens Community College, Audio/Visual Classroom
Contact [Jennifer Allen](#), 419.241.9155 ext. 107

Transportation Summit

Friday, March 22, at the Holiday Inn French Quarter, Perrysburg
Contact [Christine Drennen](#), 419.241.9155 ext. 119

Stormwater Erosion and Sediment Control

Tuesday, March 26 at Home Builders Association of Greater Toledo, 1911 Indian Wood Circle, Maumee

Contact [Kari Gerwin](#), 419.241.9155 ext. 103

Train Day Toledo

[Success Story](#)[General Assembly Summary](#)[TMACOG Bylaw changes](#)**EVENTLINE****March & April 2013**[WEB](#)[pdf version](#)

cooperation has created a solid working alliance of planners, engineers, construction professionals, economic developers, elected and appointed officials, service providers, and others. The 2013 Transportation Summit is Friday, March 22, 8 a.m. - 2 p.m. at the Holiday Inn French Quarter in Perrysburg.

[Registration](#) is open now. Please register by March 15...[read more](#)

Smoothing Boundaries

TMACOG's System Performance and Monitoring Committee (SPAM) has been working with area transportation stakeholders to finalize the boundaries of the [Toledo](#) and [Bowling Green](#) urbanized areas. These maps determine how some roadways are classified and thereby funded. This project is done every 10 years in concert with the U.S. Census...[read more](#)

Turnpike Discussion at Freight Meeting

Adam Greenslade, director of governmental affairs for the Ohio Turnpike Commission, attended the TMACOG Freight Advisory Committee's January meeting to discuss possible changes to the operation of the Ohio Turnpike, including the issuing of bonds backed by future toll revenue to pay for Ohio transportation projects. In a roundtable format, Mr. Greenslade answered questions from the committee regarding the details of the proposed plan for the turnpike...[read more](#)

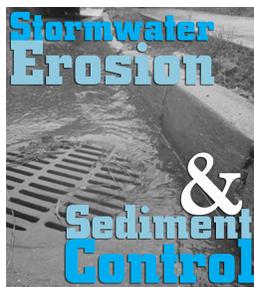
Saturday, May 4,
9:30a.m. - 4 p.m.
Amtrak Station and
Grand Lobby at the Dr.
Martin Luther King Jr.
Plaza
Contact [Diane-Reamer
Evans](#), 419.241.9155
ext 117

Ohio Conference on Freight

September 12 & 13, at
the Kalahari Convention
Center, Sandusky
Contact [Christine
Drennen](#), 419.241.9155
ext 119

ENVIRONMENT

Effective and Economical Methods of Erosion Control During Construction



Tuesday, March 26, 8 a.m. - 4:30 p.m.
Home Builders Association of Greater Toledo
1911 Indian Wood Circle
Instructor: Dan Ross, M.E.M., D.G., Kent
State University...[read more](#)

Toledo Botanical Gardens - Restoring Waterway and Habitat

A large restoration project at Toledo Botanical Garden that began construction in late fall of 2012 is just about complete in March 2013 with just some planting left to do. Spring and summer visitors to the garden will have access to a healthier, more natural stream and pond. Work was done in fall and winter weather to reduce disruption for park visitors...[read more](#)

MEMBER NEWS

Shared Services Grant

Ohio's Local Government Innovation Fund (LGIF) is helping improve shared services in Wood County. Lake Township has been operating emergency dispatch services for itself and for the villages of Millbury and Walbridge and the city of Rossford. They are now working to develop a dispatch center that would also include the City of Northwood. The project is being funded through an LGIF grant of \$87,840. Lake Township Administrator and Fire Chief Mark Hummer said at a township meeting that the dispatch center will end up saving all the municipalities money and will improve communication.

2013 General Assembly Report



At the annual General Assembly of TMACOG members held Tuesday, January 29, 2013, TMACOG members endorsed the nomination of officers...[read more](#)

TMACOG Bylaw Revisions

The TMACOG Leadership Committee proposed changes to the TMACOG bylaws and the General Assembly approved them at the January 29 General Assembly...[read more](#)

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Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

February 22, 2013

AMP's membership increases to 130

By Pamala Sullivan – senior vice president of marketing and operations

Georgetown, Ohio, has officially joined AMP – becoming the 130th member to benefit from AMP's power supply and other services.

At the Board meeting earlier this week, AMP's Board of Trustees passed a resolution to approve membership for Georgetown.

The historic Village of Georgetown is located in southwest Ohio and the electric system serves approximately 7,150 meters.

The village is the site of the boyhood home of 18th President of the United States Ulysses S. Grant. Grant's father built the home in 1823 and Grant lived there until 1839, when he left for West Point.

AMP's official news release is available [here](#).

Please join us in welcoming Georgetown to the AMP membership.



RICE NESHAP compliance is not just for the electric department

By Randy Meyer – director of environmental affairs

The RICE NESHAP compliance data for existing diesel engines (construction or re-construction of the engine started before June 12, 2006) at area sources is May 3, 2013 – just a little over two months away.

With few exceptions, this rule imposes emission reduction requirements on **every existing diesel engine**. For emergency use engines, the requirements focus on work practices, fuel quality and limits on the use of the engine. Annual hours are limited and, except for the first year, these engines cannot be used to shave electric peak or supply non-emergency power, including disconnecting load centers from the electric grid and using the engine to supply power until the peak passes.

Work practices, including routine maintenance activities, fuel quality data and operating logs must be carefully documented and readily available for at least five years after their creation. Remember, EPA or its contractors will assume the worst if you cannot produce adequate records upon request.

Unless the engine is located at a coal-fired power plant or another large source of hazardous air pollutants, or it is classified (by NAICS code) as a residential, commercial or institutional emergency

Turner joins AMP staff as credit compliance analyst

By Chris Deeter – senior director member credit compliance

Chad Turner is the newest member of the AMP staff. A resident of Columbus, Turner started Monday as a member credit compliance analyst. In addition to other duties, he will be primarily involved in AMP's project financings and member credit scoring.



Prior to AMP, Turner was a credit compliance specialist for Time Warner Cable, and previously worked for the City of Dayton in the Office of Management and Budget.

He holds a bachelor's degree in public administration from Wright State University, a master's degree in accounting and financial management from DeVry University-Keller Graduate School of Management, and is pursuing a master's degree in business administration through Ohio University.

Please join us in welcoming Chad.

Webinar date change

There has been a date change for the AMP/ OMEA webinars offered the week prior to the APPA Legislative Rally. The new date is March 6 at 2 p.m. (the 10 a.m. March 7 webinar remains unchanged). These calls are open to all members, and would be beneficial whether or not you are planning to attend the Rally. Please contact Betty Wehrman at bwehrman@amppartners.org or 614.540.6413 with questions, to register for a webinar, or if you did not receive Rally information.



stationary reciprocating engines it has RICE NESHAP compliance obligations. Commercial use includes office buildings. Your municipal building probably falls into this category.

Institutional use includes schools, police stations and fire stations. Surprisingly, emergency engines used to support water and wastewater facilities are not considered residential, commercial or institutional engines. For further information on whether an engine is considered residential, commercial or institutional, I urge you to consult EPA's guidance document [here](#) or contact me at rmeyer@amppartners.org for assistance.

Gerken speaks at Ohio Energy Management Conference

By Jolene Thompson – senior vice president of member services and external affairs & OMEA executive director

AMP President and CEO Marc Gerken represented the organization and its membership at the 17th Annual Ohio Energy Management Conference held in Columbus this week.



Gerken spoke as part of the panel "Powering the Future of Ohio's Economy," which also featured executives from AEP, FirstEnergy and Duke, a representative of the Industrial Energy Users-Ohio, and PUCO Chairman Todd Snitchler. Moderated by State Sen. Shannon Jones (R-Springboro), the panel focused on Ohio's electricity marketplace and competition, technology, energy efficiency, alternative energy sources, generation and transmission, demand, and stimulating economic growth. Marc spoke about our experiences in the wholesale market, as a developer of new generating resources – including renewable and natural gas – and the challenges in working with RTOs.

The conference was attended by more than 400 utility industry professionals, key state officials and manufacturing customers, making it the largest event in its 17-year history.

On Peak (16 hour) prices into AEP/Dayton Hub

Week ending Feb. 22

MON	TUE	WED	THU	FRI
\$36.50	\$35.25	\$40.00	\$39.75	\$34.25

Week ending Feb. 15

MON	TUE	WED	THU	FRI
\$33.50	\$33.00	\$32.75	\$32.00	\$31.50

AEP/Dayton 2014 5x16 price as of Feb. 22 — \$41.45

AEP/Dayton 2014 5x16 price as of Feb. 15 — \$41.08

Cold causes prices to climb

By Craig Kleinhenz – manager of power supply planning

AFEC had strong production again this week, with the average load factor coming in at 80 percent (based on 675 MW). Last weekend had cooler temperatures, which led AFEC to stay on-line right through the weekend.

The warmest temperatures for the week occurred Monday and Tuesday. The overnight hours between these two days were the only times during the week where AFEC was dispatched to minimum generation levels.

Daytime prices this week were not strong enough to justify the use of duct burners as they were only used seven hours during the whole week. AFEC was \$5.54/MWh cheaper than Day Ahead 7x16 prices for the week.

Energy markets

By Craig Kleinhenz

Cooler temperatures are starting to have an impact on the energy markets. The amount of natural gas withdrawn from storage yesterday was larger than expected due to the recent cold weather.

Over the next few weeks, temperatures in the Midwest and East Coast are expected to be slightly cooler than normal. These two factors have led to an increase in energy prices this week – offsetting last week's losses.

March natural gas prices closed up \$0.09/MMBtu from last week to end at \$3.25/MMBtu. April natural gas prices closed yesterday at \$3.30/MMBtu. 2014 on-peak electric prices at AD Hub finished up \$0.37/MWh from last week, closing at \$41.45/MWh.



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.



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

Subcommittee Webinar

The next quarterly meeting of AMP's Sustainability Subcommittee will be held via webinar at 2 p.m. Feb. 27. Updates on various AMP projects and the Efficiency Smart program will be discussed. Contact Julia Blankenship at 614.540.0840 or jblankenship@amppartners.org.



Zelienople hosts Western Pennsylvania Finance & Accounting Subcommittee meeting

By Chad Turner – member credit compliance analyst

AMP's Western Pennsylvania Finance & Accounting Subcommittee meeting, hosted by Zelienople Borough, will take place Feb. 28 in the Borough Council Chambers.

The agenda includes Dawn Lund, vice president of Utility Financial Solutions, presenting on how to explain rate changes to your council, as well as your customers. Harry Phillips, AMP's director of marketing, will provide an overview of the Eastlake Project as well as details on how your community could participate. Jim Moore, principal of Kensington Capital Advisors and AMP's derivative advisor, will speak on the recent monetary policies of the Federal Reserve and how they might affect you back home; and Ted Sobel, managing director of Ramirez & Co. and AMP's financial advisor, will discuss interest rates and fixed income debt strategies. As always, lunch will be provided.

AMP would also like to invite anyone who might be arriving early to a casual dinner at 6:30 p.m. Feb. 27 at the nearby [Harmony Inn](#).

For meeting and dinner reservations, please contact me at cturner@amppartners.org or 614.540.6913; or Chris Deeter, senior director member credit compliance, at 614.540.0848 or cdeeter@amppartners.org.

APPA Academy Webinar Series

An internet connection and a computer are all you need to educate your entire staff for just \$89. Register today at www.APPAAcademy.org. Non-APPA members enter coupon code **webinar** to receive the member rate.

- **Safety—Accident Investigation and Near Misses**
March 5
- **Electric Utility 101 Series—Transmission** March 18
- **Duties, Responsibilities and Legal Obligations of Public Power Governing Boards** March 28
- **Federal Legislative and Regulatory Issues for Boards** April 15
- **Electric Utility 101 Series—Distribution** April 16
- **Strategic Issues Facing Public Power Governing Bodies** April 23

Copies of past webinar can be purchased through the APPA Product Store at www.PublicPower.org/store

Co-hosted by



Calendar

Feb. 27—AMP sustainability subcommittee
To register, call 614.540.0840 or email to jblankenship@amppartners.org

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
New Martinsville City Hall, West Virginia

March 23—APPA Lineworkers Rodeo
Kissimmee, Florida

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

April 23-24—8th Annual AMP Technical Services Conference
Columbus

April 25—AMP finance & accounting subcommittee meeting
Oberlin Fire Department, Oberlin

May 14—OMEA Legislative Day and Mayors' Reception
Vern Riffe Center, Columbus

May 23—AMP finance & accounting subcommittee meeting
Napoleon Shelter House, Napoleon

June 3-7—AMP Basic 1 Lineworker training
AMP Headquarters, Columbus

June 6—AMP finance & accounting subcommittee meeting
Salem Civic Center, Virginia

June 14-19—APPA National Conference and Public Power Expo
Nashville, Tennessee

June 17-21—AMP Intermediate Lineworker training
AMP Headquarters, Columbus

July 25—AMP finance & accounting subcommittee meeting
AMP Headquarters, Columbus

Aug. 29—AMP finance & accounting subcommittee meeting
Holiday Inn-Johnstown, Pennsylvania

Sept. 12—AMP finance & accounting subcommittee meeting
Fort Piqua Plaza Banquet Center, Piqua

Oct. 6-12—Public Power Week activities in member communities

Oct. 28-31—AMP/OMEA Conference
Hilton Columbus at Easton, Columbus

Dec. 5—AMP finance & accounting subcommittee meeting
Hilton Columbus at Easton, Columbus

Fw: Ohio Municipal League Legislative Bulletin

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

02/22/13 03:02 PM

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Ohio Municipal League

February 22, 2013

MUNICIPAL INCOME TAX UNIFORMITY PRESS CONFERENCE/RALLY SCHEDULED

Municipal officials from the greater Dayton area have scheduled a press conference and rally for Tuesday, March 5 at the Dayton City Commission Chambers in the Dayton City Hall. The press conference and rally is being held to present to the public the devastating effects HB 5, legislation recently introduced that would make sweeping changes to the current municipal income tax structure, which would have an impact on city and village revenues available for essential local services.

COMMITTEE WORK CONTINUES IN THE HOUSE OF PROPOSED BIENNIAL BUDGET

The focus of legislative activity this week centered around matters of finance and policy as the Ohio House of Representatives Finance and Appropriations Committee continues to study the different components contained in HB 59, the Governor's proposed state biennial budget, HB 35 the Ohio Department of Transportation (ODOT) budget and HB 51 the Ohio Turnpike bill. Some subjects contained in the spending bills have been segmented out of their original bills and are being studied in greater depth by Finance Committee subcommittees and other House committees such as the House Ways and Means committee. For example, the House

Ways and Means Committee will be holding two committee meetings next week to study areas of tax policy contained in HB 59.

League staff continue to hold meetings with members of the Ohio House and Ohio Senate, to impress upon legislators items that are being considered in the Ohio General Assembly that are of interest or concern to Ohio municipalities.

NEW BILLS INTRODUCED OF MUNICIPAL INTEREST

Below is a list of bills recently introduced in the Ohio General Assembly that address issues effecting municipalities. We will be sure to keep our members apprised of any legislative action that may take place on these and future bills dealing with the operation of municipalities.

HB 41 Oil/Gas Drilling, Rep. Robert Hagan (D-Youngstown); To authorize a political subdivision to enact and enforce health and safety standards for oil and gas drilling and exploration. Am. 1509.02 and to enact section 1509.39

HB 46 Tax Appeals, Rep. Ron Amstutz (R- Wooster); To create a small claims division of the Ohio Board of Tax Appeals, to allow for parties to file a notice of appeal to the Board by facsimile or electronic transmission using electronic mail, to require the Board to establish a case management schedule for appeals, and to authorize the Tax Commissioner to expedite and issue a final determination for residential property value appeals with written consent of the parties. Am. 5717.01, 5717.011, and 5717.02 and to enact section 5703.021

HB 69 Traffic Cameras, Rep. Ron Maag (R-Lebanon); To prohibit the use of traffic law photo-monitoring devices by municipal corporations, counties, townships and the State Highway Patrol to detect signal light and speed limit violations. Am. 4511.095 and to repeal sections 4511.092 and 4511.094.

SB 37 Water Access, Sen. Lou Gentile (D-Steubenville) and Sen. Cliff Hite (R-Findlay); To create the Water Access To Every Residence Task Force.

SB 41 Municipal Districts, Sen. Robert Gardner (R- Bowling Green) To authorize municipal corporations to establish districts and impose special assessments for the installation, maintenance, and improvement of sidewalks and paths. Am. 133.13, 727.01, and 727.14 and to enact section 727.014

Copies of the these recent introductions or any other legislation that has been introduced so far in the 130th General Assembly are available on the Ohio legislature's website at www.legislature.state.oh.us. Below is the committee schedule for the upcoming week. Have a great weekend.

COMMITTEE SCHEDULE FOR THE WEEK OF FEBRUARY 24, 2013 (PRELIMINARY)



Legislative Bulletin

Ohio Municipal League Legislative Bulletin

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NORTHEAST OHIO MAYORS AND MANAGERS HOLD PRESS CONFERENCE ON HB 5 IMPACTS

On Thursday, Mayor Frank Jackson of Cleveland was joined by over 30 Mayor and Managers, from the greater Cuyahoga County area for a press conference to bring awareness to HB 5, legislation introduced by Representatives Cheryl Grossman and Mike Henne that would make sweeping changes to the administration and revenue generating capabilities of the municipal income tax. The municipal leaders from across northeastern Ohio shared with the assembled members of the media the negative consequences the bill, as proposed, would have to their ability to continue to fund critical services at current levels and the frustration some Mayors have experienced in trying to be a part of the solution to creating greater uniformity in the municipal local tax and to achieve these goals in a responsible manner, without unnecessarily harming our already struggling municipalities.

As a reminder, municipal officials from across the greater Dayton area along with the First Suburbs Consortium of Dayton will be convening Tuesday, March 5 at 1pm at the Dayton City Hall to hold their own Press Conference and Rally to educate the public and media about their objections to HB 5 and the effects they forecast would result to their budgets and ability to manage their local affairs.

We want to thank these groups for their leadership in educated those that may not be aware of what is being proposed in HB 5, the negative impacts included and to share with those assembled that there is a better way to achieve the goals that were originally expressed to why further uniformity was needed in the municipal tax structure.

HOUSE WAYS AND MEANS SUBCOMMITTEE HOLDS HEARINGS ON LOCAL GOVERNMENT FUND

Also on Thursday, a House Ways and Means Subcommittee met to study components of HB 59, the Governor's proposed two-year state operating budget, and one of the topics for discussion was the Local Government Fund and other local government issues included in the bill. The subcommittee, chaired by Rep. Jeff McClain heard testimony from the County Commissioners Association and the Ohio Township Association before the committee hearing had to end due to lack of time remaining before they had to adjourn to attend the House Session. The subcommittee will reconvene all next week to hear remaining testimony which will include a presentation from OML Executive Director Sue Cave. The hearing to continue the local government testimony is scheduled for Thursday, March 7 at 9am in Hearing Room #116. We would encourage any of our members who may be interested to attend this hearing and hear firsthand the request by the league for our state leaders to offer greater assistance to our struggling municipalities, especially in light of the projected \$2 billion dollars in surplus revenue generated by the state that will reside in the state's rainy day fund, through enactment of the proposed budget.

TRANSPORTATION, TURNPIKE AND OPERS BILLS MOVING IN HOUSE

This past week, the Ohio House focused their legislative attention on three important pieces of legislation dealing with transportation budgets and other policy changes. The three bills that have moved quickly through the House legislative process and have been sent on to the Ohio Senate for their consideration are HB 35, the ODOT budget bill, HB 51, the Turnpike bill and HB 67, legislation introduced and acted upon quickly that delays implementation of certain sections addressed last year in the OPERS pension reform measures.

Below, we are providing our members with an analysis of each bill and components of the proposals that effect local governments. As the Senate makes their changes and suggestions for what they feel should be reflected in the final proposals, we will be sure to alert our members.

HB 35 (Rep.McGregor) Transportation Budget, items of municipal interest:

Overall gross vehicle weight limit (R.C. 4513.34, 5577.04) For roads that are part of the state highway system and are not interstate highways, the bill increases the maximum overall gross vehicle weight from 80,000 to 90,000 pounds. For interstates and other roads that are not part of the state highway system (county and township roads), the bill retains the existing maximum overall gross vehicle weight limit of 80,000 pounds.

Maintenance of interstate highways

(Section 203.70) Under the bill, the Director of Transportation may remove snow and ice and maintain, repair, improve, or provide lighting upon interstate highways that are located within the boundaries of a municipal corporation. The actions taken by the Director must be adequate to meet the requirements of federal law. When agreed to in writing by the Director and the legislative authority of a municipal corporation and notwithstanding general laws related to competitive bidding, ODOT, as provided by the agreement, may reimburse a municipal corporation for all or any part of the costs incurred by the municipal corporation in maintaining and repairing lighting upon the interstate system, and removing snow and ice from the interstate system.

Service station bond

(R.C. 3791.11 (repealed), 3791.12, 3791.13, and 3791.99; Section 803.10)

Repealed bond requirement. The bill repeals the requirement that prohibits a person from constructing, renewing operation of, or continuing operation of a service station unless, before the commencement of construction or renewed operation and during the period of continued operation, a valid bond is on file as explained below. The bond must be obtained by the owner of the property if the owner also is the owner of the service station. If the owner of the property is not the owner of the service station, then the bond must be obtained by the lessee of the property; except that the lessee must be other than any person who leases and operates the service station under a contract with a supplier of gasoline and petroleum products.

The bond must identify and list the name and address of the property owner and any lessee other than a person who leases and operates the service station under a contract with a supplier of gasoline and petroleum products.

The bill repeals the requirement that such a bond must be filed annually with the executive authority of the municipal corporation in which the service station is, or is to be, located, or with the clerk of the board of county commissioners if the service station is not, or is not to be, located within a municipal corporation. The bond must either be a cash bond or have sufficient sureties approved by the executive authority or clerk with whom it is filed. The bond must be renewed annually.

The bond must be in the amount of \$3,000 for each service station, and is to assure the repair or removal of the service station and its appurtenances and restoration of the property. The bond must be conditioned upon the repair or removal of the service station and restoration of the property if the service station is determined to be an abandoned service station. If the service station is determined to be an abandoned service station, and proper hearing procedures apply, the bond must be forfeited and the proceeds applied to the costs of repair or removal and restoration. If the amount of the bond exceeds the costs of repair or removal and restoration, the excess must be returned to the depositor.

The bill specifies that the repeal of the bond requirement does not cancel or otherwise terminate a bond that is in effect on the repeal's effective date. Such a bond continues in effect and expires according to its terms. Upon expiration of the bond, the depositor is not required to renew the bond, and any amount posted must be returned to the depositor. The bill also removes the criminal penalty attached to the failure to file a bond.

HB 51 (Reps. McGregor/Patmon) Ohio Turnpike Bill

Authorizes the Ohio Turnpike Commission (renamed as the Ohio Turnpike and Infrastructure Commission) to issue revenue bonds for infrastructure projects.

Requires that infrastructure projects first must be approved by the Transportation Review Advisory Council (TRAC) and then be recommended by the Director of Transportation and evaluated and approved by the Commission.

Separates the Commission duties related to "turnpike projects" and "infrastructure projects."

Requires that infrastructure projects must (1) generally relate to public highway construction or improvements and (2) have an anticipated economic or transportation-related impact on the turnpike and infrastructure system.

Requires the Commission to adopt rules establishing procedures and criteria to evaluate infrastructure project funding requests and specifies that a determination to fund an infrastructure project is conclusive and incontestable.

Specifies that infrastructure bond proceeds, after expenses and required debt service payments, be exclusively used to pay the cost of approved infrastructure projects, but allows income earned by an infrastructure fund to be used by the Commission towards the payment of bond service charges.

Specifies that in paying the cost of a turnpike project, the Commission may use funds specifically acquired for that turnpike project or excess funds available from any other turnpike project and removes language restricting the use of toll revenue to the turnpike project generating the revenue.

Revises the law on fixing and adjusting tolls for turnpike projects that continue to be toll roads after payment of outstanding bonds.

Modifies the membership of the renamed Ohio Turnpike and Infrastructure Commission to: (1) add two new public members appointed by the Governor, (2) set terms for members appointed after July 1, 2013 at three years, rather than eight, and (3) remove the Director of the Ohio Development Services Agency.

Makes all voting Commission members, including the Director of Transportation, eligible to be elected as the chairperson or vice-chairperson of the Commission.

Repeals authority (1) allowing the Director of Budget and Management and Director of Transportation to execute a contract with a private entity for the purpose of outsourcing turnpike-related highway services, and (2) granting the Director of Transportation the authority to exercise the powers of the Commission.

Eliminates the Highway Services Fund, which was created to receive money from the contract outsourcing highway services.

Establishes that the Commission is a political subdivision for purposes of the Political Subdivision Sovereign Immunity Law.

Makes the Commission subject to certain general public contracting provisions as a "public authority."

Allows the Commission to adopt rules governing citations for the evasion of toll payments.

Requires the Ohio Turnpike and Infrastructure Commission to make an annual report to the Governor and General

Assembly on the funding of turnpike and infrastructure projects and also requires an annual report to the Turnpike Legislative Review Commission on infrastructure projects approved and funded by the Commission.

Modifies the authority of the Ohio Turnpike and Infrastructure Commission in regard to the business logo sign program by removing explicit language allowing the Commission to contract with a private person to operate the program in accordance with rules it adopts.

FISCAL IMPACTS

The bill allows the renamed Ohio Turnpike and Infrastructure Commission to issue revenue bonds to fund eligible Major New highway construction projects overseen by the Ohio Department of Transportation (ODOT) and approved by the Transportation Review Advisory Council (TRAC).

ODOT would be able to expand its Major New project portfolio using Turnpike bond proceeds, rather than rely on increasingly limited state and federal motor fuel tax revenues.

The bill appropriates \$200 million in FY 2014 and \$300 million in FY 2015 to permit ODOT to fund Major New projects out of Turnpike revenues.

The bill could provide increased flexibility with regard to Turnpike toll revenues used specifically for Turnpike projects.

The bill permits the Turnpike to issue citations and collect penalties for toll evasion.

Below is a link to the ODOT website containing the TRAC LIST:

<http://www.dot.state.oh.us/trac/TRAC%20List/Forms/TRAC%20List.aspx>

HB 67 (Schuring, Ramos) Changes to implementation of certain provisions dealing with OPERS.

The bill delays the dates for certain employer notification requirements and employee membership determination requests that are required or authorized by Sub. S.B. 343 of the 129th General Assembly. The bill has passed the House and is now pending in the Senate State Government Oversight and Reform and will be slated for a "Possible Vote" next week.

BILL SUMMARY

Delays until September 7, 2013, a requirement that certain public employers notify individuals who have provided personal services of their right to seek determinations of membership in the Public Employees Retirement System (PERS).

Delays until August 7, 2014, the date by which an individual must submit a request for PERS to determine whether an individual should have been classified as a public employee for purposes of PERS membership.

Declares an emergency.