

◀ Jul 2022

August 2022

Sep 2022 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 7:00 pm City Council	2	3	4	5	6
7	8 6:30 pm Electric Committee Board of Public Affairs 7:00 pm Water/Sewer Comm. 7:30 pm Municipal Properties Committee	9 4:30 pm Board of Zoning Appeals 5:00 pm Planning Commission	10	11	12	13
14	15 6:00 pm Tree Commission 6:00 pm Park Rec Committee 7:00 pm City Council	16	17	18	19	20
21	22 6:30 pm – Finance and Budget Committee 7:30 pm – Safety and Human Resources Committee	23 4:30 pm Civil Service Commission	24	25	26	27
28	29	30	31 6:30 pm Park Rec Board			



City of Napoleon, Ohio

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Memorandum

To: City Council, Mayor, City Manager, City Finance
Director, Law Director, Department Heads,
News-media
From: Marrisa Flogaus, Clerk
Date: July 29, 2022
Subject: Technology and Communications Committee –
Cancellation

The regularly scheduled meeting of the ***Technology and Communications Committee*** for Monday, August 1, 2022, at 6:15 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, August 1, 2022 at 7:00 pm

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- A. Call to Order**
- B. Attendance** (Noted by Clerk)
- C. Prayer and Pledge of Allegiance**
- D. Recognition of select Napoleon Aquatic Center Personnel.**
- E. Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)
July 18, 2022 Regular Council Meeting Minutes
- F. Citizen Communication**
- G. Reports from Council Committees**
 - 1. The Finance and Budget Committee met on July 25, 2022 at 6:30 pm; and
 - a. Recommendation to Council to accept the recommendation of the Finance and Budget Committee for the extension of the contract with the Independent CPA to continue the next 5 annual audits.
 - b. Recommendation to Council to increase the threshold limit for Purchases or Contracts (Ordinance 105.01) and Contracts, Material and Labor (Ordinance 105.02) to \$50,000.
 - 2. The Safety and Human Resource Committee did not meet on July 25, 2022 due to a lack of agenda items.
 - 3. The Technology Committee did not meet on August 1, 2022 due to a lack of agenda items.
- H. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read) –**
 - 1. The Civil Service Commission did not meet on July 26, 2022 due to a lack of agenda items.
 - 2. The Parks and Rec Board did not meet on July 27, 2022 due to a lack of agenda items.
- I. Introduction of New Ordinances and Resolutions**
 - 1. **Ordinance No. 046-22**, An Ordinance authorizing the Ohio Department of Transportation to perform necessary work within the City of Napoleon, Ohio regarding the resurfacing and bridge repair project on State Route 110
- J. Second Reading of Ordinances and Resolutions**
 - 1. **Resolution No. 043-22**, A Resolution authorizing the City Manager to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the year 2023; and declaring an Emergency
 - 2. **Ordinance No. 044-22**, An Ordinance amending Ordinance No. 053-21 regarding the compensation of certain City of Napoleon position classifications in and for the year 2022; and declaring an Emergency
- K. Third Reading of Ordinances and Resolutions**
 - 1. **Ordinance No. 037-22**, An Ordinance amending the City of Napoleon, Ohio Engineering Department Rules and Regulations; and declaring an Emergency
- L. Good of the City** (Any other business as may properly come before Council, including but not limited to):
 - 1. Discussion/Action: June 2022 Replacement Pages to the Codified Ordinances (direct Law Director to Draft Legislation)
 - 2. Discussion/Action: Review of Trexing Permit Application for Taqueria El Gordito (direct Law Director to Draft Legislation)

3. Discussion/Action: Recommendation to accept the recommendation of the Finance and Budget Committee for the extension of the contract with the Independent CPA to continue the next 5 annual audits.
4. Discussion/Action: Recommendation to increase the threshold limit for Purchases or Contracts (Ordinance 105.01) and Contracts, Material and Labor (Ordinance 105.02) to \$50,000. (direct Law Director to Draft Legislation)
5. Discussion/Action: Cemetery dump truck replacement

M. Executive Session (Personnel: Collective Bargaining)

N. Approve Payments of Bills (In the absence of any objections or corrections, the payment of bills shall stand approved.)

O. Adjournment



Marrisa Flogaus- Clerk

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: August 1, 2022 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, August 8, 2022 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for August 2022
 - b. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, August 8, 2022 @7:00 pm)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, August 8, 2022 @7:30 pm)
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, August 15, 2022 @6:00 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, August 22, 2022 @6:30 pm)
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, July 25, 2022 @7:30 pm)
 - a. The discussion on Juneteenth (August 22, 2022 meeting)
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, August 8, 2022 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for August, 2022
 - b. Electric Department Report
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, August 9, 2022 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, August 9, 2022 @5:00 pm)
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, August 15, 2022 @6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, August 23, 2022 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., August 31, 2022 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 8, 2022 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Monday, December, 2022 @6:45 pm)
9. **Housing Council (1st Monday after the TIRC meeting)**
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**
13. **Tax Incentive Review Council**
14. **Volunteer Firefighters' Dependents Fund Board (as needed)**
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, July 18, 2022 at 7:00 pm

PRESENT

Council Members	Joe Bialorucki- Council President, Ross Durham- Council President Pro-Tem, Daniel Baer, Ken Haase, Molly Knepley, Lori Siclair, Dr. David Cordes
City Manager	Joel Mazur
Law Director	Billy Harmon
Finance Director	Kevin Garringer
City Staff	Tyler Reiser- Fire Captain David Mack- Police Chief Chad Lulfs - City Engineer
Others	News- Media
Recorder	Marrisa Hull
Absent	Jason Maassel-Mayor

CALL TO ORDER

Council President Bialorucki called the City Council meeting to order at 6:59 pm with the Lord's Prayer followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from the July 5, 2022 Council meeting were approved as presented.

CITIZEN COMMUNICATION- None

REPORTS FROM COUNCIL COMMITTEES

The Electric Committee did not meet on July 11, 2022 due to lack of agenda items.

The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on July 11, 2022 due to lack of agenda items.

The Municipal Properties, Building, Land Use and Economic Development Committee did not meet on July 11, 2022 due to lack of agenda items

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Resolution No. 043- SCIP and LTIP Funds

Council President Bialorucki read by title Resolution No. 043-22, A Resolution authorizing the City Manager to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the year 2023; and declaring an Emergency

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Motion: Durham Second: Haase
to approve First read of Ordinance No. 043-22

Lulfs advised every year we make an application to draft funding for OPWC commonly known as Issue II. We need this legislation to allow us to make the application. At this time were looking to replace the sanitary sewer on Third Street; from Meekison Street to the paper street (Williams Street), which runs against the Lutheran Home. The majority of the project involves sanitary sewer so we would qualify for sanitary funds, which is less competitive then a paving project. Since the primary cost of the project would be sanitary we are going to try to pave a few streets in that area as well. Right now my estimate for this project is around \$700,000 and we are going to request \$325,000 of that in grant. That is our tentative plan at the moment; the first thing we need is legislation with an emergency attached to allow us to meet the application deadline of the 2nd Friday in September. We would be about four days short if the emergency was not attached.

Roll call vote on the above motion
Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham
Nay-
Yea-7, Nay-0. Motion Passed

Ordinance No. 044-22- Fire Departments Part Time Pay Scale

Council President Bialorucki read by title Ordinance No. 044-22, An Ordinance amending Ordinance No. 053-21 regarding the compensation of certain City of Napoleon position classifications in and for the year 2022; and declaring an Emergency

Motion: Durham Second: Siclair
to approve First read of Ordinance No. 044-22

Mazur stated this was discussed in the Safety and Human Resource Committee meeting. Chief O'Brien wanted to raise the pay rate for the part time firefighters. What we are seeing is part time firefighters transitioning into full time firefighters. Now we have to fill those voids, which is becoming harder. The thought was to increase the pay and become competitive to other departments that have part time firefighters.

Roll call vote on the above motion
Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham
Nay-
Yea-7, Nay-0. Motion Passed

Ordinance No. 045-22- Municipal Court Bailiff/Probation Officer

Council President Bialorucki read by title Ordinance No. 045-22, An Ordinance amending Ordinance No. 053-21 regarding the composition and compensation of certain City of Napoleon position classifications in and for the year 2022, creating the non-bargaining position of Municipal Court Bailiff/Probation Officer; and declaring an Emergency

Motion: Siclair Second: Baer
to approve First read of Ordinance No. 045-22

Mazur stated this was at the request of Judge Schuller, who was having trouble filling the part time positions of the bailiff and probation officer. We combined those positions into one full time position at the pay rate \$15.50- \$18.50, which can be set by her. Harmon advised the Judge will need suspension for this item due to them being in the middle of hiring. Garringer advised during his last conversation with the Judge, she was under the impression someone could be hired on Tuesday. Harmon added due to working at the courts he noticed there had been a lot of turnover in those two part time positions. Currently there is no part time bailiff or part time probation officer, if one of the full times happened to get COVID or have some other issue the court might shut down. Especially if it's the bailiff due to them being in charge of the court's security and other tasks. Having a backup for these positions is a good idea. The part time positions will be eliminated in this legislation. If the Judge would like to add part time positions later on she could come speak to council.

Motion: Baer Second: Haase
To Suspend the rule requiring three readings of Ordinance No. 045-22

Roll call vote to Suspend the rule requiring three readings of Ordinance No. 045-22

Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham

Nay-

Yea-7, Nay-0. Motion Passed

Roll call vote to Pass Ordinance No. 045-22 on the suspension and emergency

Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham

Nay-

Yea-7, Nay-0. Motion Passed

Second Reading of Ordinances and Resolutions

Ordinance No. 037-22- Amending Engineering Department Rules

Council President Bialorucki read by title Ordinance No. 037-22, an Ordinance amending the City of Napoleon, Ohio Engineering Department Rules and Regulations; and declaring an Emergency

Motion: Haase Second: Cordes
to approve Second read of Ordinance No. 037-22

Mazur stated he has nothing new to report.

Roll call vote on the above motion

Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham

Nay-

Yea-7, Nay-0. Motion Passed

Third Reading of Ordinances and Resolutions-

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Ordinance No. 034-22- Temporary Assistant Operations Superintendent

Council President Bialorucki read by title Ordinance No. 034-22, an Ordinance creating the non-Bargaining position of Assistant Operations Superintendent for the City of Napoleon, Ohio on a Temporary Basis; and declaring an Emergency.

Motion: Durham Second: Haase
To pass Ordinance No.034-22 on Third read

Mazur stated he has nothing new to report.

Roll call vote to pass Ordinance No.034-22 on Third read
Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham
Nay-
Yea-7, Nay-0. Motion Passed

Ordinance No. 035-22- Amended Personnel Code

Council President Bialorucki read by title Ordinance No. 035-22, an Ordinance Amending a certain Section of the City of Napoleon Personnel Code, specifically Section 197.06(b), "Residency Requirements"

Motion: Durham Second: Siclair
To pass Ordinance No.035-22 on Third read

Mazur stated he has nothing new to report.

Roll call vote to pass Ordinance No.035-22 on Third read
Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham
Nay-
Yea-7, Nay-0. Motion Passed

GOOD OF THE CITY (Discussion/Action)**Review/Approval of the Power Supply Cost Adjustment Factor for July 2022, PSCA 3- month averaged factor \$0.02519 and JV2 \$0.077139**

Mazur stated the Power Supply Cost Adjustment Factor is up for the month of July. We are in the billing month of July; which is the usage for May, April and March. In March and April it started to get worse as there was a pretty significant congestion issue at the Prairie State Energy Center, the coal plant in Southern Illinois. There were some transmission lines down for scheduled maintenance and other transmission lines that went down, which caused significant congestion issues. If we look at the May bill from AMP in the portion where it shows Prairie State Energy Center cost; \$192,000 is what we're paying into for power production. In the previous two months, March of 2022 Prairie State Energy Center was \$243,000 and April was \$271,000, so you can see a significant difference. Now it should be down to a more normal level. The Fremont Energy Center prices are up since this is a natural gas fired power plant you can see this month we had a cost of \$281,000 due to the price of gas being up. In March of 2022 this bill was at \$202,000 and April's bill was \$134,000 due to a scheduled outage for maintenance. That just shows the fluctuations we have been seeing. Bialorucki asked if we can schedule more maintenances? Mazur replied no that would throw off our overall average numbers for next year's budget. We schedule

those maintenances in the shoulder months due to needing the least amount of power. We are about at the \$0.13 kilowatt per hour range, which is about where First Energy used to be at. Now they are up to the \$0.14-\$0.15 kilowatt per hour range. Cordes asked if we are seeing any softening on the stance for coal? I know in Europe they are starting to soften their stance on coal because of the energy needs with Russia shutting them off and such. Have we seen anything here or are we still anti coal? Mazur stated there's pressure to keep energy prices low, but in terms of actual action items there really hasn't been anything. In fact what was put in place last year into this year in the terms of stance on fossil fuels and carbon emissions is actually still in place. Cordes stated that's what I was curious about, whether that was continuing. Mazur replied where it really effects everybody is not just the coal and the AFEC, but also effects the AMP CT units. We get a pretty significant credit every month and most of the time it sits idle. We have that capacity there if we need it, so does the ATSI Zone and PJM. That is also a gas fired plant and it is over the threshold of 25 megawatts, so anything over 25 megawatts falls under a certain title 5 EPA rule. Then you have to pay to offset those carbon emissions, so they ramped up those cost. Cordes asked if that is for the gas as well? Mazur replies that correct even for gas. So, the short answer to your question is no.

Motion: Haase Second: Cordes

To approve the July 2022 Power Supply Cost Adjustment Factor

Roll Call vote on the above motion

Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Sicclair, Durham

Nay-

Yea-7, Nay-0. Motion Passed

To allow ODOT to work within the City's limits to pave portions of S.R. 110 (E. Maumee Avenue) as part of their project. (direct Law Director to draft legislation)

Lulfs stated last week he was notified by ODOT that they have a project on ST RT 110 from ST RT 109 to the City Limits. They plan to pave, however they believe some of their work may get into our corporation limits. They asked us to prepare legislation to allow them to do that project. On a side note I did ask them if they would consider extending that project to Perry Street, otherwise the City will be repaving E Maumee in the next few years due to poor conditions. I haven't received an answer on that yet, but in either case ODOT requires legislation to work within our corporation limits.

Motion: Cordes Second: Knepley

To direct the law direct to draft legislation

Roll Call vote on the above motion

Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Sicclair, Durham

Nay-

Yea-7, Nay-0. Motion Passed

On Change Order No. 1 to Gerken Asphalt Paving, Inc. for the 2022 Miscellaneous Street Improvements Project, an increase of \$88,778.00

Mazur stated our Miscellaneous Street Improvement Project this year was Westmoreland, part of Woodlawn, a little bit of Glenwood, Bales Road, and American Road. There was a variety of things talked

about in the Municipal Properties Committee meeting since this project came in under budget. We are about \$100,000 under what was budgeted for and we have other funding available from another source. Lulfs advised after we awarded the Ritter Park Path Project he contacted ODOT and they were willing to cover the difference between the original grant and the bid amount we received due to the increase in cost. So, that project received an addition \$135,000. This money is sitting there and available to use to offset the 400 account and pave some additional streets. Mazur stated we were advised to come back with cost estimates for the three items on the agenda here and bring them back to Council one at a time for approval. This first one \$88,778, which would be for Glenwood Ave from Woodlawn to the railroad tracks. In my opinion this is a bargain for the stretch of road that would get paved out and it's needed. My recommendation is for approval.

Motion: Durham Second: Siclair
To approve Change Order No. 1

Roll Call vote on the above motion
Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham
Nay-

Yea-7, Nay-0. Motion Passed

On Change Order No. 2 to Gerken Asphalt Paving, Inc. for the 2022 Miscellaneous Street Improvements Project, an increase of \$44,196.50

Mazur advised this would be for Lynn Ave from Glenwood to the dead end. Durham asked if that really needs to be done? Lulfs replied we have prepared plans to rebuild that street and replace the utilities my estimate for that was \$1.25 million. We discussed in the Municipal Properties Committee that this would be a bandaid, but it's a bandaid that will last 10-15 years. The utilities underground are not critical and we should consider them in the next 20-30 years. That street is top five in the City, I believe a couple years ago we put 18 ton of spray patch on it. I had my guys out there for three days. There isn't much street left it's all just spray patch. Since we were already paving Westmoreland, Woodlawn and now Glenwood this is the best time to do it. We would save on paving unit cost, which is surprisingly reasonable this year. I think doing the neighborhood helps out our pricing.

Motion: Durham Second: Cordes
To accept change over No. 2

Roll Call vote on the above motion
Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham
Nay-

Yea-7, Nay-0. Motion Passed

On Change Order No. 3 to Gerken Asphalt Paving, Inc. for the 2022 Miscellaneous Street Improvements Project, an increase of \$31,472.50.

Mazur advised \$25,000 initially budgeted to repave the corner of Clinton Street at Monroe Street. Keep in mind this and the last two change orders are estimates. The final cost is based on the quantities and as they complete the project they will update their calculations. We can check them, Aaron will inspect and we will go through the process. The final number might be a little different than what we see here, but

this is the best estimate we have now. I would deem this as the last unimproved item on the four corners. The church, armory, emporium and ministry center have all done work to themselves. The streets have also been redone up until the corner. Knepley added this would be a nice improvement and thank you Chad for putting all the pieces together. Baer asked when Westmoreland would be paved? Lulfs advised the preconstruction meeting with Gerkens was last week. Their tentative schedule is to start the 1st week of August and be completed by August 15th. There were representatives from the school at the meeting and they informed us of their schedules. They start a week before school starts, the 17th, with teacher work days and different things. Baer replied there's a big football game on the 19th. Lulfs stated we are working with the school. Independence might not reach that timeline, but all that would affect with the school is the day care pick up. We would work with the school to make sure the kids are able to be picked up in case we are not done paving. The hold up on Independence is what we've seen on other jobs, we can't get the castings. On Independence we are replacing most of the curb inlets and they don't have a date for when the castings will show up. We will do whatever is needed to make sure we have access to the businesses and daycare.

Motion: Durham Second: Haase
To accept change over No. 3

Roll Call vote on the above motion

Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham

Nay-

Yea-7, Nay-0. Motion Passed

AROUND THE TABLE

Mazur- Salt prices are in at \$56.41 a ton, which is a really good price. We will probably max out what were allowed to purchase based on the allotted amount of 700 tons. Lulfs stated we can go 10% over that. Mazur states our peak so far this year was 30.8 megawatts on June 15th at 1600 hours. This is about average for the past couple of years. It was about 32 megawatts in 2018 and over 31 megawatts in 2017. Right now we hover around 30.6-30.8 megawatts. Hopefully that the new average, but I do see our load increasing overall due to the addition of DANA and the various other businesses.

Harmon- I have nothing new. I would like to invite Chad to the executive session.

Cordes- I have nothing to report.

Haase- The new flower pots downtown look really nice. Also, the power outage at Glenwood Estates was the second one in a short amount of time. Is there a major difficulty there? Mazur replied we are seeing a lot of underground shorts and wires going bad. Work is going to be done over there, but right now we are having a little trouble finding a company with a boring machine due to us not having one. We will have to contract that work out as we will be boring underneath some of the other utilities that run through there and reconnecting. I think we had a transformer go out as well. The services that we provide out there are just at that age where they need replaced.

Baer- Safety and Human Resource Committee will not meet next Monday. However, we will meet in August to discuss the item assigned to the Committee in June dealing with holiday issues for employees.

We will meet the fourth Monday in August at our regular time. That will give our new Human Resource director a few weeks on the job.

Bialorucki- The construction going on at the new gas station by Taco Bell has quite a few potholes that are pretty deep. Are they required to maintain that street? It looks like they tried to fill them once prior to all the rain we got, which only made it worst. This weekend I went through there and it was pretty bad as you are exiting. Mazur asked if this was on Wood Drive or in a parking lot? I know they had a catch basin go bad at the Taco Bell. Bialorucki confirmed this was on Wood Drive, when turning right there is a pretty big hole. Cordes stated if they did fill it then it pushed up making the hump bigger and the hole deeper. Mazur advised this would be looked into.

Durham- I just wanted to say nice job on the Glow Golf Outing. Thanks for putting it on, it was a lot of fun. Hopefully, the golf team had a nice donation sent their way.

Siclair- I agree with Durham, it was a lot of fun.

Knepley- Nothing. Thank you.

Garringer- I too was able to attend the Glow Golf event. Excellent job Joel, I know you put a lot of work into it. It was great for the City of Napoleon to host and the funds raised went to a good cause. It was a good fundraiser for the golf team. I think a lot of people had a good time. Judging by the deposits on Friday night, they were a thirsty group. It was around 11:30pm- 12:00am when it ended. I did not realize how dark the golf course gets. The cloud cover didn't help and when you get down in there it's very dark.

Executive Session (Pending or Imminent Litigation and Personnel; Collective Bargaining)

Motion: Siclair Second: Haase
To enter executive session at 7:37 pm

Roll call vote on the above motion
Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham
Nay-
Yea-7, Nay-0. Motion Passed

Motion: Knepley Second: Siclair
To exit executive session at 9:20

Roll call vote on the above motion
Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham
Nay-
Yea-7, Nay-0. Motion Passed

Bialorucki advised no action was taken.

Approve Payment of Bills (In the absence of any objections or corrections, the payment of bills shall stand approved)

ADJOURNMENT

Motion: Durham Second: Knepley

To adjourn the city council meeting at 9:21PM

Roll call vote on the above motion

Yea- Bialorucki, Baer, Haase, Cordes, Knepley, Siclair, Durham

Nay-

Yea-7, Nay-0. Motion Passed

Approved

August 1, 2022

Joe Bialorucki, Council President

Jason Maassel, Mayor

Marrisa Hull- Recorder

PRELIMINARY LEGISLATION

Consent

Ordinance # 046-22

PID No. 94321

County/Route/Section HEN SR 110 0.94 Resurfacing

The following is an ordinance enacted by the City of Napoleon, Henry County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the LPA/STATE has identified the need for the described project:

A resurfacing and bridge repair project on SR 110 from Napoleon E. Corp line to SR 109 in Henry County; perform necessary related work,

NOW THEREFORE, be it ordained by the City of Napoleon, Ohio

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

- 1) The LPA will assume and bear one hundred percent (100%) of the total cost of any features requested by the LPA which are not necessary for the project as determined by the State and/or the Federal Highway Administration.
- 2) The LPA consents to having the State acquire all necessary rights of way for the subject project in the name of the LPA.
- 3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- 4) The State agrees to be the lead agency and to administer all phases of the project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all existing street and public way right-of-way within the jurisdiction of the LPA which is necessary for the described project shall be made available therefor. The LPA further agrees that any right-of-way acquired by said LPA on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: 1) provide adequate maintenance for those portions of the Project under the jurisdiction of the LPA in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; 2) provide ample financial provisions, as necessary, for the maintenance of those portions of the Project under its jurisdiction; 3) maintain the right-of-way, keeping it free of obstructions; and 4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The City Manager of said City is hereby empowered on behalf of the City
(Contractual Officer)

to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: _____, 2022.
(Date)

Attested: _____
(Clerk Signature)

(Contractual Officer Signature)

Attested: _____
(Clerk Signature)

(President of Council Signature)

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Napoleon, Henry County, Ohio

I, Marrisa Hull, as Clerk of the City of Napoleon, Ohio, do hereby
certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative
Authority of the said City, on the _____ day of _____, 2 022, that the
publication of such ordinance has been made and certified of record according to law; that no
proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance
and certificate of publication thereof are of record in

_____, Page _____ .
(Ordinance Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this _____ day of _____, 2 022.

Clerk

(SEAL) City of Napoleon, Ohio
(If Applicable)

The afore going is accepted as a basis for proceeding with the project herein described.

For the City of Napoleon, Ohio

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

RESOLUTION NO. 043-22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS FOR PROJECTS DEEMED NECESSARY BY THE CITY ENGINEER IN THE YEAR 2023; AND DECLARING AN EMERGENCY

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

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2023, including but not limited to execution of Grant Agreement(s).

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 assure the prompt and efficient application for project funds 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. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper and timely application of grant funds, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Marissa Hull, Clerk of Council

I, Marissa Hull, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 043-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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.

Marissa Hull, Clerk of Council

ORDINANCE NO. 044-22

**AN ORDINANCE AMENDING ORDINANCE NO. 053-21
REGARDING THE COMPENSATION OF CERTAIN CITY OF
NAPOLEON POSITION CLASSIFICATIONS IN AND FOR THE
YEAR 2022; AND DECLARING AN EMERGENCY**

WHEREAS, Council previously adopted Ordinance No. 053-21, creating a 2022 Classification Pay Plan for its non-bargaining employees; and,

WHEREAS, Council now desires to amend Ordinance No. 053-21 to amend the composition of City staff and the pay scales for certain positions; and,

WHEREAS, Exhibit C, attached hereto and incorporated herein, reflects the changes to be made; and,

WHEREAS, Council desires to make said amendments effective on the pay period starting July 11, 2022; **Now Therefore**,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio had previously established a new 2022 Position Classification Pay Plan for its non-bargaining employees, Ordinance No. 053-21 passed by Council on December 20, 2021.

Section 2. That, this Ordinance allows the terms and conditions of these pay amendments to be retroactively applied, the same being hereby approved as it so exists.

Section 3. That, Ordinance No 053-21 is hereby amended as herein listed effective with the passage of this Ordinance No. 044-22.

Section 4. Exhibit C, attached hereto and incorporated herein, reflects the changes to be made.

Section 5. 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 6. 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 7. 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 allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided 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: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Marissa Hull, Clerk of Council

I, Marissa Hull, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 044-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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.

Marissa Hull, Clerk of Council

Ordinance No. 044-22 Exhibit C
(Base Hourly Rate)

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$10.31	\$14.08
Legal Clerk (Temporary)	\$14.82	\$23.80
Probationary/Trainee Fire Fighter/EMT	\$9.17	\$13.98
All Fire/Rescue Department (Part Time)	\$13.13 \$15.00	\$18.22 \$26.00
Deputy Court Clerk (Part Time)	\$11.42	\$15.69
Deputy Court Bailiff (Part Time)		\$15.02
Probation Officer Grant		\$16.98
Construction Inspection (Temporary)	\$13.85	\$14.84
Construction Engineer (Temporary) Engineering Dept.	\$42.03	\$45.04
Income Tax/Collection Clerk (Part Time)	\$10.31	\$18.18
Lifeguard (Seasonal)	\$9.17	\$15.40
Seasonal Laborer – Other	\$9.17	\$15.40
Recreation Worker (Seasonal)	\$9.17	\$15.40
Parks Maintenance Worker (Seasonal)	\$9.17	\$15.40
Golf Course Clubhouse Attendant (Seasonal)	\$9.17	\$15.40
Senior Center Fitness Coordinator (Part Time)	\$9.17	\$15.40
Code Enforcement Inspector	\$19.97	\$31.07
Adjunct EMS Instructor for the Fire Department (Part Time)		\$21.33
Adjunct Fire Instructor for the Fire Department (Part Time)		\$21.33

ORDINANCE NO. 037-22

**AN ORDINANCE AMENDING THE CITY OF NAPOLEON, OHIO
ENGINEERING DEPARTMENT RULES AND REGULATIONS,
ALSO AMENDING PREVIOUS SCRIVENER'S ERRORS AND
FORMATTING ISSUES; AND DECLARING AN EMERGENCY**

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

Section 1. That, City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as provided in Exhibit A, attached hereto and made a part hereof.

Section 2. That the City Engineering Department Rules and Regulations found in CNER98-1, as existed prior to the passage and enactment of this Ordinance, is repealed, and the Rules and Regulations as found in this Ordinance No.(s) 037-22 are current and effective.

Section 3. 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 4. 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 5. 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 allow for the timely planning, bidding, and implementation of City construction projects; 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. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper enforcement of current Engineering rules, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Marissa Hull, Clerk of Council

I, Marissa Hull, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 037-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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.

Marissa Hull, Clerk of Council

Ordinance No. 037-22 Exhibit A

City of Napoleon, Ohio
Engineering Department
Rules & Regulations

Document No. CNER98-1

History

Adopted	July 15, 1998	Ordinance No. 30-98
Amended	August 7, 2006	Ordinance No. 062-06
Amended	October 16, 2006	Ordinance No. 100-06
Amended	May 2, 2016	Ordinance No. 009-16
Amended	June 6, 2016	Ordinance No. 020-16

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RULE 1 DEFINITIONS

The following words and phrases, when used in the "City of Napoleon, Ohio Engineering Department Rules and Regulations", except as otherwise provided, shall have the meaning respectively ascribed to them in this section. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

AASHTO Standards

The most current edition of standards as established by the American Association of State Highway and Transportation Officials (AASHTO).

ASTM Standards

The most current edition of standards as established by the American Society for Testing Materials.

AWWA Standards

The most current edition of standards as established by the American Waterworks Association.

Alley

A public right-of-way, usually located between streets, established to provide vehicular, pedestrian and utility access and service to the rear or side of lots or buildings.

Arterial Street

A public right-of-way established for the purpose of vehicular and pedestrian travel and to accommodate public utilities. An arterial street is the primary course of travel for traffic through a community and provides continuity for all rural and state routes that intersect the municipality.

Collector Street

A public right-of-way established for the purpose of vehicular and pedestrian travel and to accommodate public utilities. A collector street permits both direct access to abutting properties and through traffic.

Commencing Construction

The physical alteration of a site for the purpose of performing an improvement or development. This is not intended to include preparatory work required for surveying, design or layout.

Construction Plan

Detailed drawings developed for the purpose of improving property. Generally utilized for properties greater than one (1) acre in area for which the proposed development shall result in a new subdivision, commercial or industrial site, or any extension of or from existing public infrastructure.

Cul-de-sac

A semicircular ending to a dead-end street intended to provide an area to turn vehicles around.

Dead-End Street

A local street constructed with an outlet at only one end.

Development

As a verb, any construction upon a site, being vacant or occupied, resulting in the altered use or characteristics of the site. Generally utilized in reference to new subdivisions and/or facilities.

As a noun, the result or proposed result of construction upon a vacant site.

EPA

The Environmental Protection Agency.

Improvement

As a verb, any construction upon a site, being vacant or occupied, resulting in the altered use or characteristics of the site. Generally utilized in reference to the modification of an existing facility.

As a noun, the result or proposed result of construction upon an occupied or vacant site.

Local Street

A public right-of-way established for the purpose of vehicular and pedestrian travel and to accommodate public utilities. A local street permits direct access to abutting properties and service to through traffic is discouraged.

NGS

The National Geodetic Survey. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

ODOT

The Ohio Department of Transportation.

Private Street

A privately owned right-of-way established for vehicular travel for the purpose of serving a private development.

Public Street

A right-of-way established for public purpose.

Right-of-way

A continuous parcel of land, established within a plat or by legislation, for public purposes for the installation and maintenance of streets, sidewalks and utilities.

Sidewalk

A walkway, generally along the margin of a street, designed and prepared for the use of pedestrians, exclusive of road vehicles.

Site

A parcel of land, occupied or vacant, to be the location of an improvement or development.

Site Plan

A drawing developed for the purpose of improving property. Generally utilized for properties of less than one (1) acre in area and including improvements resulting in an altered use of the site (i.e. - A parking lot).

Street

A main way within a municipality including, but not limited to, the roadway, curbs, gutters and sidewalks.

10 States Standards

The most current edition of recommended standards as established by the Great Lakes - Upper Mississippi River Board for water works and wastewater facilities.

USGS

The United States Geological Survey.

RULE 2 GENERAL CONDITIONS

Rule 2.1 Authority

The Ohio Revised Code, City Charter and legislation of the Council of the City of Napoleon, Ohio.

Rule 2.2 Scope of Control

These "City of Napoleon, Ohio Engineering Department Rules and Regulations" apply to all rights-of-way and easements, either dedicated or to be dedicated, all extension of utilities, public or private, receiving City services and the development or any improvement of real estate within the corporation limits of the City of Napoleon, Ohio. Includes streets, sanitary sewers, storm sewers, water mains, pavement, drainage facilities and all appurtenances thereto. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Rule 2.3 Effective Date

These "City of Napoleon, Ohio Engineering Department Rules and Regulations" shall be effective immediately upon the adoption of legislation of the Council of the City of Napoleon, Ohio.

Rule 2.4 Approvals

Any approval given by the Engineer or the Public Works Director of the City of Napoleon shall be only for the drawings or plans submitted and reviewed and said approval shall be for one (1) calendar year from the date of said approval, thereafter said approval is automatically withdrawn unless the Owner, Developer or their Agent requests for good cause an extension of time and such extension is granted by the City Engineer. Approval by the Public Works Director shall serve as approval by the City Engineer, if the City Engineer position is vacant.

Rule 2.5 Violations & Penalties

(See Rule No. 6 contained herein) *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Rule 2.6 Agreement

All persons, successors and assigns obtaining and accepting a permit or approvals for developing, subdividing, platting or improving from the City Engineer or Public Works Director or the City-Building-Zoning Department, accept and agree to be bound to these "City of Napoleon, Ohio Engineering Department Rules and Regulations".

Rule 2.7 Interpretation

The provisions of these "City of Napoleon, Ohio Engineering Department Rules and Regulations" shall be the minimum requirements adopted for the promotion of the health, safety, and welfare of the constituency of the City of Napoleon, Ohio. These "City of Napoleon, Ohio Engineering Department Rules and

Regulations" are not intended to repeal, abrogate, annul or in any manner interfere with any laws or rules of any governmental units having jurisdiction that are more stringent. Where these "City of Napoleon, Ohio Engineering Department Rules and Regulations" impose greater restrictions than those of existing laws and rules, then the provisions of these "City of Napoleon, Ohio Engineering Department Rules and Regulations" shall govern.

Rule 2.8 ***Correction and/or Modification***

Any typographical, scrivener, or clerical error found in said "City of Napoleon, Ohio Engineering Department Rules and Regulations" may be corrected by the City Engineer or Public Works Director upon joint approval of the City Manager, and upon the approval as to form and correctness by the City Law Director, without the necessity of further legislative action; further, nothing in this Ordinance shall be construed as limiting the authority of the City Manager or City Engineer or Public Works Director to establish additional rules and regulations not inconsistent with said "City of Napoleon, Ohio Engineering Department Rules and Regulations" manual without necessity of Council approval; however, any other modifications of these "City of Napoleon, Ohio Engineering Department Rules and Regulations" require the approval by legislation of the City Council of the City of Napoleon, Ohio. The City Engineer or Public Works Director is expressly granted the authority by the City Council to create standard detailed drawings to supplement this manual without further approval of City Council.

(Amended – August 7, 2006 – Ordinance No. 062-06)

RULE 3 PROCEDURES

Rule 3.1 General Statement

The following list of statements on procedure is to be followed in obtaining approval of the City Engineer, the City's respective boards or commissions and/or the Council of Napoleon, Ohio for subdivisions, platting, improving, and/or developing real estate. For the purpose of this section, the requirements set forth within the Subdivision Construction Planning section of this Article shall be followed for all subdivisions, planned unit developments and large-scale commercial and industrial developments. The requirements set forth within the Site Planning section of this Article shall be followed for all other developments, as determined by the City Engineer.

Unless otherwise approved by the Planning Commission and City Council prior to preliminary plan submittal, all streets, water mains, storm sewers, sanitary sewers, and traffic control devices and signage shall be constructed at owner or developer's expense to no less than the minimum standards set forth below and, once accepted by the City pursuant to Chapter 1105 of the City of Napoleon Code of Ordinances, be public infrastructure. Any improvement that is permitted by Council to remain as private shall also be constructed to no less than the minimum standards set forth below such that, in the event the improvements are petitioned to become public, the City may accept the improvements. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Rule 3.2 Subdivision Construction Planning

Rule 3.2.1 ENGINEER AND SURVEYOR

All preliminary and detailed construction plans for the proposed development shall be prepared under the supervision of and certified by a Professional Engineer registered in the State of Ohio. All preliminary and final plats for the proposed development shall be prepared under the supervision of and certified by a Professional Surveyor registered in the State of Ohio.

Rule 3.2.2 PRELIMINARY PLAN CONSIDERATION

The Owner, Developer or their Agent, along with their Engineer and Surveyor, shall consult with the City Engineer or Public Works Director and any other authority having jurisdiction in the matter. In the case of a subdivision, construction plans for the development will not be considered by the City Engineer or Public Works Director until a preliminary plat of the area in question has been approved in accordance with Chapter 1105 of the Codified Ordinances of the City of Napoleon.

Rule 3.2.3 CONSTRUCTION STANDARDS

The most current edition of the City of Napoleon Standard Construction Drawings and Standard Specifications for Construction shall be used in conjunction with all

construction planning ~~and are available for a fee of twenty-five dollars (\$25.00) from the office of the City Engineer.~~ All applicable standard drawings and specifications of ODOT, the Ohio EPA, AASHTO, AWWA and ASTM shall also be referenced, as required.

Rule 3.2.4

MASTER PLANS AND REFERENCES

Along with the City of Napoleon Rules for Water and Sewer Service and the Fire Prevention Code (Chapter 1501 of the Codified Ordinances of the City of Napoleon), both as may be amended from time to time, the following documents and their amendments shall be used in the planning of the development. Copies of all referenced documents contained in these "City of Napoleon, Ohio Engineering Department Rules and Regulations" are on file in the office of the City Engineer or Public Works Director for review.

"Master Plan of Napoleon, Ohio" - 1957, Metropolitan Planners, Inc., or such plan as may be later adopted and on file in the office of the City Engineer. If such a later plan is developed and adopted, the later plan shall control.

"Study of Theoretical Vehicular On-Street and Off-Street Parking and Existing Parking Supply - City of Napoleon" - July, 1989, McDonnell Proudfoot & Associates, Inc.

"Water Distribution System Analysis - Napoleon, Ohio" - July, 1969, Jones & Henry Engineers, Limited.

"Water Distribution Study for the City of Napoleon, Ohio" - August, 1995, FBA Environmental, Inc.

"Sewerage Report - Napoleon, Ohio" - March, 1973, Jones and Henry Engineers, Limited.

"City of Napoleon - Facilities Plan for Wastewater Collection and Treatment" - October, 1976, Jones & Henry Engineers, Limited.

"Combined Sewer System Operational Plan for the City of Napoleon, Ohio" - December, 1995, Finkbeiner, Pettis & Strout, Inc.

"Napoleon, Ohio Wastewater System Master Plan" - August, 1996, Finkbeiner, Pettis & Strout, Inc.

"Flood Insurance Study - City of Napoleon, Ohio" - November, 1995, Federal Emergency Management Agency.

"Flood Plain Information - Maumee River - Napoleon, Ohio"; 1970; Army Corps of Engineers U.S. Army - Detroit District.

Rule 3.2.5

PRELIMINARY CONSTRUCTION PLAN REQUIREMENTS

Electronic ~~Four~~ (4) copies in PDF format of the preliminary construction plans shall be submitted by the Owner, Developer or their Agent to the Zoning Administrator who shall submit two (2) copies to the City Engineer or Public Works Director and shall be subject to and/or contain the following: (the

Preliminary Plat may be used as the base map for the preliminary construction plan).

The name of the Subdivision (or development), the name of the Owner or Developer, and the name and seal of the Professional Engineer and Professional Surveyor registered in the State of Ohio preparing the plans.

The scale of the preliminary plans shall not be smaller than one inch (1") equals one hundred feet (100').

~~The preliminary plan shall be submitted electronically in .pdf format. (Amended - May 2, 2016 - Ordinance No. 009-16)~~

Location of development by Section, Township, and Range. (Amended - August 7, 2006 - Ordinance No. 062-06)

Scale of plan and north arrow.

Boundaries of the proposed development indicated by a heavy line including the bearing and distance for each line and monuments found or set.

Names of adjacent subdivisions and/or owners of record.

A location map of a scale not less than one inch (1") equals two thousand feet (2,000') showing the development in relationship to the corporation limits of the City of Napoleon.

Lot layout and location of existing and proposed utilities and structures.

Show location, widths and names of existing streets, railroad right-of-way, easements, parks, permanent buildings, corporation and township lines, location of wooded areas and other significant topographic and natural features within and adjacent to the proposed development.

Show street names and scaled dimensions for all proposed roads, alleys, easements (with purpose stated) and areas to be reserved for parks, schools, or other public uses.

Angles shall be shown where streets intersect at something other than ninety degrees (90°).

Show the existing contours with the following intervals:

Five feet (5') where the slope is greater than ten percent (10%).

Two feet (2') where the slope is less than ten percent (10%).

One foot (1') in flat areas.

Vertical Datum shall be USGS or NGS. (Amended - August 7, 2006 - Ordinance No. 062-06)

One (1) copy of drainage calculations showing pre- and post-development storm water runoff for two (2), five (5) and ten (10) year storm events shall be submitted with the preliminary plans. If storm water retention or detention is required based upon these calculations, preliminary pond sizing shall be included as part of the submittal. ~~All drainage calculations shall be prepared and sealed by a licensed engineer.~~ (Amended - May 2, 2016 - Ordinance No. 009-16)

If the area is to be developed in phases, the preliminary plan shall be for the entire development. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

After the approval of the preliminary plan by the City Engineer, a reproducible copy of the plan shall be placed on file with the City Engineering Department.

Rule 3.2.6 DETAILED CONSTRUCTION PLANS

One (1) set of the detailed construction plans and specifications in .pdf format prepared by a Professional Engineer registered in the State of Ohio shall be submitted to the Zoning Administrator who shall distribute them to the City Engineer or Public Works Director and other appropriate department heads.
(Amended – May 2, 2016 – Ordinance No. 009-16)

A title block shall be placed on each sheet showing the design engineer's name, the date when the drawing was done, the sheet number, the total number of sheets and a revision block.

There shall be a title sheet showing a location map, the name of the development, the name and signature of the owner; the name, signature and seal of the design engineer and a signature block for the approvals of the Mayor, the City Manager, and the City Engineer.

The plans shall include general notes, general summary, test boring locations and logs, intersection details and construction details.

One (1) electronic copy of the soil boring log and report, including recommendations for design and construction of streets, underground utilities and buildings, shall be submitted with the detailed construction plans. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Each plan and profile sheet shall have a north arrow and scales denoted and a minimum of one (1) site bench mark.

A note on the plans shall indicate that all work will be done in accordance with the latest ODOT Construction and Materials Specifications and with the City of Napoleon Standard Specifications for Construction.

All proposed improvements shall be shown in plan and profile.

All existing utilities and structures shall be shown in the plan and profile including, but not limited to, gas mains, storm and sanitary sewers, water mains and buried cables.

The type of pipe material, joints, strength, etc. shall be shown by ODOT, ASTM or AWWA nomenclature.

Details of special structures shall be included in the plans.

All property lines, dimensions, corporation limits, section lines, boundary lines, easements, and other survey lines shall be shown.

The location, description and elevation of all bench marks shall be shown on the appropriate sheets.

USGS or NGS Datum shall be used. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Indicate references for all existing section corners, street intersections, property corners, etc. that are relevant to the construction.

All supporting data including survey information, pavement design calculations, soil test results, storm sewer design and construction estimates, including a ten percent (10%) contingency, shall be submitted with the detailed plans. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Rule 3.2.7

FEES

The City Engineering Department shall charge a fee to the Owner or Developer to cover the cost of reviewing the Preliminary and Final Construction Plans, the Preliminary and Final Plat and Construction Inspection and Testing.

Construction Plans

Before the Preliminary Construction Plan review is begun, the Owner, Developer or their Agent must pay a fee of two hundred dollars (\$200.00), plus ten dollars (\$10.00) per acre for every acre, or part thereof, within the proposed development up to a maximum of one thousand dollars (\$1,000.00), by check or money order payable to "City of Napoleon", noting "Engineering Plan Review". This fee is intended to cover the cost of reviewing the Preliminary and Final Construction Plans. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

City Inspection

City employed or City contracted inspectors shall be utilized during construction unless private inspectors are expressly authorized by the City Engineer. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Inspection Fees Due and Payable

Before construction has begun, the Owner, Developer or their Agent shall: Advance the cost of inspection fees as it relates to City owned or contracted inspector(s) prior to any construction in an amount stated in Rule 3.3.5. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Rule 3.2.8

WARRANTY

Following final plat approval and the dedication of streets and utilities for public use; however, prior to acceptance thereof by the City, the Owner or Developer shall agree to provide a minimum of a one (1) year warranty from the date of dedication for all work within the development. Such warranty shall be secured by the furnishing of a maintenance bond or irrevocable letter of credit running to the City in the amount equal to one hundred percent (100%) of the value of all streets and utilities to be dedicated for public use. Any work performed under the auspices of said warranty shall cause the time period to extend to one (1) year from the date of such warranty work for those items affected by such warranty

work, as well as a performance agreement as approved by the City Law Director.
(Amended – August 7, 2006 – Ordinance No. 062-06)

Rule 3.3 *Site Planning*

Rule 3.3.1 ENGINEER OR ARCHITECT AND SURVEYOR

All preliminary and detailed site plans for the proposed development shall be prepared under the supervision of and certified by a Professional Engineer or Architect registered in the State of Ohio. Boundary surveys and descriptions, when required, shall be prepared under the supervision of and certified by a Professional Surveyor registered in the State of Ohio.

Rule 3.3.2 PRELIMINARY SITE PLAN CONSIDERATION

The Owner, Developer or their Agent, along with their Engineer or Architect and Surveyor, shall consult with the City Engineer or Public Works Director and any other authority having jurisdiction in the matter.

Rule 3.3.3 CONSTRUCTION STANDARDS

The most current edition of the City of Napoleon Standard Construction Drawings and Standard Specifications for Construction shall be used in conjunction with all planning ~~and are available for a fee of twenty five dollars (\$25.00) from the office of the City Engineer.~~ All applicable standard drawings and specifications of ODOT, the Ohio EPA, AASHTO, AWWA and ASTM shall also be referenced, as required.

Rule 3.3.4 SITE PLAN REQUIREMENTS

- One (1) copy of the site plan in electronic .pdf format shall be submitted by the Owner, Developer or their Agent to the Zoning Administrator who shall distribute it to the City Engineer or Public Works Director and other appropriate department heads and shall be subject to and/or contain the following: *(Amended – May 2, 2016 – Ordinance No. 009-16)*

The name of the development, the name of the Owner or Developer, and the name of the Engineer or Surveyor preparing the plans. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Scale of plan and north arrow.

Property lines including the bearing and distance for each line and monuments found or set.

Names of adjacent subdivisions and/or owners of record.

Location of existing and proposed utilities and structures.

Show location, widths and names of existing streets, railroad right-of-way, easements, permanent buildings, location of wooded areas and other significant topographic and natural features within and adjacent to the proposed development.

At a minimum, spot elevations shall be given for every one hundred (100) feet of surface to be developed.

Vertical Datum shall be defined on the drawings.

One (1) copy of drainage calculations showing pre- and post-development storm water runoff for two (2), five (5) and ten (10) year storm events may be requested to be submitted with the preliminary plans, as determined by the City Engineer. If storm water retention or detention is required based upon these calculations, preliminary pond sizing shall be included as part of the submittal. (Amended – May 2, 2016 – Ordinance No. 009-16)

If the area is to be developed in phases, the preliminary plan shall be for the entire development. (Amended – August 7, 2006 – Ordinance No. 062-06)

Rule 3.3.5

FEES (NOTE: 3.2.7 and 3.3.5 are not the same for Plan Review Fee)

The City Engineering Department shall charge a fee to the Owner or Developer to cover the cost of reviewing the Site Plan. A fee shall also be charged for Construction Inspection and Testing, if required. (Amended – May 2, 2016 – Ordinance No. 009-16)

Site Plans

Before the Construction Plan review is begun, the Owner, Developer or their Agent must pay a fee of two hundred dollars (\$200.00), by check or money order payable to "City of Napoleon", noting "Engineering Plan Review". This fee is intended to cover the cost of reviewing the Site Plans. (Amended – August 7, 2006 – Ordinance No. 062-06)

Inspection Fee Amounts

If construction inspection is performed by the City Engineering Department utilizing its own or contracted forces, as determined by the City Engineer, the Owner, Developer or their Agent shall: (Amended – August 7, 2006 – Ordinance No. 062-06)

1. Pay an amount equal to two percent (2%) of the estimated cost of construction (including contingencies) of all improvements to be connected to City utilities, as verified by the City Engineer, for the City to provide part-time inspection services; or, (Amended – August 7, 2006 – Ordinance No. 062-06)
2. In the event the owner or developer hires or utilizes its own inspector responsible for the supervision of construction during the construction period with the consent of the City Engineer, the inspector shall be a professional engineer registered in the State of Ohio or employed by a qualified engineering consulting firm. The inspector shall be responsible to submit construction reports to the City Engineer or Public Works Director on a regular basis as determined by the City Engineer or Public Works Director and notify the City Engineering Department a minimum of one (1) working day prior to when testing is to be performed. (Amended – August 7, 2006 – Ordinance No. 062-06)

RULE 4 ROADWAY AND DRAINAGE REQUIREMENTS

Rule 4.1 *Pavement Design*

Due to emergency vehicle access, all private streets shall be constructed to the same standards as public streets. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Rule 4.1.1 SOIL TESTS

For every six hundred feet (600') of pavement length, one (1) soil boring shall be made by a qualified testing laboratory. All borings shall be made to a depth of four feet (4') below the proposed top of curb grade or to one foot (1') below the depth of the deepest proposed underground utility, whichever is greater. The soil samples taken at every boring shall be analyzed for:

- a. Visual classification.
- b. AASHTO group index.
- c. Atterburg limits.
- d. Liquid limit, plastic limit, plasticity index. The water table shall also be determined for each boring.

A minimum of one (1) sample per project or on larger projects one (1) sample out of six (6) shall be tested to determine the moisture-density relationship by the Standard Proctor Method (ASTM D-698, AASHTO T-99) and the bearing values by the use of the California Bearing Ratio Test.

The pavement cross section recommended by the testing firm shall prevail, unless the design is less than the minimum design standards set forth below.

Rule 4.1.2 PAVEMENT CROSS SECTION

Pavement for residential streets and parking lots shall include a minimum of one and one half inches (1½") of Asphalt Concrete Surface (ODOT Item 448 Type 1 Medium, PG 64-22), one and one half inches (1½") of Asphalt Concrete Intermediate (ODOT Item 448 Type 2 Medium, PG 64-22), three inches (3") of Bituminous Aggregate Base (ODOT Item 301 PG 64-22), and eight inches (8") of Compacted Aggregate Base (ODOT Item 304) installed in two (2) lifts. Subgrade stabilization fabric meeting the requirements of ODOT Item 712.09 Type D, soil type 2 (apparent opening size ≤ 0.3 mm) shall be required between the subgrade and the aggregate base. Heavier pavement designs shall be required for arterial streets and streets within commercial and industrial areas. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Rigid concrete pavements may also be utilized if approved by the City Engineer. The minimum residential concrete pavement shall be eight inches (8") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) installed in two (2) lifts. Subgrade stabilization fabric meeting

the requirements of ODOT Item 712.09 Type D, Soil type 2 (apparent opening size ≤ 0.3 mm) shall be required between the subgrade and the aggregate base. Heavier pavements shall be required for arterial streets and streets within commercial and industrial areas. (Amended – August 7, 2006 – Ordinance No. 062-06)

Except for those streets designated as arterial streets, the standard width of pavement shall be twenty-nine feet (29') as measured from the back of curb with ODOT Type 2 concrete curb and gutter. ODOT Type 3 concrete curb and gutter may be utilized in new residential subdivisions. (Amended – August 7, 2006 – Ordinance No. 062-06)

The pavement width may be reduced to twenty-five feet (25') if existing right-of-way width prohibits standard width pavement and/or approved by the City Engineer. (Amended – May 2, 2016 – Ordinance No. 009-16)

Arterial streets shall be a minimum of thirty-three feet (33') in width as measured from the back of curb with ODOT Type 2 concrete curb and gutter. The concrete curb and gutter may be eliminated in industrial developments if approved by the City Engineer. Where curbs and gutters are eliminated, shallow grass drainage swales shall be provided along both sides of the roadway. (Amended – August 7, 2006 – Ordinance No. 062-06)

Streets shall be constructed with transverse slopes of one quarter inch ($\frac{1}{4}$ ") per foot as measured from the centerline to the edge of asphalt. Parking lots shall be sloped to a point, or series of points, within the pavement so as not to shed storm water off the site. Such slopes shall not be less than one percent (1%).

Six inch (6") nominal diameter perforated under drains shall be provided along both sides of pavement. Underdrain inverts shall be four feet (4') below the top of curb. The under drains shall be located directly under the back of curb. Where no curbs are to be constructed, the under drains shall be located directly beneath the edge of the proposed pavement and the invert shall be four feet (4') below the edge of pavement. (Amended – August 7, 2006 – Ordinance No. 062-06)

Rule 4.1.3

SIDEWALKS AND DRIVE APPROACHES

Sidewalks shall be located along both sides of streets, *unless otherwise approved by the City Engineer*. Sidewalks shall be four inches (4") of ODOT Item 499, Class "C" concrete over ~~six~~ four inches (4") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411) except within five feet (5') of drive approaches and within the intersection of rights-of-ways. At drive approaches and intersections, sidewalks shall be six inches (6") of ODOT Class "C" concrete over ~~four~~ six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). C

(Amended June 6, 2016 Ordinance No. 020-16) (Amended – May 2, 2016 – Ordinance No. 009-16) (Amended – August 7, 2006 – Ordinance No. 062-06)

Sidewalks shall be four feet (4') in width when located at least two feet (2') from the back of curb or edge of pavement, as applicable. Where within two feet (2') of the back of curb or edge of pavement, sidewalks shall be five feet (5') in width.

Sidewalks shall have a transverse slope no greater than one quarter inch ($\frac{1}{4}$ ") per foot, nor a longitudinal slope greater than one inch (1") per foot.

Handicap ramps with curb drops shall be provided at all intersections. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Drive approaches for residential developments shall be a minimum six inches (6") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). Commercial drive approaches shall be no less than eight inches (8") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). **Minimum drive approach curb cuts shall be fourteen feet (14').**

Maximum drive approach curb cuts shall be thirty feet (30') for residential drives unless approved by the Engineer. Both minimum and maximum curb cuts include three feet (3') wide drive wings on each side of the drive approach. No residential lot shall have more than one (1) drive unless approved by the City Engineer. *(Amended – May 2, 2016 – Ordinance No. 009-16) (Amended – August 7, 2006 – Ordinance No. 062-06)*

Commercial and industrial drive approaches shall have Type 2A concrete curb with radii in place of wings. Commercial drive approach widths shall be submitted for review by the City Engineer. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Rule 4.1.4 VERTICAL GEOMETRY

A vertical curve shall be established where the algebraic differential of grade is greater than ninety-five hundredths percent (0.95%). Vertical curves shall be no less than fifty feet (50') in length.

Pavement grades shall be not less than fifty hundredths percent (0.50%), nor greater than five percent (5%), except in cases of extreme necessity. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Pavement and gutter grades shall be established on intersection details at the following locations: *(Amended – August 7, 2006 – Ordinance No. 062-06)*

1. At the end of all radii.
2. At the Center of all radii.
3. At the intersection of pavement centerlines.
4. At any point necessary to clarify drainage.

Rule 4.1.5 HORIZONTAL GEOMETRY

The minimum allowable radius at intersections shall be twenty-five feet (25') as measured to the back of curb, except at intersections of a proposed street with an arterial street or state route where the minimum radius shall be thirty-five feet (35') as measured to the back of curb. If streets are not curbed, the minimum radii shall apply to the edge of payment. Where a street is terminated due to phasing, a temporary cul-de-sac shall be constructed. Temporary cul-de-sacs shall have a

minimum radius of thirty-five feet (35') and shall be constructed of twelve inches (12") of Compacted Aggregate Base (ODOT Item 304) installed in two (2) lifts.
(Amended – August 7, 2006 – Ordinance No. 062-06)

The arrangement of streets in new subdivisions shall provide for the continuation of the principal existing streets in adjoining areas.

The angle of intersection between any street and an arterial street shall not be less than eighty degrees (80°) as measured from the centerline of each street. All other streets shall not intersect at an angle less than seventy degrees (70°).

Except in extreme cases, dead end streets shall not be permitted. Where a dead-end is permitted, a cul-de-sac shall be provided at the terminus of the street. Cul-de-sacs shall have a minimum radius of fifty feet (50') as measured to the back of curb. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Horizontal curves shall be provided where the horizontal deflection exceeds two degrees (2°), fifteen (15) minutes. Horizontal curves shall not exceed the following:

1. The maximum degree of curve shall be eleven degrees (11°), thirty (30) minutes for arterial streets; and
2. The maximum degree of curve shall be sixteen degrees (16°), thirty (30) minutes for all other streets.

A Type "A" monument shall be placed at each change in direction of the centerline of right-of-ways, the intersection of centerlines of all street right-of-ways, the centerline of right-of-way at the end of all phased construction, and the center of all permanent cul-de-sacs. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Rule 4.1.6

STORM SEWER SIZING

An overall drainage area layout plan showing the limits of the area contributing to each drainage pickup point shall be submitted with the detailed construction plans. The drainage design within the development shall be adequate to handle the entire contributing watershed area, along with its existing, proposed or probable future development, and not just the area being submitted for approval.

All extensions shall be to the farthest end of the development and shall be at the cost of the developer.

If the development is to be completed in phases, the overall drainage plan shall be submitted with the first set of detailed construction drawings and the storm outlet for the entire development shall be included for construction within the first phase.

Storm sewers shall be sized using the "Rational Method" ($Q = CIA$). The storm sewers shall be designed to flow just full for a five (5) year storm event. The hydraulic grade for each segment of sewer shall be checked by using the ten (10) year intensity-duration-frequency curve. The initial time of concentration (T_c) shall be not less than twenty (20) minutes.

The runoff coefficients (C) to be used shall be based on a weighted coefficient of runoff using the following ranges:

Type of Ground Cover or Development	Runoff Coefficient (C)
Concrete or Asphalt Pavements	0.90
Roof Areas	0.90
Gravel/ Stone Areas Roadways	0.50
Undeveloped Sites	0.20

Catch basin and curb inlet crossovers shall be twelve inch (12") nominal diameter and placed at no less than one percent (1%) slope.

Catch basins and curb inlets shall be constructed per the City of Napoleon Standard Construction Drawings.

Storm taps shall be provided for residential and commercial lots. Storm taps shall consist of a six inch (6") ~~wyete~~ connected to the storm sewer main and a six inch (6") PVC crossover extended to the right-of-way line for each building lot in a development. The location and the elevation of the storm tap at the right-of-way line shall be shown on the detailed plans. Storm taps shall be utilized as outlets for footer drains and sump pumps only. Downspouts shall outlet onto the ground surface. (Amended – May 2, 2016 – Ordinance No. 009-16)

Rear yard drainage shall be provided by means of drainage swales and/or catch basins located between lots.

Manholes shall be provided at intervals not to exceed four hundred feet (400'), at all changes in size, direction or grade, at the connection point between two (2) or more mainline sewers and at the upper terminus of the sewer.

A headwall with dump rock fill shall be provided at the outfall of a proposed storm sewer. Dump rock fill shall be ODOT Item 601.07 Type C.

The proposed outlet for the storm drainage system must be approved at the time of the preliminary plan. A method of on-site retention or detention of storm water shall be provided. Calculations for the sizing of a retention/detention pond or basin shall be based upon the following criteria: (Amended – May 2, 2016 – Ordinance No. 009-16)

Any increase in the volume of storm water runoff caused by site development shall be controlled such that the post-development peak rate of discharge does not exceed that of pre-development for all twenty-four (24) hour storms between the two (2) year frequency and the critical storm for all undeveloped lots, as subsequently defined. In other words, when required, facilities shall be provided such that the volume of water equal to that produced under post-development conditions for the critical storm may be retained or detained on site while discharging at a rate not to exceed that produced by a two (2) year storm under pre-development conditions. Pre-development conditions assumes the project site all developments to be a grass lots. For parking or building additions to existing facilities, these rules apply to the

proposed addition only, regardless of the runoff coefficient of the area affected by the addition. (Amended – May 2, 2016 – Ordinance No. 009-16)

The method by which the Owner or Engineer shall determine the changes in rates of runoff and runoff volumes is presented in Urban Hydrology for Small Watersheds (TR-55) as prepared by the US Department of Agriculture, Soil Conservation Service, Engineering Division and dated June, 1986. TR-55 is supplemented by the Ohio Supplement to Urban Hydrology for Small Watersheds.

To determine the critical storm for which control is required, the Owner or Engineer shall:

Calculate the storm water runoff for a two (2) year frequency, twenty-four (24) hour storm for undeveloped conditions ($C = 0.20$) and post-development of the site. The maximum allowable runoff from the proposed site shall be pre-development runoff.

Subtract the pre-development runoff from the post-development runoff and divide by the pre-development runoff to determine the percent of increase.

Determine the critical storm frequency for which storm water control is required from the following table:

Storm Frequency Requirements		
Equal to or Greater Than (%)	Less Than (%)	Storm Frequency (Years)
--	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	--	100

Example (critical storm):

Development Area = 6.25 acres

Pre-development "C" = 0.20 Post-development "C" = 0.80 (Amended – August 7, 2006 – Ordinance No. 062-06)

2 year, 24 Hour Rainfall = 2.60 inches (Table OH-1, TR-55 Ohio Supplement)

$$Q2A = (0.20) * (2.60) * (6.25) = 3.25 \text{ CFS}$$

$$Q2B = (0.80) * (2.60) * (6.25) = 13.00 \text{ CFS}$$

$$(Q2B - Q2A) / (Q2A) = (13.00 - 3.25) / (3.25) = 3.0, \text{ or } 300\%$$

Therefore, the critical storm is the fifty (50) year frequency, twenty-four (24) hour storm. (Amended – May 2, 2016 – Ordinance No. 009-16)

Develop a unit hydrograph of the critical storm for the proposed development, including a horizontal line at the rate of allowable discharge (Q2A). Calculate the area beneath the curve and above the horizontal line. This will equate to the volume of retention or detention required.

Rule 4.1.7

Traffic Control Devices

The placement of all traffic control devices and signage in all phases of a development or subdivision shall be at the owner's or developer's expense until acceptance and in accordance with standards defined in the Manual Of Uniform Traffic Control Devices as on file with the City, or as otherwise directed by the City Engineer. *(Amended – August 7, 2006 – Ordinance No. 062-06) (Amended – October 16, 2006 – Ordinance No. 100-06)*

Rule 4.2 Sanitary Sewers

Rule 4.2.1 GENERAL

All sanitary sewers shall meet all of the requirements of the Ohio EPA and the City of Napoleon Standard Specifications for Construction.

Rule 4.2.2 SEWER EXTENSIONS

If a development can be reasonably served by the extension of an existing sewer, as determined by the City Engineer, the Owner, Developer or their Agent may petition the City for the extension of said sewer. All extensions shall be to the farthest end of the development and shall be at the cost of the developer. (See also City of Napoleon Rules for Water and Sewer Service.) *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Rule 4.2.3 LIFT STATIONS

When a subdivision cannot be readily serviced by a sewer extension of an existing sanitary sewer by gravity flow, a lift station shall be required.

Lift stations shall be constructed at the cost of the Owner or Developer and shall be of the wet-well - dry-well type and shall include telemetering equipment.

The drawings and specifications for lift stations shall be submitted for approval with the detailed construction plans.

Rule 4.2.4 SANITARY SEWER SERVICES

Sanitary sewers shall be a minimum of eight inches (8") in diameter and shall be constructed with six inch (6") diameter service connections to each proposed lot or unit within a development and shall be extended from the sanitary sewer main to the right-of-way line. A six inch (6") diameter cleanout shall be required at the right-of-way line. *(Amended – May 2, 2016 – Ordinance No. 009-16) (Amended – August 7, 2006 – Ordinance No. 062-06)*

Service connections shall be constructed at no less than one percent (1%) slope, not greater than three percent (3%) slope and shall outlet directly into the sewer main, not into manholes unless authorized by the City Engineer. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Manholes shall be provided at intervals not to exceed four hundred feet (400') , at all changes in size, direction or grade, at the connection point between two (2) or more mainline sewers and at the upper terminus of the sewer. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Where oversizing of the proposed sanitary sewers is required by the City, the City shall pay the incremental cost of oversizing, as determined by the City Engineer, prior to construction. The oversizing of sanitary sewers to reduce the slope of the sewer and compensate for grade concerns is prohibited.

Prior to commencing with construction, the City Engineer or Public Works Director shall receive one (1) copy of the Ohio EPA Permit to Install for the proposed sanitary sewers and an approved set of plans. Any construction

commencing prior to the City Engineer or Public Works Director receiving such documentation shall be subject to penalties as subsequently defined.

Rule 4.3 Water Mains

Rule 4.3.1 GENERAL

All water mains shall meet all of the requirements of the Ohio EPA and the City of Napoleon Standard Specifications for Construction.

Rule 4.3.2 WATER MAIN EXTENSIONS

If a development can be reasonably served by the extension of an existing water main, as determined by the City Engineer, the Owner, Developer or their Agent may petition the City for the extension of said water main. All extensions shall be to the farthest end of the development and shall be at the cost of the developer. (See also City of Napoleon Rules for Water and Sewer Service.) (Amended – May 2, 2016 – Ordinance No. 009-16)

Rule 4.3.3 WATER MAINS

Water mains shall be a minimum of eight inches (8") in diameter. Six inch (6") diameter water mains shall only be allowed if justified by the City of Napoleon's water model. All costs for modeling the proposed waterline shall be paid by the developer regardless of the findings. (Amended – May 2, 2016 – Ordinance No. 009-16)

Service connections shall be installed by the contractor responsible for the installation of the respective water mains.

Service connections shall be provided for each building lot within a development and shall be extended from the water main to the right-of-way line with a curb valve and box installed at the right-of-way line. (Amended – May 2, 2016 – Ordinance No. 009-16)

Service connections shall be sized based upon the water fixture unit demand as determined by current building codes. However, no service connections shall be less than one inch (1") diameter, Type K copper.

Water mains shall be "looped", where possible.

Where oversizing of the proposed water mains is required by the City, the City shall pay the incremental cost of oversizing, as determined by the City Engineer, prior to construction.

Valves shall be located as follows:

1. The lesser of not more than every five hundred feet (500') or at all intersections for commercial and industrial developments;
2. The lesser of not more than every eight hundred feet (800') or at all intersections for residential developments;
3. At all connections to existing water mains; and
4. At the end of all dead end water mains. Plugs shall also be provided at dead ends.

Fire hydrants shall be located as follows:

1. Every three hundred feet (300') for commercial and industrial developments;
2. Every five hundred feet (500') for residential developments; and
3. At the end of all dead end water mains.

Prior to commencing with construction, the City Engineer or Public Works Director shall receive one (1) copy of the Ohio EPA Permit to Install for the proposed water mains and an approved set of plans. Any construction commencing prior to the City Engineer or Public Works Director receiving such documentation shall be subject to penalties as subsequently defined.

RULE 5 CONSTRUCTION AND POST-CONSTRUCTION REQUIREMENTS

Rule 5.1 *Permits*

The Owner or Developer shall obtain all applicable permits, including but not limited to, the Ohio EPA Permit to Install for water mains and sanitary sewers and building permits from the proper authorities, which may be necessary to proceed with the construction of the improvements. An approved Notice of Intent (NOI) must be applied for as per requirements of the OhioEPA.

Prior to commencing with construction, the City Engineer or Public Works Director shall receive one (1) copy of the Ohio EPA Permit to Install for the proposed water mains and sanitary sewers along with an approved set of plans in .pdf format. Any construction commencing prior to the City Engineer or Public Works Director receiving such documentation shall be subject to penalties as subsequently defined. (*Amended – May 2, 2016 – Ordinance No. 009-16*)

Rule 5.2 *Restrictions on Plan Approval*

The Owner or Developer shall, unless an extension of time is requested in writing and granted by the City Engineer, commence with the construction of the proposed improvement within one (1) year of the date of approval of the detailed construction plans and specifications.

Any proposed changes or alternates to the plan after approval, but prior to construction, shall be subject to the complete review process, including resubmittal to all applicable agencies.

Any proposed changes to the approved plan once construction has commenced shall be brought to the attention of and reviewed by the City Engineer. Any such modifications to the approved plan without the proper notification to the City Engineer or Public Works Director shall be subject to penalties as subsequently defined.

Rule 5.3 *Construction*

The Owner or Developer shall pay all applicable inspection fees, as defined previously, **prior to commencing with construction.**

The Owner or Developer shall hire a qualified testing laboratory to provide testing services throughout construction including, but not limited to, compaction and concrete testing.

If the Owner or Developer opts to provide its own inspection services, the responsible inspector shall be a Professional Engineer registered in the State of Ohio or an agent thereof. The inspector shall provide the City with daily construction reports and shall inform the City a minimum of one (1) working day in advance of any testing procedure. The City shall maintain the right to reject any and all work performed.

Rule 5.4 *As-Built Plans*

The Owner or Developer shall, within sixty (60) days after the completion of construction, submit one (1) set of electronic plans in .pdf format marked "AS-BUILT" to the City Engineer. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

The Owner's or Developer's Engineer shall provide a notarized affidavit certifying that the completion of the work is in accordance with the approved plans. If any changes to the approved plans occurred, a list of these deviations shall be included with the certification. A sample affidavit is available from the office of the City Engineer.

RULE 6 VIOLATIONS AND PENALTIES

Rule 6.1 Violations and Penalties

Criminal violations of the "City of Napoleon, Ohio Engineering Department Rules and Regulations" and associated penalties therefore, shall be pursuant to City Ordinance 30-98, as may be amended from time to time, or codified.

Rule 6.2 Revocation of Prior Approvals

In addition to the criminal penalties specified in Rule 6.1 above, the City Manager may, for a violation of the "City of Napoleon, Ohio Engineering Department Rules and Regulations" or City Ordinance No. 30-98 as may be amended from time to time, or codified, (upon such finding by the City Manager after an informal hearing with the Owner, Developer or Agent thereof and the City Engineer, unless such hearing is waived), order the revocation of all prior approvals of the City and the City Engineer **or Public Works Director** relative to the property being developed. The failure to appear at a scheduled hearing after notice constitutes a waiver thereof. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Rule 6.3 EPA Notification

Any work performed for the installation of sanitary sewers and/or water mains commenced without first obtaining the necessary permits or approvals of the Ohio EPA shall be reported directly to the Ohio EPA Northwest District Office.

Rule 6.4 Administrative Penalties for Failure to Meet Specifications

If the Owner, Developer or Agent thereof, opts to provide their own inspection services and does not comply with the requirements of the "City of Napoleon, Ohio Engineering Department Rules and Regulations", the Owner, Developer or Agent shall be subject to Administrative Fines in the amount of fifty dollars (\$50.00) per day for each day that a violation exists, to be levied by the City Manager (upon a finding that the violation exists after an informal hearing with the Owner, Developer or Agent thereof and the City Engineer, unless such hearing is waived). Failure to appear at a scheduled hearing after notice constitutes a waiver thereof. All improvements completed during times when inspection does not meet the requirements of the "City of Napoleon, Ohio Engineering Department Rules and Regulations" will not be accepted by the City.

RULE 7 ADMINISTRATIVE APPEALS

Rule 7.1 Appeals in General

Any decision of the City Manager in regard to the denial, suspension or revocation of a permit, as required by the "City of Napoleon, Ohio Engineering Department Rules and Regulations", or any finding or imposition of an administrative fine, as authorized by the "City of Napoleon, Ohio Engineering Department Rules and Regulations", or forfeiture of prior approvals of the City Engineer or Public Works Director may be appealed to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council, so long as the appeal is commenced in a timely manner. (Amended – May 2, 2016 – Ordinance No. 009-16)

A filing fee of thirty-five dollars (\$35.00), as may be amended from time to time, will be charged for all appeals to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council. However, this fee may be waived by the Finance Director in cases of indigence. Further, said fee will be returned if the appealing party prevails. (Amended – May 2, 2016 – Ordinance No. 009-16)

Rule 7.2 Appeals from Decision of City Manager

After a hearing by the City Manager, a decision or order shall be rendered and delivered by either personal service or mailed to the person who filed the appeal at the last known address by regular mail.

An appeal from a decision of the City Manager, after hearing, may be taken to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council, so long as a notice of appeal is filed in writing with the Finance Director within thirty (30) business days after mailing of the decision or order of the City Manager or thirty (30) business days after rendering the decision or order by personal service to the person who filed the appeal. (Amended – May 2, 2016 – Ordinance No. 009-16)

Appeals will not stay the decision or order of the City Manager as a result of his/her finding.

Appeals to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council will be held in a timely manner and will be informal in nature such that the rules of evidence shall not apply. (Amended – May 2, 2016 – Ordinance No. 009-16)

Such orders of the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council will be considered final. (Amended – May 2, 2016 – Ordinance No. 009-16)

Rule 7.3 Scope of Appeals

The scope of all appeals to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council shall be limited to the question of whether the City Manager acted unreasonably, arbitrary or capricious in his/her decision. The Committee may, upon a finding that the City Manager acted unreasonable, arbitrary or capricious in his/her decision, merely remand the

subject of appeal to the City Manager for further consideration. (*Amended – May 2, 2016 – Ordinance No. 009-16*)

OHIO AUDITOR OF STATE KEITH FABER

88 East Broad Street
Columbus, Ohio 43215
IPACorrespondence@ohioauditor.gov
(800) 282-0370

EXTENSION AGREEMENT

This Agreement between Auditor of State Keith Faber (Auditor), _____, _____ County (Public Office), and _____ an independent public accountant (IPA), extends an existing agreement between these parties as identified in SECTION I below and incorporated herein by reference. These parties agree to abide by all terms and conditions of the original agreement, except as specifically identified in Section II below, and that **no remuneration will be granted in relation to work performed under this modification/extension prior to the execution of this Agreement by all parties.**

SECTION I – ORIGINAL CONTRACT INFORMATION

Public Office Name on RFP _____
Original Contract Period _____
Date RFP was issued _____ Date MOA Executed _____
Public Office Contact _____ E-mail _____
IPA Contact _____ E-mail _____

SECTION II –EXTENSION INFORMATION

Extension Period: _____ to _____
Check one: Annual Audit _____ or Biennial Audit _____

The RFP and related contract are hereby amended for the audit periods noted above as follows:

Work Papers, Work Product, and Records Retention

The IPA will maintain all engagement documentation in segregated files. The IPA agrees to provide the Auditor of State unconditional access to examine and review engagement documentation created or obtained by the IPA involving its performance under the contract. The IPA agrees to provide copies of any engagement documentation determined necessary by the Auditor of State. The Auditor of State is bound by ORC 4701.19, which provides that an IPA's engagement documentation remains the property of the IPA, even in the possession of the Auditor of State's office, and are not public records available for public disclosure. In the case of support for a finding for recovery, the Auditor of State may request the IPA to sign a limited waiver of this statutory provision. The IPA also will maintain and provide access to timesheets and expense reports that support the IPA's invoices under the contract. All such engagement documentation, timesheets, and expense reports shall be retained by the IPA for a period of five (5) years from the date of completion of the contract.

Review of Reports and Work Papers - Access to / Retention Thereof

Upon completion of the engagement, the IPA will issue the reports thereon and provide an electronic portable document format (pdf) file to the Auditor of State at the following address:

ipareport@ohioauditor.gov

In addition, the IPA shall approve the list of recipients from the client's eServices account and any default recipients based on the entity type. The Client Recipient List must be approved by the IPA via the IPA Portal prior to submitting the report to ipareport@ohioauditor.gov. **Please note, the report is not considered "submitted" until all required information is received by the Auditor of State at the e-mail address above.**

Efficient • Effective • Transparent

SECTION II – EXTENSION INFORMATION (continued)

The Auditor of State's Center for Audit Excellence (CFAE) will perform desk reviews of all released reports. At the conclusion of each review, notification of the results of the review will be sent to the IPA and the Auditor of State's Regional Office for appropriate authorization regarding release of IPA remaining fees. The Auditor of State reserves the right to delay the release of fees and require corrective action if the engagement is not performed in accordance with the required professional standards and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, when applicable.

In addition to such desk report review, some engagements will be judgmentally selected to undergo work paper reviews. The IPA will receive notice of such reviews.

Should the reviews of reports or work papers indicate performance under this agreement is not in accordance with applicable professional standards or Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, the Auditor of State, in his sole judgment, may require performance of additional work, including possible report revisions, by the IPA in accordance with the fee provisions incorporated within the contract as originally endorsed by the parties thereto.

Costs associated with the Auditor of State contract administration and quality review processes will be borne by the _____. The Auditor of State's billing statements are available through the office's eServices portal located at <https://eservices.ohioauditor.gov>.

Authorized client contacts must activate their eServices login to access and/or update information regarding their customer account, including entity contact information, billing and payments, and an eCheck option for online payments. Authorized users are encouraged to keep eServices contact information updated.

Auditor of State billing statements are prepared monthly, and are sent to clients who have an outstanding balance through a paperless electronic billing system. Audit Services are charged monthly. The _____ will receive an email notification at the beginning of the month that a statement is available for review. The _____ should access their billing statement upon receipt through eServices, and payment is due by the date identified on the statement.

All engagement documentation and reports will be made available to the Auditor of State's office **unconditionally**, and must be retained, at the IPA firm's expense, for a minimum of five (5) years from the date of approval of the final reports, unless the firm is notified in writing by the Auditor of State or _____ of the need to extend the retention period.

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review work papers, and make copies as determined necessary by the Auditor of State, relating to matters of continuing accounting significance as appropriate in accordance with AU-C 210 and AU-C 510.

Furthermore, should it be necessary for AOS to send a notice of proposed finding regarding a potential finding for recovery, AOS will require the IPA to execute a limited waiver, to be prepared by AOS. It is the AOS' policy to allow the individual subject to the proposed FFR to review the engagement documentation (i.e. work papers) on which the proposed finding is based. Since Ohio Rev. Code § 4701.19 provides that an IPA's engagement documentation remains the property of the IPA, even in the possession of the AOS, it is necessary for the IPA to execute the limited waiver for the sole purpose of permitting AOS to show supporting documents (i.e. work papers) to those subject to proposed findings for recovery.

Federal Awards

The IPA firm anticipates _____ major programs to be included in the Single Audit testing for each year of the contract.

SECTION II – EXTENSION INFORMATION (continued)

Contract Modifications

Modifications should only be requested for issues which were not known at the time of the original proposal, including but not limited to, changes in accounting or professional standards, changes in reporting entity, significant changes in funding, due date changes, etc. IPAs must utilize the Contract Modification application via the IPA Portal, after any necessary discussions with the Auditor of State representative, and obtain the Public Office's approval per the Auditor of State's contract modification policy. The Auditor of State will review, and if determined appropriate, approve the signed contract modification, which will set forth the terms of the contract between the Auditor of State, the Public Office and the firm. **Such agreement must be executed by the Auditor of State prior to the performance of any additional work. No remuneration will be granted in relation to work performed prior to execution of such agreement.** Any additions or reductions to the work agreed to between the Public Office and the firm shall be at an hourly rate that will not exceed the average hourly rate for the corresponding fiscal period set forth in the schedule of fees and expenses included in the original dollar cost bid, except in limited circumstances approved by the Auditor of State where the total cost for the audit period does not exceed the original proposed amount.

The IPA agrees to work closely with the Auditor of State's office and the Public Office to resolve issues as they arise prior to performance of additional procedures perceived to be beyond the scope of a prudent proposal submitted in response to this Request for Proposals.

Note: If the contract requires MBE/EDGE participation (Section I.E), any change in hours must be evaluated to determine the impact on the 15% cost requirement. Any change in cost would impact the dollar amount required to be set aside for the MBE/EDGE firm. If the modification causes the hours to exceed 800, a MBE/EDGE firm must be added to the engagement for the affected period.

Hinkle Annual Financial Data Reporting System (Hinkle System)

As required by Ohio Revised Code 117.38, local public offices must file their annual financial reports with the Auditor of State (AOS). As described in Auditor of State Bulletin 2015-007, all entities required to file with the AOS must file electronically via the Hinkle Annual Financial Data Reporting System (Hinkle System).

As required by the Bulletin, any independent public accounting (IPA) firms contracted to perform audits for the AOS will audit the financial statements uploaded and submitted to the AOS via the Hinkle System. At the commencement of the audit, the IPA will verify with the entity that the financial statements submitted via the Hinkle System are the final, unaudited financial statements for the audit period. If the financial statements required modification, the entity must contact the AOS at HinkleSystem@ohioauditor.gov in order to re-file.

When financial statements filed via the Hinkle System are audited by the IPA firm, the Hinkle System will include an audit adjustment application which requires the IPA firm to key in audit adjustments for cities, counties, schools, community schools, townships, libraries and villages to Hinkle System data as part of the audit finalization procedures. The adjustments should be entered prior to submitting the final report package to ipareport@ohioauditor.gov.

Manner of Payment

The Auditor of State requires that electronic invoices be submitted for Auditor of State approval via the IPA Portal billing process prior to presenting the invoice to the Public Office for payment. No payments should be processed by the Public Office without Auditor of State approval.

Progress payments should be made on the basis of **work completed during the billing period** incurred in accordance with the firm's cost proposal. Interim billings shall cover a period of not less than a calendar month. Billings for work completed must be submitted to the Auditor of State timely.

For the final billing, invoices will be processed as above; however, they must provide total actual hours for the engagement. In addition, invoices must be submitted no later than 90 days after the release of the report by the Auditor of State's Clerk of the Bureau. Invoices may NOT be permitted to be submitted and accepted for processing after the 90 days have expired.

SECTION II – EXTENSION INFORMATION (continued)

All invoices must certify that all amounts set forth therein are properly due and payable for work performed by the IPA and/or by the specified qualified subcontractors, if applicable.

Subject to approval of the billing, the amount paid to the IPA for each billing shall be the total amount billed. However, under no circumstances shall the total amount paid prior to final acceptance of the engagement work for the fiscal period in question exceed eighty (80) percent of the total fee for the current engagement fiscal period, as specified in the contract. Upon approval of the final reports by the Auditor of State, the IPA may submit an invoice for the remainder due for the current engagement fiscal period. No payment shall be construed as acceptance of the engagement work or of any reports by the Auditor of State.

The Auditor of State may inspect the records and work papers of the IPA and of any subcontractor to determine the validity of billings. Adequate records shall be maintained by the IPA to support all billings.

Date Final Report is Due

It is anticipated this process will be completed and the final report delivered by _____ **for each engagement period of the contract.** The final report package should be e-mailed to ipareport@ohioauditor.gov **no later than this date.**

Affirmations

The IPA shall mark “Affirmed” or “N/A,” as applicable, for each of the affirmations noted in the attached Mandatory Elements Form.

Cost: Refer to the attached Schedule of Professional Fees and Expenses for details related to the costs associated with this Extension.

Indemnification

The IPA shall indemnify, defend, and hold harmless the Auditor of State, and its personnel, officers, and employees from and against any claims, liabilities, expenses or suits relating to this Agreement or the services provided by the IPA under this Agreement as to any suit, action, or claim asserted or prosecuted by third parties solely for death, bodily injury, or physical damage to real or tangible personal property to the extent directly and proximately caused by the negligent acts or intentional misconduct of the IPA or its subcontractor while engaged in the performance of the Services; and, at its own expense in any such instances, the IPA shall pay all attorneys’ fees, damages, court costs, and other expenses arising out of any such litigation or claim; and, at its own expense, the IPA shall satisfy and cause to be discharged any judgments as may be obtained against the Auditor of State or any of its personnel, officers, or employees pursuant to any such litigation or claim, provided, however, if there is also fault on the part of any entity or individual indemnified hereunder or any entity or individual acting on the Auditor of State’s behalf, the foregoing indemnification shall be on a comparative fault basis.

The IPA shall indemnify, defend and hold harmless the Auditor of State and its personnel from all Claims attributable to the claims or suits asserted or prosecuted by third parties for infringement by a Deliverable of any patent existing at the time of delivery and known to the IPA or copyright or any unauthorized use of any trade secret, except to the extent that such infringement or unauthorized use arises from, or could have been avoided except for (i) modification of such Deliverable other than by the IPA or its subcontractors or use thereof in a manner not contemplated by the Agreement, (ii) the failure of the indemnified party to use any corrections or modifications made available by the IPA, (iii) information, materials, instructions, specifications, requirements or designs provided by or on behalf of the indemnified party, or (iv) the use of such Deliverable in combination with any platform, product, network or data not provided by the IPA. If the Auditor of State or the Client’s use of any such Deliverable, or any portion thereof, is or is likely to be enjoined by order of a court of competent jurisdiction as such an infringement or unauthorized use, the IPA, at its option and expense, shall have the right to (x) procure for Auditor of State and Client the continued use of such Deliverable, (y) replace such Deliverable with a non-infringing Deliverable, or (z) modify such Deliverable so it becomes non infringing; provided that, if (y) or (z) is the option chosen by the IPA, the replacement or modified Deliverable is capable of performing substantially the same function. In the event the IPA cannot reasonably procure, replace or modify such Deliverable in accordance with the immediately preceding sentence, the IPA may require the

SECTION II – EXTENSION INFORMATION (continued)

Auditor of State and Client to cease use of such Deliverable and refund the professional fees paid to the IPA with respect to the Services giving rise to such Deliverable.

The foregoing provisions of this Section constitute the sole and exclusive remedy of the indemnified parties, and the sole and exclusive obligation of the IPA, relating to a claim that any of the IPA's Deliverables infringes any patent, copyright or other intellectual property right of a third party.

As a condition to the foregoing indemnity obligations, the IPA shall be given written notice of the assertion of such claims or suits for which indemnification is sought (an "Indemnity Claim") promptly after such matters are brought to the attention of the Auditor of State and shall cooperate in all reasonable and customary respects with the IPA in connection with any such Indemnity Claim, suit or claim covered by the indemnity obligation. The IPA shall be entitled to defend, settle, and control the handling of any such Indemnity Claim, in its sole discretion, with counsel of its own choosing. The IPA, however, shall not settle any such Indemnity Claim without the prior written consent of the Auditor of State (which shall not be unreasonably withheld) except such consent is not required if (1) the sole relief provided is the payment of monetary damages by the IPA or, to the extent that any non-monetary relief is provided, such non-monetary relief is applicable only to the IPA, (2) there is no admission of any fault or wrongdoing on the part of the Auditor of State, and (3) the compromise or settlement contains a full and unconditional release (other than a condition of receipt of payment from the IPA) of the Auditor of State from liability in respect of such Indemnity Claim. Subject to the assent of the Attorney General of Ohio, the Auditor of State shall be permitted to participate in (but not control) the defense and settlement of any such Indemnity Claim that impacts the interest of the state of Ohio and to employ separate counsel in connection with such Indemnity Claim. The fees and expenses of such separate counsel shall be at the Auditor of State's expense. Nothing contained herein, however, is intended to confer to any third party any right or benefits hereunder; nor is the foregoing indemnification obligation intended to alter or extend the IPA firm's liability for failure to comply with the terms of the Agreement or for professional negligence or misconduct.

The IPA shall be solely responsible to Auditor of State and the Client for the performance of the services provided by the IPA under this Agreement. The Client agrees that it will not bring any claims or suits arising from or relating to the IPA's performance of the services under this Agreement against the Auditor of State.

SECTION III – RECITALS/APPROVAL

Due to the need for a contract extension, as stated in SECTION II above, the parties with intent to be legally bound agree as follows:

1. IPA shall, in the performance of its engagements related to the Public Office for the fiscal period(s) set forth in the original Contract, previous Modification Agreements, and in this Agreement, perform all engagement work as set forth in the original Memorandum of Agreement, previous Modifications Agreements and in this Agreement;
2. The performance of the engagement work provided for in this Agreement, and all related payments provided for herein, shall in all respects be subject to the terms and conditions set forth in the original Contract;
3. Should this extension result in the total hours of the contract to exceed the threshold established for use of a MBE/EDGE subcontractor, the IPA shall follow all minority participation and other relevant requirements of the original contract. If applicable, the required MBE/EDGE subcontractor with respect to this Agreement will be:

Subcontractor: _____

Address: _____

4. Should this extension involve the use of other subcontractors, the IPA shall follow all relevant requirements of the original contract. If applicable, the other subcontractor with respect to this Agreement will be:

Subcontractor: _____

Address: _____

In the event of any conflict or inconsistency between the provisions of this Agreement and the parties' prior contract, the provisions of this Agreement shall control in all respects.

IN WITNESS WHEREOF, Auditor, Public Office and IPA have executed this agreement.

Date

Legislative Authority or Designee for **Date**

Auditor of State **Date**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES
TO SUPPORT THE TOTAL ALL-INCLUSIVE FIXED FEE
FOR AUDIT SERVICES – _____EXTENSION

	<u>Hours</u>	<u>Average Hourly Rate</u>	<u>Total Fixed fee</u>	<u>Amount attributed to MBE/EDGE (if applicable)</u>
Partners	_____			
Managers	_____			
Supervisory staff	_____			
Staff	_____			
Other (specify):	_____			
Total for period ending	_____	\$ _____	\$ _____	\$ _____

	<u>Hours</u>	<u>Average Hourly Rate</u>	<u>Total Fixed fee</u>	<u>Amount attributed to MBE/EDGE (if applicable)</u>
Fiscal period ending	_____	\$ _____	\$ _____	\$ _____
Fiscal period ending	_____	\$ _____	\$ _____	\$ _____
Fiscal period ending	_____	\$ _____	\$ _____	\$ _____
Fiscal period ending	_____	\$ _____	\$ _____	\$ _____
Total for fiscal periods	_____	\$ _____	\$ _____	\$ _____

MANDATORY ELEMENTS

Required Affirmations

PUBLIC OFFICE: _____ COUNTY: _____

CONTRACT NUMBER: _____ CONTRACT PERIOD: _____

To be considered, **the proposal must address every one of the elements**. When these are not fully addressed, proposals will be considered non-responsive to the RFP and will not be evaluated further. Please ensure these affirmations are the first element of your firm's proposal and indicate your firm's agreement with the affirmation by checking the respective box for each affirmation.

1.	<u>CPA Licensure Laws</u> Our firm is licensed by the Ohio Accountancy Board to do business in Ohio and will remain in compliance with Ohio CPA licensure laws and rules.	Affirmed
2.	<u>CPE requirements</u> Our firm and all assigned key professional staff are, and will remain, in compliance with governmental qualification standards, including governmental continuing education requirements.	Affirmed
3.a.	<u>Peer Review (Opt. 1)</u> Our firm has undergone an external quality control peer review, conducted in accordance with generally accepted government auditing standards, within the last three years and received a pass rating. The current report is on file with the Auditor of State's Office.	Affirmed N/A
3.b.	<u>Peer Review (Opt. 2)</u> In accordance with GAGAS 3.97, our firm is not yet required to have an external quality control peer review, conducted in accordance with generally accepted government auditing standards. When required, our firm will have the appropriate peer review conducted and provide a copy of the report to the Auditor of State's Office.	Affirmed N/A
4.	<u>Ohio Ethics Laws</u> Our firm and all assigned key professional staff are, and will remain, in compliance with the requirements of Ohio's Ethics Law, as applicable and found at § 2921.42 and in Chapter 102 of the Ohio Revised Code.	Affirmed
5.	<u>Rules and Laws Regarding Conflicts of Interest</u> Our firm and all assigned key professional staff are, and will remain, in compliance with laws and rules regarding conflicts of interest.	Affirmed
6.	<u>Unresolved Findings for Recovery</u> Our firm is not subject to any unresolved finding for recovery issued by the Auditor of State under Ohio Rev. Code § 9.24, or our firm has taken appropriate remedial steps required under R.C. § 9.24. Our firm agrees that if this statement is deemed to be false, the contract shall be declared "void ab initio" between the parties, and _____ will not be obligated to pay for goods or services rendered under the contract. Any funds paid under the contract shall be remitted by our firm to _____ or an action for recovery of such payments may result.	Affirmed
7.a.	<u>Independence - Nonaudit Services Provided (Opt. 1)</u> <ul style="list-style-type: none"> ➤ Our firm has listed and described in our proposal any and all nonaudit services that have been provided to _____ over the previous five (5) years from the date of our proposal or are expected to be provided during the contract term; ➤ Our firm and all assigned key professional staff are independent of _____ as defined by U.S. Government Accountability Office's <i>Government Auditing Standards</i>; ➤ Our firm and all assigned key professional staff are, and will remain, in compliance with GAO rules relating to auditor independence; and ➤ In providing such nonaudit services, our firm did not perform management functions, make management decisions for _____ nor led reasonable third parties, with knowledge of the relevant facts and circumstances, to conclude our firm would be auditing our own work. 	Affirmed N/A
7.b.	<u>Independence - Nonaudit Services NOT Provided (Opt. 2)</u> <ul style="list-style-type: none"> ➤ Our firm and all assigned key professional staff are independent of _____ as defined by U.S. Government Accountability Office's <i>Government Auditing Standards</i>; ➤ Our firm has not provided nonaudit services affecting the audit periods that involved performing management functions or making management decisions for _____; and ➤ If selected, our firm will not provide nonaudit services to _____ during the term of the contract that would require our firm to perform management functions or make management decisions for the entity, or would lead reasonable third parties, with knowledge of the relevant facts and circumstances, to conclude that our firm would be auditing our own work. 	Affirmed N/A
8.	<u>Independence - Entity's Components</u> <ul style="list-style-type: none"> ➤ Our firm and all assigned key professional staff are independent of the entity's components listed in Section III (G); of the Request for Proposal. 	Affirmed N/A

9.a.	<u>Independence - Entity's Components - Nonaudit Services Provided (Opt. 1)</u> <ul style="list-style-type: none"> ➤ Our firm has listed and described in our proposal any and all nonaudit services that have been provided to _____'s components listed in Section III(G) of the Request for Proposal over the previous five (5) years from the date of our proposal, or are expected to be provided during the contract term; ➤ Our firm and all assigned key professional staff are independent of _____'s components as defined by U.S. Government Accountability Office's <i>Government Auditing Standards</i>; ➤ Our firm and all assigned key professional staff are, and will remain, in compliance with GAO rules relating to auditor independence; and ➤ In providing such nonaudit services, our firm did not perform management functions, make management decisions for _____'s components nor led reasonable third parties, with knowledge of the relevant facts and circumstances, to conclude our firm would be auditing our own work. 	Affirmed N/A
9.b.	<u>Independence - Entity's Components - Nonaudit Services NOT Provided (Opt. 2)</u> <ul style="list-style-type: none"> ➤ Our firm and all assigned key professional staff are independent of _____'s components as defined by U.S. Government Accountability Office's <i>Government Auditing Standards</i>; ➤ Our firm has not provided nonaudit services affecting the audit periods that involved performing management functions or making management decisions for _____'s components; and ➤ If selected, our firm will not provide nonaudit services to _____'s components during the term of the contract that would require our firm to perform management functions or make management decisions for _____'s components, or would lead reasonable third parties, with knowledge of the relevant facts and circumstances, to conclude that our firm would be auditing our own work. 	Affirmed N/A
10.	<u>Personal and External Impairments</u> <ul style="list-style-type: none"> ➤ Our firm and all assigned key professional staff have no personal or external impairments to independence due to relationships with _____, and have listed and described in our proposal all our firm's professional relationships that could affect our impartiality or the appearance of impartiality involving the _____ or any of its agencies/agencies or components /agencies, components or oversight unit, as applicable for the past five (5) years from the date of the proposal; ➤ If appropriate, our proposal has included a statement explaining why such relationships do not constitute an independence issue relative to performing the proposed audit. ➤ Our firm shall give _____ and the Auditor of State written notice of any professional relationships entered into during the period of this agreement, relative to parties connected to this proposed engagement that could affect our impartiality or the appearance of impartiality. ➤ Prior to entering into any new agreement to provide any nonaudit service to _____ during the term of the contract, our firm will notify the Auditor of State through completion of the IPA Nonaudit Service GAO Independence Notification/Evaluation (Exhibit E of the RFP). By filing this form, our firm asserts the non-audit service does not impair our firm's independence. 	Affirmed
11.	<u>Inappropriate Public Office Contact</u> Our firm and all assigned key professional staff have not made, and will not make, any contact with personnel of the _____ regarding this request for proposal other than allowed by Section I. C. of the RFP.	Affirmed
12.	<u>Subcontractors</u> If subcontractors are engaged, our firm will ensure the subcontractor(s) have met all applicable elements listed in the affirmations above.	Affirmed N/A
13.	<u>Irrevocable Offer</u> Our firm's proposal is a firm and irrevocable offer for 90 days.	Affirmed

105.01 COUNCIL TO AUTHORIZE PURCHASE OR CONTRACT IN EXCESS OF \$25,000.

Except as provided for in Section 105.03, no purchase shall be made or contract, including but not limited to any construction contract, entered into, by or on behalf of the City, in excess of twenty-five thousand dollars (\$25,000) unless approved by Council. Except as otherwise provided for in Sections 105.03, 106.02, 106.04 or statute or other applicable law, or other legislation specifically finding it in the best interest of the City to eliminate the necessity of competitive bidding, approved by a majority vote of the current members of Council concurring thereto, for expenditures that exceed twenty-five thousand dollars (\$25,000), the City Manager, City Finance Director, or City Law Director shall advertise for sealed bids for the purchases or contracts for their respective departments and present them to Council for approval, and advise Council on the advantages or disadvantages of such bid(s). Except as provided for in Section 105.03, no purchase shall be made, contract let, or obligation incurred for any item or service which exceeds the current budget appropriation without a supplemental appropriation by Council. The City Finance Director may issue such rules, governing purchasing procedures within the administrative organization, as Council shall approve. (Ord. 78-03. Passed 9-2-03.)

105.02 CONTRACTS, MATERIAL AND LABOR.

Department Directors, (i.e. the City Manager, City Finance Director and City Law Director), or his or her designee in his or her absence, may purchase materials, supplies, equipment and services for their respective departments for amounts up to and including twenty-five thousand dollars (\$25,000), subject to the availability and appropriation of funds, without the necessity of advertising for bids as no competitive bidding is required.

All department heads of the City, when authorized by their department director or his or her designee in his or her absence, may purchase materials, supplies, equipment and services for their respective departments for amounts up to and including twenty-five thousand dollars (\$25,000), subject to the availability and appropriation of funds, without the necessity of advertising for bids as no competitive bidding is required. All other purchases and/or contracts, except that which is exempted by ordinance, resolution, statute or other applicable law, in excess of twenty-five thousand dollars (\$25,000), shall be made only after advertisement, receipt of sealed bid, and award by Council. Any award let by the bidding process shall be to the lowest and best bidder.

(Ord. 038-11. Passed 8-1-11.)



City of Napoleon, Ohio

Parks and Recreation Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 592-8955

www.napoleonohio.com

Memorandum

To: *Joel Mazur, City Manager*
From: *Tony Cotter, Director of Parks and Recreation*
Date: *August 28, 2022*
Subject: *Dump Truck Replacement – Cemeteries Division*

As you know, we experience a total loss of the Cemetery division's dump truck due to a fire that ignited in its engine compartment. Thankfully there were no injuries. A police report was completed and an insurance claim has been filed.

In an effort to replace the vehicle, I contacted a representative from Snyder Chevrolet to inquire about the availability of a good used one ton dump truck. They can locate a vehicle and sell to us directly if we wanted to go that route rather than purchasing new through the state bid contract. It would be a significant savings from a new vehicle and we would avoid the current one year wait time for trucks purchased through the state contract. This vehicle is used primarily for funerals to grave opening and closings so a new truck may not be necessary. At this point, we are borrowing a truck from other departments when available so I would like to pursue at purchase as soon as possible. Let me know how you would like for me to proceed.

If you have questions or would like additional information, please let me know.