Memorandum

To: Mayor & Members of Council
From: Monica Irelan, City Manager
Subject: General Information
Date: May 16, 2014

CALENDAR

AGENDA - City Council Meeting Monday, May 19th @ 7:00 pm

C. APPROVAL OF MINUTES – the meeting minutes from May 5th are enclosed.

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

- 1. Resolution No. 035-14 a Resolution to Enter into the Maumee Valley East Chip Consortium
- 2. *Resolution No. 036-14* a Resolution Terminating the Present Contract with Anthem and Authorizing the City Manager to Enter into a New Agreement with Anthem; and Declaring an Emergency. (Suspension Requested)
- 3. *Resolution No. 037-14* a Resolution to Expend Funds in Excess of \$25,000.00 for the Appraisal of Property for the Appian Avenue Project and to Sole Source said Project to O.R. Colan Associates; and Declaring an Emergency. (Suspension Requested)

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

- 1. *Ordinance No. 031-14* an Ordinance Approving Current January 2014 Replacement Pages to the Napoleon Codified Ordinances.
- 2. *Ordinance No. 032-14* an Ordinance of Napoleon City Council Changing the Zoning Map Pursuant to 1125.02 of the Codified Ordinance of the City of Napoleon to Reflect the Amendment of the Zoning Classification for Property Located at 2269 Scott Street, Napoleon, Ohio from I-2 Open Industrial to C-4 Planned Commercial.
- 3. *Resolution No. 033-14* a Resolution Adopting the 2015 Tax Budget for the City of Napoleon, Ohio, as Required in Section 5705.28 of the Ohio Revised Code and Directing the Finance Director to File the Same with the County Auditor
- 4. *Resolution No. 034-14* a Resolution Urging the Administration and the Congress of the United States to Reject Efforts to Tax the Interest of Municipal Bonds or Otherwise Alter the Federal Tax Treatment or Fundamental Structure of Municipal Bonds.

I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

- 1. *Ordinance No. 026-14* an Ordinance Amending Rules 6 and 8 of the City of Napoleon Rules for Water and Sewer Service to Adopt a Revised Rule Regarding Sewer Lateral Responsibility.
- 2. *Ordinance No. 027-14* an Ordinance Establishing Section 931.13 of the Codified Ordinances of the City of Napoleon which Establishes a Charge and Rate for the Costs of the Sewer Lateral Responsibility Rule.
- 3. *Ordinance No. 028-14* an Ordinance Amending Section 931.09 Increasing Sanitary Sewer Rates for the Years 2014, 2015; and 2016.
- J. GOOD OF THE CITY (Discussion/Action)
 - 1. Recommendation to Approve May Billing Determinants
 - 2. Bid Award for Perry Street Parking Lot Improvements Project
 - a. Recommendation Letters for Award of this project from both Monica and Chard are enclosed
 - 3. Approval of Change Order No. 1 (Final) for the 2013 Misc. Concrete Street Improvements Project, an Increase of \$1,117.34; Contractor-Smith Paving & Excavating, Inc.
 - a. A copy of the change order is attached.
 - 4. Regarding Payment \$820,991.00 toward the AMPGS Settlement and Leaving the Property for Future Sale

MEETINGS/CANCELLATIONS

- 1. AGENDA Tree Commission Monday, May 19th @6:00 pm
- 2. CANCELLATION Parks & Recreation Committee

INFORMATIONAL ITEMS

- 1. AMP Update/ May 16, 2014
- 2. OML Legislative Update/May 16, 2014

MI:rd Records Retention CM-11 - 2 Years

Monthly Calendar

May 1 - 31, 2014





Oalendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1	2	3
BISHER - Vacation			12:15 PM Changing of the			
DISTIER - Vacation			Guard			
4	5	6	7	8	9	10
	7:00 PM City COUNCIL	ů – ř		.	.	10
	Meeting					
	Meeting MIS					
	MIS					
44	10	10	1.4	15	16	17
11	12	13	14	15	16	17
	6:30 PM ELECTRIC		BISHER - Vacation	BISHER - Vacation	BISHER - Vacation	BISHER - Vacation
	Committee					
	Board of Public Affairs					
	7:00 PM WATER/SEWER Committee					
	Rox					
	ROX					
18	19	20	21	22	23	24
	6:00 PM City TREE Commission Mtg.		AMP - Bisher	AMP - Bisher	BISHER - Vacation	BISHER - Vacation
	Commission Mtg.					
	7:00 PM City COUNCIL					
	Meeting					
	MIS					
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1						
25	26	27	28	29	30	31
25 BISHER Vacation	26 HOLIDAY - MEMORIAL DA	27 6-30 PM Einance & Budget	28	29	30	31
25 BISHER - Vacation	HOLIDAY - MEMORIAL DAY	6:30 PM Finance & Budget	28	29	30	31
		6:30 PM Finance & Budget Committee Mtg.	28	29	30	31
	HOLIDAY - MEMORIAL DAY	6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human	28	29	30	31
	HOLIDAY - MEMORIAL DAY	6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Comm. Mtg.	28	29	30	31
	HOLIDAY - MEMORIAL DAY	6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Comm. Mtg. BISHER - Vacation	28	29	30	31
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City of Napoleon, Ohio

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

MEETING AGENDA

Monday, May 19, 2014 at 7:00 pm

- A. Attendance (Noted by the Clerk)
- B. Prayer & Pledge of Allegiance
- C. Approval of Minutes: May 5 (In the absence of any objections or corrections, the minutes shall stand approved.)
- **D.** Citizen Communication

E. Reports from Council Committees

- 1. Parks & Recreation Committee did not meet on Monday, May 19 due to lack of agenda items.
- 2. Electric Committee (*Majority Report*) met on Monday, May 12 and:
 - a. Recommended approval of May billing determinants
 - **b.** Recommended amending the rates for City Interdepartmental charges from the discounted Residential Rate to the Commercial or Industrial Rate (Tabled)
 - c. Recommended paying \$820,991 toward the AMPGS Settlement and leaving the property for future sale
- **3.** Water, Sewer, Refuse, Recycling & Litter Committee met on Monday, May 12 and reviewed: a. VanHyning I/I Study with No Action Taken
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee did not meet on Monday, May 12 due to lack of agenda items.
- F. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
 - 1. Board of Public Affairs met on Monday, May 12 with the following agenda items:
 - a. Review of Electric Billing Determinants
 - **b.** Electric Department Report
 - c. Review of Electric Rates with Courtney & Associates
 - d. Review of AMPGS Settlement
 - e. Review of VanHyning I/I Study
 - 2. Board of Zoning Appeals did not meet on Tuesday, May 13 due to lack of agenda items.
 - 3. Planning Commission did not meet on Tuesday, May 13 due to lack of agenda items.
 - 4. Privacy Committee met on Tuesday, May 13 with the following agenda items:
 - a. Review of Policies/Procedures for Identity Theft Prevention
 - 5. Tree Commission met tonight with the following agenda items:
 - **a.** Tree Call Report
 - **b.** Spring Programs
 - c. Other Upcoming Projects

G. Introduction of New Ordinances and Resolutions

- 1. Resolution No. 035-14, a Resolution to enter into the Maumee Valley East Chip Consortium
- **2. Resolution No. 036-14,** a Resolution terminating the present contract with Anthem and authorizing the City Manager to enter into a new agreement with Anthem; and declaring an Emergency (*Suspension Requested*)
- **3. Resolution No. 037-14,** a Resolution to expend funds in excess of \$25,000 for the appraisal of property for the Appian Avenue Project and to sole source said project to O.R. Colan Associates; and declaring an Emergency (*Suspension Requested*)

H. Second Readings of Ordinances and Resolutions

- 1. Ordinance No. 031-14, an Ordinance to approve current January 2014 Replacement Pages to the Napoleon Codified Ordinances
- **2. Ordinance No. 032-14,** an Ordinance of Napoleon City Council changing the Zoning Map pursuant to 1125.02 of the Codified Ordinance of the City of Napoleon to reflect the amendment of the Zoning Classification for property located at 2269 Scott Street, Napoleon, Ohio from I-2 Open Industrial to C-4 Planned Commercial
- **3. Resolution No. 033-14,** a Resolution adopting the 2015 Tax Budget for the City of Napoleon, Ohio, as required in Section 5705.28 of the ORC and directing the Finance Director to file the same with the County Auditor
- 4. Resolution No. 034-14, a Resolution urging the Administration and the Congress of the United States to reject

efforts to tax the interest on Municipal Bonds or otherwise alter the Federal Tax treatment or fundamental structure of Municipal Bonds (*Suspension Requested*)

- I. Third Readings of Ordinances and Resolutions
 - **1. Ordinance No. 026-14,** an Ordinance amending Rules 6 and 8 of the City of Napoleon Rules for Water and Sewer Service to adopt a revised rule regarding Sewer Lateral Responsibility
 - 2. Ordinance No. 027-14, an Ordinance establishing Section 931.13 of the Codified Ordinances of the City of Napoleon which establishes a charge and rate for the costs of the Sewer Lateral Responsibility Rule
 - **3. Ordinance No. 028-14,** an Ordinance amending Section 931.09 increasing Sanitary Sewer Rates for the years 2014, 2015, and 2016; effective July 1, 2014
- J. Good of the City Any other business as may properly come before Council, including but not limited to:
 - Discussion/Action: Recommendation to approve May billing determinants as follows: Generation Charge: Residential @ \$0.08677; Commercial @ \$0.10393; Large Power @ \$0.05563; Industrial @ \$0.05563; Demand Charge Large Power @ \$14.36; Industrial @ \$15.02; JV Purchased Cost: JV2 @ \$0.04804; JV5 @ \$0.04804

(Billing determinants for month before: Generation Charge: Residential @ \$0.06700; Commercial @ \$0.07470; Large Power @ \$0.04226; Industrial @ \$0.04226; Demand Charge Large Power @ \$11.28; Industrial @ \$13.22; JV Purchased Cost: JV2 @ \$0.06643; JV5 @ \$0.06643)

- 2. Discussion/Action: Award of Bid: Perry St. Parking Lot Improvements Project
- **3. Discussion/Action:** Approval of Change Order No. 1 (Final) for the 2013 Misc. Concrete Street Improvements Project (an increase of \$1,117.34), Contractor: Smith Paving & Excavating
- **4. Discussion/Action:** Regarding paying \$820,991 toward the AMPGS Settlement and leaving the property for future sale
- K. Executive Session: Pending Litigation
- L. Approve Payment of Bills and Approve Financial Reports (In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)
- M. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

- Technology & Communication Committee (1st Monday) (Next Regular Meeting: Monday, June 2@ 6:15 pm)
 a. NCTV Contract
- 2. Electric Committee (2nd Monday) (Next Regular Meeting: Monday, June 9 @ 6:30 pm)
 a. Review of Electric Billing Determinants
 - **b.** Electric Department Report
 - c. Amending the rates for Interdepartmental City charges from the discounted Residential Rate to the Commercial or Industrial Rate (Tabled)
- **3.** Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday) (*Next Regular Meeting: Monday, June 9 @* 7:00 pm)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday) (*Next Regular Meeting: Monday, June 9 @ 7:30 pm*)
 a. Updated Info from Staff on Economic Development (as needed)
- 5. Parks & Recreation Committee (3rd Monday) (Next Regular Meeting: Monday, June 16 @ 6:15 pm)
- 6. Finance & Budget Committee (4th Monday) (Next Regular Meeting: Tuesday, May 27 @ 6:30 pm)
- 7. Safety & Human Resources Committee (4th Monday) (*Next Meeting: Tuesday, May 27 @ 7:30 pm*)
 a. Discussion Regarding Ohio Medicaid Policy Change on Copays and its impact on EMS Revenues
 b. Discussion Regarding Changes to the Personnel Code
 - c. Discussion Regarding Changes to the Employee Manual
 - 2014 Regular Meetings with Townships scheduled for February and November
- **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, June 9 @ 6:30 pm)
 - **a.** Review of Electric Billing Determinants
 - **b.** Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday) (Next Regular Meeting: Tuesday, June 9 @ 4:30 pm)
- **3.** Planning Commission (2nd Tuesday) (Next Regular Meeting: Tuesday, June 9 @ 5:00 pm)
- **4.** Tree Commission (3rd Monday) (Next Regular Meeting: Monday, June 16 @ 6:00 pm)
- 5. Civil Service Commission (4th Tuesday) (Next Regular Meeting: Tuesday, May 27 @ 4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday) (Next Regular Meeting: Wednesday, May 28 @ 6:30 pm)
- 7. Privacy Committee (2nd Tuesday in May & November) (Next Regular Meeting: Tuesday, November 11 @ 10:30 am)
- 8. Records Commission (2nd Tuesday in June & December) (Next Regular Meeting: Tuesday, June 10 @ 4:00 pm)
- **9.** Housing Council (1st Monday of the month after the TIRC meeting)
- **10. Health Care Cost Committee** (As needed)
- **11. Preservation Commission** (As needed) (*Next Regular Meeting: Thursday, May 22 @ 2:00 pm*)
- 12. Infrastructure/Economic Development Fund Review Committee (As needed)
- **13.** Tax Incentive Review Council (As needed)
- 14. Volunteer Firefighters' Dependents Fund Board (As needed)
- 15. Lodge Tax Advisory & Control Board (As needed)
- 16. Board of Building Appeals (As needed)
- 17. ADA Compliance Board (As needed)
- 18. NCTV Advisory Board (As needed)

City of Napoleon, Ohio **CITY COUNCIL** Meeting Minutes Monday, May 5, 2014 at 7:00 pm

PRESENT			
Council	John Helberg (President), Jason Maassel (President Pro-Tem), Jeff Comadoll, Jeffrey		
	Marihugh, Christopher Ridley, Travis Sheaffer, Heather Wilson		
Mayor	Ronald A. Behm		
City Manager	Monica S. Irelan		
Law Director	Trevor M. Hayberger		
Finance Director/Clerk	Gregory J. Heath		
Recorder	Tammy Fein		
City Staff	Dennis Clapp, Electric Superintendent		
	Chad Lulfs, City Engineer		
	Bobby Stites, Assistant MIS Administrator		
041	Robert Weitzel, Police Chief		
Others	News Media, NCTV		
ABSENT Council			
City Staff			
City Stall			
Call To Order	President Helberg called the meeting to order at 7:00 pm with the Lord's Prayer		
	followed by the Pledge of Allegiance.		
Approval Of Minutes	Minutes of the April 21 Council meeting stand approved with no objections or		
	corrections.		
Citizen	None		
Communication			
Committee Reports	The Technology & Communication Committee did not meet on Monday, May 5 due		
	to lack of agenda items.		
	The Finance & Budget Committee did not meet on Monday, April 28 due to lack of		
	agenda items.		
	The Safety and Human Resources Committee did not meet on Monday, April 28 due		
	to lack of agenda items.		
Introduction Of	President Helberg read by title Ordinance No. 031-14, an Ordinance approving		
Ordinance No. 031-14	current January 2014 Replacement Pages to the Napoleon Codified Ordinances		
Motion To Approve	Motion: Ridley Second: Maassel		
First Read	To approve first read of Ordinance No. 031-14		
Discussion	Hayberger reported that the Walter Drane Company requests and files these changes		
Discussion	twice per year to reflect any changes at the State level in the local Codified		
	Ordinances.		
Passed	Roll call vote to approve first read of Ordinance No. 031-14		
Yea- 7	Yea- Maassel, Helberg, Sheaffer, Marihugh, Comadoll, Wilson, Ridley		
Nay- 0	Nay-		
-			

Introduction Of Ordinance No. 032-14	President Helberg read by title Ordinance No. 032-14, an Ordinance of Napoleon City Council changing the Zoning Map pursuant to 1125.02 of the Codified Ordinance of the City of Napoleon to reflect the amendment of the Zoning Classification for property located at 2269 Scott Street, Napoleon, Ohio from I-2 Open Industrial to C-4 Planned Commercial		
Motion To Approve First Read	Motion: Ridley To approve first read of Ordinance N	Second: Maassel No. 032-14	
Discussion		nce will make the changes previously approved e the zoning map; adding that he is waiting on a e Marco Drive.	
Passed Yea- 7 Nay- 0	Roll call vote to approve first read of Yea- Maassel, Helberg, Sheaffer, Ma Nay-		
Introduction Of Resolution No. 033-14	2015 Tax Budget for the City of Nap	lution No. 033-14, a Resolution adopting the poleon, Ohio, as required in Section 5705.28 of Director to file the same with the County Auditor	
Motion To Approve First Read	Motion: Ridley To approve first read of Resolution N	Second: Marihugh No. 033-14	
Discussion	Heath distributed a memo regarding required timeframes; see attached.	the Tax Budget, along with a memo outlining	
	amounts; adding that it is being press (30) day deadline. Heath stated that using relative need to compute alloca	cess to verify and certify the inside ten (10) mill ented today to meet the three (3) reads and thirty the tax budget was previously statutory based ation of the Undivided Local Government o a fixed formula a number of year ago, now the mill millage.	
		ges from previous years; Heath replied the only nount upon which the millage is computed, from the County Auditor.	
	Heath requested a Public Hearing reg 2, 2014 at 6:50 pm.	garding the 2015 Tax Budget for Monday, June	
Helberg Set A Public Hearing Regarding The 2015 Tax Budget On June 2, 2014 at 6:50pm	Helberg set a Public Hearing regardi pm.	ing the 2015 Tax Budget on June 2, 2014 at 6:50	
Passed Yea- 7 Nay- 0	Roll call vote to approve first read of Yea- Maassel, Helberg, Sheaffer, Ma Nay-		
Introduction Of Resolution No. 034-14	Administration and the Congress of	blution No. 034-14, a Resolution urging the the United States to reject efforts to tax the rwise alter the Federal Tax treatment or	
Council Maating Minutes	2 of 8	5/15/2014	

	fundamental structure of Municipal	Bonds	
Motion To Approve First Read	Motion: Ridley To approve first read of Resolution	Second: Maassel No. 034-14	
Discussion		be attached to the letters sent to the Federal sition of sequestration and the anticipated tax on	
	Ridley requested the template letter	to send; Sheaffer will email this to Ridley.	
Motion To Suspend The Rules	Motion: Sheaffer To suspend the rules requiring three	Second: Ridley readings	
Failed Yea- 4 Nay- 3	Roll call vote on above motion: Yea- Helberg, Sheaffer, Comadoll, Nay- Maassel, Marihugh, Wilson	Ridley	
	Failed to receive the required two-th of Council.	hirds (2/3) affirmative vote by current members	
Passed Yea- 7 Nay- 0	Roll call vote to approve first read of Yea- Maassel, Helberg, Sheaffer, M Nay-		
Second Read Of Ordinance No. 026-14	President Helberg read by title Ordinance No. 026-14, an Ordinance amending Rules 6 and 8 of the City of Napoleon Rules for Water and Sewer Service to adopt a revised rule regarding Sewer Lateral Responsibility		
Motion To Approve Second Read As Amended	Motion: Maassel To approve second read of Ordinand	Second: Wilson ce No. 026-14 as amended	
Discussion		has been amended from the first read, on c'customer' with 'property owner' in the wording	
Passed Yea- 7 Nay- 0	Roll call vote to approve second rea Yea- Maassel, Helberg, Sheaffer, M Nay-	d of Ordinance No. 026-14 as amended arihugh, Comadoll, Wilson, Ridley	
Second Read Of Ordinance No. 027-14		nance No. 027-14, an Ordinance establishing nances of the City of Napoleon which establishes Sewer Lateral Responsibility Rule	
Motion To Approve Second Read	Motion: Ridley To approve second read of Ordinand	Second: Maassel ce No. 027-14	
Discussion	including having an effective date o	s approved at the April 21 Council meeting, f July 1, 2014 and charging Industrial and e, have been incorporated into the Ordinance.	
Passed Yea- 7	Roll call vote to approve second rea Yea- Maassel, Helberg, Sheaffer, M		
Courseil Martin - Minutas	3 of 8	5/15/2014	

Nay- 0	Nay-
Second Read Of Ordinance No. 028-14	President Helberg read by title Ordinance No. 028-14, an Ordinance amending Section 931.09 increasing Sanitary Sewer Rates for the years 2014, 2015, and 2016; effective July 1, 2014
Motion To Approve Second Read	Motion:MaasselSecond: RidleyTo approve second read of Ordinance No. 028-14
Discussion	Hayberger reported there are no changes to this Ordinance since the first read.
Passed Yea- 7 Nay- 0	Roll call vote to approve second read of Ordinance No. 028-14 Yea- Maassel, Helberg, Sheaffer, Marihugh, Comadoll, Wilson, Ridley Nay-
Third Read of Ordinances & Resolutions GOOD OF THE CITY Discussion/Action	There are no third reads of Ordinances and Resolutions.
City Hall Lighting Project And Quotations To Install	 Heath included a memo and two (2) quotes for the installation of the City Hall lighting project; see attached. Heath reminded Council that this project was approved in the 2014 Budget as a sole source project for the fixtures, with the installation being performed by the Electric Department, however the delivery date of the fixtures was the last week of March and there are limitations of time availability of the Electric Department; not being available until Fall due to a backlog of work from the inclement winter weather, along with the time issue regarding the proposed EfficiencySmart rebate and the amount of electrical usage with the current lights; Heath discussed the delay with
Motion To Award City Hall Lighting Project To Bartell's	 Bisher and Irelan who directed Heath to get quotes, and Heath recommends awarding the installation to Bartell's at a cost of \$6,960. Marihugh asked why there was such a large difference in cost between the two (2) estimates; Heath replied that he cannot speak as to why Speiser's quoting process was so much higher, however, Heath believes the two (2) quotes to be comparable. Motion: Sheaffer Second: Marihugh To award City Hall lighting project to Bartell's
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Maassel, Helberg, Sheaffer, Marihugh, Comadoll, Wilson, Ridley Nay-
Ohio Medicaid Policy Change On Copays And Impact On EMS Revenues	Heath recommended referring this issue to the Safety & HR Committee, adding that it is important for the Townships to be aware of the potential Medicare and Medicaid loss of approximately \$15,877 as well as the Anthem Change To Contract Notice that was received which requires a response within 180 days. Heath added that the City, as the service provider, agreed to stipulate certain payments as full and final payment and this matter should be discussed with the Townships.
Helberg Referred Ohio	Helberg referred the Ohio Medicaid Policy Change on Copays and its impact on

Medicaid Policy Change On Copays And Impact On EMS Revenues To The Safety & HR Committee	EMS Revenues to the Safety & HR Committee
Appointment Of City Manager To Commission And Committees	Council appointed Irelan to the Records Commission, the Health Care Cost Committee, and the Napoleon Infrastructure/Economic Development Fund Review Committee.
Motion To Appoint City Manager To Specified Commission And Committees	Motion: Wilson Second: Ridley To appoint City Manager Irelan to the Records Commission, the Health Care Cost Committee, and the Napoleon Infrastructure/Economic Development Fund Review Committee
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Maassel, Helberg, Sheaffer, Marihugh, Comadoll, Wilson, Ridley Nay-
Irelan	Irelan distributed a memo to Council regarding alternatives in the Northcrest Circle Improvements Project from Vernon Nagel, Inc.; see attached.
	Irelan requested the input from Council before making a decision regarding this project; Irelan and Lulfs recommended Alternate #2 as listed in the memo with an additional cost of \$17,488. Helberg stated that this would be a 5% increase to ensure as much resident access as possible, and believes 5% to be well within reason for this benefit; Irelan clarified that this is a 5% increase to the overall budget for this project, but this is a 10% increase to the road portion of the project. Marihugh asked how these alternate costs compared to other contractors; Irelan stated that the base bid from Crestline was approximately \$397,000 and the alternate bid regarding access was approximately \$402,689, adding that either alternative is less expensive than Crestline's quotes. Ridley asked why Alternate #2 was a better choice than Alternate #1; Irelan replied that Alternate #2 has a lower cost ending in the same result; Lulfs added that Alternate #1 should have been started at the beginning of the project if it were to be used.
	Maassel and Ridley both stated they are comfortable with approving Alternate #2. Wilson stated that this is not her area of expertise and deferred the discussion to the other members of Council, adding that she is comfortable in approving Alternate #2 if that was the consensus and it still costs less than the amount approved in the original budget. Marihugh asked Lulfs if there were a reason to use Alternate #1 instead of Alternate #2 in regard to structural numbers; Lulfs replied that no one he has researched with has indicated that Alternate #1 would have a higher structural number.
	Helberg noted he would abstain from this vote as he has relatives that live in the area of this project.
Motion To Approve Alternate #2 For The Northcrest Circle	Motion:MarihughSecond:MaasselTo approve Alternate #2 for the Northcrest Circle Improvement Project with an additional cost of \$17,488.

Improvement Project

Passed Yea- 6 Nay- 0 Abstain- 1	Roll call vote on above motion: Yea- Maassel, Sheaffer, Marihugh, Comadoll, Wilson, Ridley Nay- Abstain- Helberg
	Irelan distributed a memo to Council regarding an update on the project at 388 East Riverview Avenue; see attached.
	Irelan reported that the MIS Department released the City's mobile website today.
Hayberger	Hayberger requested that the NCTV Contract be referred to the Technology & Communication Committee.
Helberg Referred The NCTV Contract To The Technology & Communication Committee	Helberg referred the NCTV Contract to the Technology & Communication Committee.
Comadoll	Comadoll asked how water will be distributed to the new school; Lulfs replied that the waterline will go down Clairmont Avenue and will loop at Briarheath Drive and Woodlawn Avenue.
Marihugh	Marihugh welcomed Koesters to their new facility, adding that everyone involved did a great job.
	Marihugh suggested to Irelan that all City trucks need to standardize their logos, having full logos and full lights, so the trucks are easily recognizable when driving or parked.
	Marihugh stated that the Personnel Code approves a Safety Committee.
	Marihugh asked Lulfs about the progress of the traffic lights on North Scott Street; Lulfs stated that the pedestrian signals did not have push buttons and the permanent calls were extending the light cycle times; Lulfs stated the Electric Department is currently installing the push buttons to shorten the light cycle times.
	Marihugh asked Lulfs if the manholes will be raised to grade; Lulfs stated he is working with ODOT to rectify this issue.
Sheaffer	Sheaffer encouraged Council to pass Resolution No. 034-14 under Suspension at the next meeting, as this is a time sensitive issue.
4	Sheaffer reminded all in attendance to vote NO on the dispatch issue tomorrow.
Behm	None
Helberg	Helberg received a request to payout Hayberger for eighty (80) hours of vacation time that was not used; stating that Council must approve the payout of excess vacation hours for Appointing Authority. Motion: Sheaffer Second: Ridley To payout excess vacation hours not used by the Law Director

Motion To Payout Excess Vacation Hours For The Law Director	
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Maassel, Sheaffer, Marihugh, Comadoll, Wilson, Ridley Nay-
Maassel	Maassel welcomed Koesters to their new facility.
	Maassel welcomed Irelan as City Manager.
	Maassel thanked Marty Crossland, Assistant Engineer, for the great job done on the Arbor Day celebration.
	Maassel reminded everyone to vote tomorrow.
	Maassel thanked Irelan for the email update on the PNC Bank sign.
	Maassel asked if the solar frames were bent; Irelan stated that a representative from AMP would arrive on Thursday, May 8 and the frames would be inspected.
	Maassel informed Clapp that the broken pole on Road 13 is a telephone not an electric pole as originally reported; Clapp was aware of this and had called the telephone company once, but will call again to remind them. Clapp added that with the decrease of landlines, the telephone company did not have the revenue to fix the pole at the time of the first call.
Ridley	Ridley welcomed Irelan as City Manager, and thanked Irelan for the email updates on issues.
	Ridley asked if the providing of internet access could be opened to more than one (1) company; Hayberger replied that it is open; Sheaffer added that many companies find it too expensive to run.
Wilson	Wilson welcomed Irelan as City Manager and thanked her for the email updates.
	Wilson welcomed Koesters to their new facility.
	Wilson gave her opinion that losing dispatch will affect safety services, and thanked the Save The Dispatch Committee for their work.
Heath	Heath welcomed Irelan as City Manager.
Approval Of Bills	Bills and financial reports stand approved as presented with no objections.
Motion To Adjourn	Motion: Ridley Second: Sheaffer To adjourn the meeting.
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Maassel, Helberg, Sheaffer, Marihugh, Comadoll, Wilson, Ridley Nay-

Adjournment

Meeting adjourned at 7:59 pm.

Approved:

John A. Helberg, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

RESOLUTION NO. 035-14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE MAUMEE VALLEY EAST CHIP CONSORTIUM IN ORDER TO SUBMIT AN APPLICATION FOR THE FISCAL YEAR 2014 COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP FUNDS) TO THE OHIO DEVELOPMENT SERVICES AGENCY; AND DECLARING AN EMERGENCY

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974, as amended to date, the Ohio Development Services Agency (ODSA), Office of Community Development, is authorized to provide financial assistance to units of general local government for undertaking and carrying out Community Development activities; and,

WHEREAS, it is provided in such Act that the unit of general local government shall provide a satisfactory assurance prior to submission of its application, that is has: (a) provided citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements; (b) held two public hearings to obtain the views of citizens on community development and housing needs; and (c) provided citizens with an adequate opportunity to participate in the development of the application; and,

WHEREAS, it is desirable and in the public interest that the City of Napoleon, Ohio (hereinafter referred to as the "City"), undertake and carry out community development activities and make available funds for said undertakings; and,

WHEREAS, the City, utilizing the services of Maumee Valley Planning Organization, has held two public hearings on the proposed program on Monday, February 4, 2014 and the second will be Tuesday, May 20, 2014, and has made available to the general public, through the mass media and other sources, information concerning the program; and,

WHEREAS, the members of the City Council have general knowledge of the proposed uses of such funds and are cognizant of the conditions that are imposed in the undertaking and carrying out community development activities and undertaken with federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, sex or national origin;

WHEREAS, the members of the City Council desire to enter into the Maumee Valley East CHIP Consortium and agree that the Henry County Board of Commissioners are the Lead Entity or Grantee representative of the Maumee Valley East CHIP Consortium; Now Therefore,

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

Section 1. That, the Council of the City of Napoleon hereby approves filing an application for financial assistance under the Small Cities Community Development Block Grant Community Housing Improvement Program in the year 2014.

Section 2. That this Council authorizes the City Manager, as official representative of the City of Napoleon, to participate in the State of Ohio, Development Services Agency, Small Cities Community Development Block Grant Community Housing Improvement Program; moreover, upon approval of the City's application, to provide all information and documentation

required in said application for submission and to execute all documents related thereto.

Section 3. That this Council authorizes the City Manager to enter into the Maumee Valley East CHIP Consortium.

Section 4. That, the Council of the City of Napoleon, hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances.

Section 5. 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 6. 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 7. 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 further reason that this legislation must be in effect at the earliest possible time to be eligible to receive funds related to housing, the application is due June 6, 2014; such essential to public peace, health, and safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect at the earliest time permitted by law.

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

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 035-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, ____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

RESOLUTION NO. 036-14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE THE CURRENT CONTRACT AND ENTER INTO A NEW CONTRACT WITH ANTHEM; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon was put on notice that Anthem would be terminating its current contract with the City as of October 15, 2014; and,

WHEREAS, Anthem has offered to enter into a new contract with the City of Napoleon, which has been reviewed and determined to be more advantageous to the City then the current contract; and,

WHEREAS, the Council for the City now desires to enter into the new contract with Anthem; Now therefore,

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

Section 1. That, the City Manager is authorized to terminate the current contract with Anthem and the City Manager is authorized to enter into a new contract with Anthem and the City Manager is authorized to execute any and all documents necessary on behalf of the City, to do so.

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 so that the City can receive the benefit of the more advantageous contract which would effect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg Council President Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 036-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of ______ ____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

RESOLUTION NO. 037-14

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF CONDUCTING THE APPRAISALS FOR PROPERTIES THAT ARE INCLUDED IN THE APPIAN AVENUE PROJECT, AND TO SOLE SOURCE SAID APPRAISALS TO O.R. COLAN ASSOCIATES, AND DECLARING AN EMERGENCY

WHEREAS, the appraisals for the Appian Avenue Project were not included in the Master Bid Ordinance; and,

WHEREAS, due to additional ODOT requirements, the costs to conduct the appraisals for the Appian Avenue Project now exceed \$25,000.00; and,

WHEREAS, there are limited companies that ODOT has approved to conduct such appraisals; therefore, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; Now Therefore,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00, which was not on the Master Bid Ordinance, to conduct appraisals for the properties included in the Appian Avenue Project. Also, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 2. That, the City Manager is authorized to enter into a Contract with O. R. Colan Associates to conduct said appraisals.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because ODOT wants the results as soon as possible which is related to public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed:

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 037-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of ______ ____; & I further certify the compliance with rules established in Chapter 103 of the Codified

Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

ORDINANCE NO. 031-14

AN ORDINANCE TO APPROVE CURRENT JANUARY 2014 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

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

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

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

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

Section 1. That, the ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the January 2014 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

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

Traffic Code

301.04	Bicycle. (Amended
313.03	Traffic Signal Indications. (Amended)
333.01	Driving or Physical Control While Under the Influence. (Amended)
333.03	Maximum Speed Limits. (Amended)
339.01	Oversize or Overweight Vehicle on State Routes. (Amended)
339.03	Maximum Width, Height and Length. (Amended)

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

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

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

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

Passed: _____

Approved: _____

Ronald A. Behm, Mayor

John A. Helberg, Council President

VOTE ON PASSAGE _____ Yea ____ Nay ____ Abstain Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 031-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, ___; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

ORDINANCE NO. 032-14

AN ORDINANCE OF NAPOLEON CITY COUNCIL CHANGING THE ZONING MAP PURSUANT TO 1125.02 OF THE CODIFIED ORDINANCE OF THE CITY OF NAPOLEON TO REFLECT THE AMENDMENT OF THE ZONING CLASSIFICATION FOR PROPERTY LOCATED AT 2269 SCOTT STREET, NAPOLEON, OHIO FROM I-2 OPEN INDUSTRIAL TO C-4 PLANNED COMMERCIAL

WHEREAS, First Federal Bank of the Midwest has successfully filed an application with the City of Napoleon Planning Commission seeking to change the zoning classification of 2269 Scott Street of Napoleon, County of Henry, State of Ohio from I-2 Open Industrial to C-4 Planned Commercial; and,

WHEREAS, the Planning Commission in PC-13-02 did make a recommendation to approve the zoning change; and,

WHEREAS, the Council for the City of Napoleon did, in an open meeting, approve said reclassification, Now Therefore,

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

Section 1. That, the official zone map of the City be amended to reflect the change in zoning classification for 2269 Scott Street, City of Napoleon, County of Henry, State of Ohio from I-2 Open Industrial to C-4 Planned Commercial, said property being a partition of Lot #5 of the MWT subdivision being part of the East half of Section 11, Town -5-North, Range -6- East, Napoleon Twp., City of Napoleon Henry County, Ohio a total of 3.839 acres, as seen on **Exhibit "A"**, which is attached and incorporated herein.

Section 2. That, it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this 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, this Ordinance shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

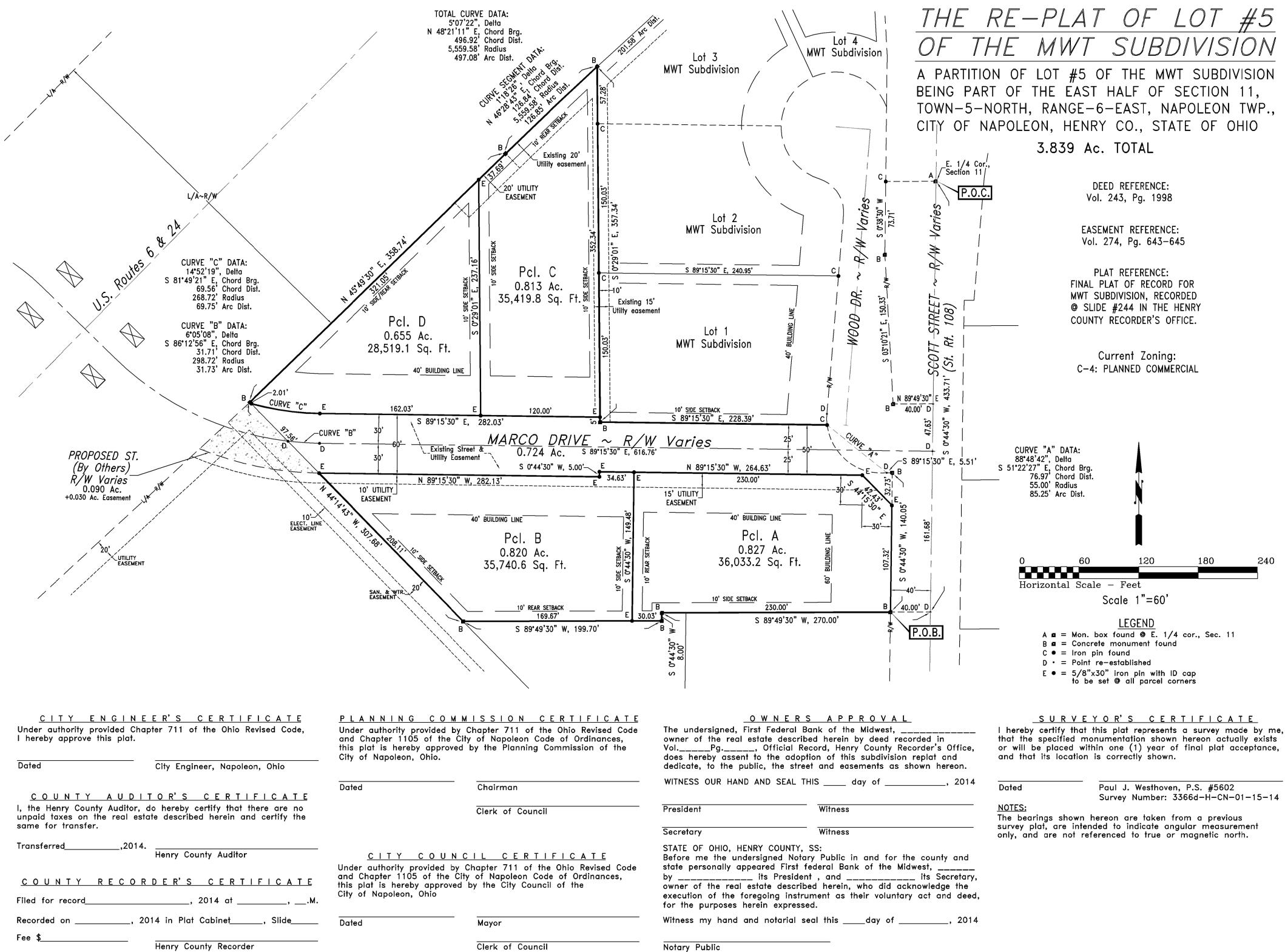
Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea ____ Nay ____ Abstain Attest:

Gregory J. Heath, Clerk/Finance Director

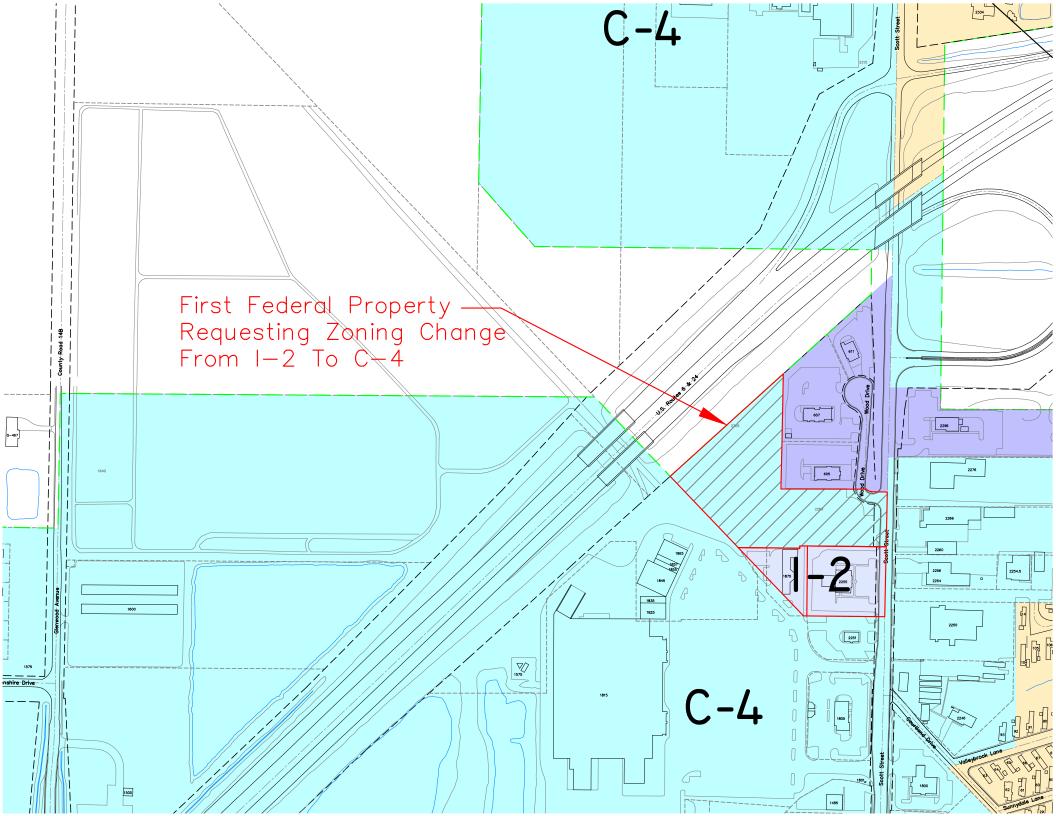
I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 032-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____

_____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.



ident	Witness

DRAWN BY: R.D.S.~NEW DIMENSIONS



RESOLUTION NO. 033-14

A RESOLUTION ADOPTING THE 2015 TAX BUDGET FOR THE CITY OF NAPOLEON, OHIO, AS REQUIRED IN SECTION 5705.28 OF THE ORC AND DIRECTING THE FINANCE DIRECTOR TO FILE THE SAME WITH THE COUNTY AUDITOR

WHEREAS, at least two (2) copies of the Tax Budget have been on file with the Finance Director for public inspection not less than ten (10) days before its adoption; and,

WHEREAS, the Finance and Budget Committee of Council, by and through the Finance Director, has prepared a Tax Budget pursuant to Article II, Sec. 2.13 of the City's Charter; and,

WHEREAS, a Public Hearing will be held on June 2, 2014 concerning this 2015 Tax Budget.

WHEREAS, the 2015 Tax Budget must be adopted on or before July 15th, 2014, now therefore

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

Section 1. That, the City Council of Napoleon, Ohio adopts the 2015 Tax Budget, as required by Section 5705.28 ORC, in the form presented to Council and currently on file in the Office of the Finance Director and marked as the 2015 Tax Budget.

Section 2. That, the Finance Director is hereby directed to file the 2015 Tax Budget with the County Auditor on or before July 20, 2014.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea ____ Nay ____ Abstain Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 033-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of ______ ____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.



CITY OF NAPOLEON, OHIO

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

DATE: April 25, 2014

- TO: Members of City Council; Ronald A. Behm, Mayor Dr. Jon A. Bisher, City Manager, Monica S. Irelan, Acting City Manager, Trevor M. Hayberger, City Law Director All Department/Division Heads
- FROM: Gregory J. Heath, Finance Director/Clerk of Council
- SUBJECT: **2015 Tax Budget & 2015 Appropriation Budget Proposed Schedules** (General Steps and Timetable for Preparation, Submission and Adoption)

The following information outlines the various legal steps and proposed timetables for the preparation, submission and adoption of the <u>2015 Tax Budget</u> and the <u>2015 Appropriation Budget</u>:

TAX BUDGET:

The **Tax Budget**, as adopted and approved by City Council, and then Certified by the County, serves two (2) primary purposes; $\underline{1}^{st}$ is to establish the "need level" for the property tax levied inside the 10 mill limitation as set forth in the Ohio Revised Code (ORC), Sections 5705.01 to 5705.47; the $\underline{2}^{nd}$ is to set the maximum available resources the City may Appropriate in its <u>Annual Appropriation Budget</u>. The **Tax Budget** is adjusted for *Fund Balance Carryover* and *Revised Revenue Estimates* at the end of the year and becomes the basis for the "<u>Official Certificate of Estimated Resources</u>", and is used to determine the Maximum Appropriation level by Fund.

NOTE: In 1998, the County adopted by Resolution a revised procedure pursuant to ORC Section 5705.281 that waves the requirement to file a formal **Tax Budget**. The revised procedure eliminates the need to list all funds and projected expenditures, and only lists *Property Tax Levies* and *Inside 10 Mill Levy* amounts.

Previous to 1998, the **Tax Budget** served to demonstrate the "RELATIVE NEED", following the Statutory Formula in ORC Section 5747.51; for both the <u>Undivided Local Government Fund</u> and <u>Real and Personal Property Taxes</u> levied within the ten (10) mill non-voted limitation.

In Henry County, the Alternate Method (ORC Sections 5747.53 & 5747.63), was adopted to compute the <u>Undivided Local Government Fund Allocation (LGF)</u>. The formula is <u>population based</u> and was formally accepted by all Subdivisions in the County at that time. This process has been used for many years to determine the allocation of LGF funds, and is subject to periodic review and potential change. For the City, the primary function of the current **Tax Budget** is to certify the Inside Ten (10) Mill Property Tax that is levied by the City.

(Tax Budget and Appropriation Budget - Continued Next Page) B-140411-2015-TAX-APP-BUDGET-SCHEDULE Page 1 of 5

(Tax Budget and Appropriation Budget - Continued)

At <u>Year End</u> the <u>Unencumbered (Net) Fund Balance</u> (Cash Balance less Open PO's) plus Revenue Estimates for each respective Fund are Certified to the County by the City. The County Auditor certifies back to the City the <u>First Amended Official Certificate of Estimated Resources</u>.

The City may legally Appropriate Funds <u>Up-To</u> the amount listed on the <u>First Amended Official</u> <u>Certificate of Estimated Resources</u> for each Fund. Adjustments to the <u>First Amended Official</u> <u>Certificate of Estimated Resources</u> may be made only when the <u>Estimated Receipts</u> are exceeded or reduced by an <u>Actual Amount</u>; or, if a <u>New and Unanticipated source of Revenue or Loss of a Current</u> <u>Revenue</u> occurs. (Example: An *Increase* in Water or Sewer Rates, or a New Tax; conversely a *Decrease* in certain sources like Income Tax Revenue, or Interest Earnings, all occurring after submission of the original <u>First Amended Official Certificate of Estimated Resources</u>)

APPROPRIATION BUDGET:

The **Appropriation Budget**, as formally adopted by City Council, establishes the <u>Maximum Allowable</u> <u>Expenditures by *Fund*, *Department and Category* (Personal Services and Other), through the use of Appropriations for the City's Fiscal Year. The **Appropriation Budget** must be passed in either a *Temporary* or *Final* form on or about January 1st of each year. The *Final* Appropriation Budget must be passed no later than March 31st of each respective budgetary year.</u>

The process followed in the development of the **Appropriation Budget** covers both <u>Revenues</u> and <u>Expenditures</u>. The final document will establish detailed revenue and expenditure guidelines and give formal approvals to submitted requests of all <u>City Departments</u>, <u>Divisions</u>, <u>Boards and Commissions</u>.

The **Appropriation Budget** is limited to the amounts Certified by each Fund as listed in the <u>First</u> <u>Amended Official Certificate of Estimated Resources</u>; as may be amended from time to time.

I have attached a Proposed Schedule of Dates for the preparation and adoption of the <u>2015 TAX</u> <u>BUDGET</u> and the <u>2015 APPROPRIATION BUDGET</u>. Some of these dates are statutory (Set by the ORC).

Please call me if you have any questions on the proposed schedule and process for preparing the <u>2015</u> <u>TAX BUDGET</u> and the <u>2015 APPROPRIATION BUDGET</u>.

I can be reached at 419-599-1235.

Thank you.

Gregory J. Heath Finance Director/Clerk of Council

Attachment

TAX BUDGET PROCESS

> April 1, 2014 ORC 5705.28	-	Commission	<i>DRC statutory code</i> , Departments, Divisions, Boards and ns are requested to submit an estimate of contemplated nd Expenditures for 2015 by the 1 st of June.
		NOTE:	This step is <i>Not Necessary</i> with the <i>Alternate Method</i> for the allocation of the Undivided Local Government <u>Fund</u> . Actual Department Budgets receive consideration when they submit their 2015 Appropriation Budgets requests. (See <u>APPROPRIATION BUDGET PROCESS</u> .)
> May 5, 2014 - On or Before 1 st Monday in May			rector is to certify to City Council any amounts necessary to ment for final judgments (if any).
ORC 5705.08		NOTE:	At this time and date, no certification is required for 2015, the City did not have any Final Judgments outstanding.
> May 5, 2014 ORC 5705.28	-		rector to present the 2015 Tax Budget in its tentative y Council for consideration and study.
ORC 5705.281		NOTE:	Only the inside ten (10) mill limit allocation is presented. at this time. ORC 5747.53 & 5747.63 allows an alternate method or formula to be adopted, this was done in 1998. In turn, this allows County Budget Commission to waive the requirement of a formal full "Tax Budget".
> May 5, 2014 ORC 5705.28	-	First (1 st) R	ead on Resolution to Adopt the 2015 Tax Budget.
> May 5, 2014 ORC 5705.30	-	Director and	D15 Tax Budget (2 Copies) on File with the Finance d City Council, minimum of ten (10) days prior to adoption days prior to a required <u>Public Hearing</u> . NLT -05/22/2014.
		NOTE:	Council is requested to set a <u>Public Hearing</u> for <u>Monday</u> , <u>June 2, 2014</u> , on the 2015 Tax Budget .
> May 19, 2014 ORC 5705.28	-	2 nd Read on	Resolution to Adopt the 2015 Tax Budget.
ORC 5705.28 > May 22, 2014 On or Before	-	Publication	of <u>Public Hearing Notice</u> for meeting on June 2 nd for a ring on 2015 Tax Budget as established by City Council.
ORC 5705.28 > May 22, 2014	-	Publication	of <u>Public Hearing Notice</u> for meeting on June 2 nd for a

NOTE: <u>Not Normally Requested at this Time</u>.

(Tax Budget Process - Continued Next Page) B-140411-2015-TAX-APP-BUDGET-SCHEDULE Page 3 of 5

(Tax Budget Process - Continued)

> June 2, 2014 ORC 5705.30	- P	Public Hearing on 2015 Tax Budget.					
> June 2, 2014 ORC 5705.28	- 3	r ^d Read on Resolution to Adopt the 2015 Tax Budget.					
> July 2, 2014 ORC 5705.28		Effective Date of Resolution to Adopt the 2015 Tax Budget. 2015 Tax Budget must be adopted on or before July 15, 2014					
> July 15, 2014 On or Before ORC 5705.28		2015 Tax Budget must be adopted by City Council on or before this late.					
> July 20, 2014 On or Before ORC 5705.30		2015 Tax Budget must be submitted to the County Auditor on or before this date.					
ORC 5705.50	Ν	NOTE: The statutory penalty for failure to meet these time frames shall result in the LOSS of the City's share of the Undivided Local Government Fund .					
> September 1, 2014 On or Before ORC 5705.27-34	<u>C</u> in a	The County Budget Commission shall certify back to the City the Official Certificate of Estimated Resources . This certification includes an estimate of the rate of each tax necessary to be levied, and the apportionment of the Year 2015 Undivided Local Government Fund to the City.					
> September 2, 2014 or September 15, 2014 ORC 5705.34	<u>1</u> 2	City Council to authorize <i>Ist Read on Resolution</i> the <u>Inside 10 Mill Tax</u> <u>Levies</u> listed in the 2015 Tax Budget , and <u>Special Assessments</u> for the 2014 Tax Duplicate , collected in 2015. These amounts must be certified back to the County Auditor on or before October 1, 2014 per the ORC .					
> September 15, 2014 - ORC 5705.34	to <u>S</u> T	<i>Read (and Passage with <u>Suspension</u> and <u>Emergency</u>) on Resolution o Adopt the <u>Inside 10 Mill Tax Levies</u> listed in the 2015 Tax Budget, and <u>Special Assessments</u> for the 2014 Tax Duplicate, collected in 2015. These amounts must be certified back to the County Auditor on or before October 1, 2014.</i>					
	N	NOTE: <u>Suspension</u> and <u>Emergency</u> are required on the Resolution in order to meet the ORC imposed date of October 1.					
> October 1, 2014 On or Before ORC 5705.34	2	City must certify back to the County Auditor amounts listed in the 2015 Tax Budget for the <i>Inside 10 Mill Tax Levies</i> , including any <i>Special Assessments</i> for the 2014 Tax Duplicate , amounts collected in 2015.					

APPROPRIATION BUDGET PROCESS

> August 4, 2014 -	Departments, Divisions, Boards and Commissions should be notified by the City Manager and Finance Director to prepare and submit by <u>September 2, 2014</u> , their detailed 2015 Appropriation Budget Requests on the forms provided.					
	NOTE: <u>Personal Service and Debt Information</u> will be provided to all Departments, Divisions, Boards and Commissions by the Finance Department. The <u>Other Category</u> requests are those prepared by Department/Division Heads.					
> September 2, 2014 -	Departments, Divisions, Boards and Commissions to submit their 2015 Appropriation Budget Requests to the City Manager.					
> September 2, 2014 - to October 2, 2014	City Manager to review the 2015 Appropriation Budget Requests with the Departments/Divisions and prepare Council presentation.					
> October 6, 2014 - to November 17, 2014 Charter Sec. 2.13	City Manager to review the 2015 Appropriation Budget Requests with the Finance and Budget Committee of City Council .					
Charter Sec. 2.15	NOTE: F & B Committee to schedule Budget Reviews as needed.					
> November 24, 2014 - Charter Sec. 2.13	Final changes to the 2015 Appropriation Budget Requests made by <u>Finance and Budget Committee of City Council</u>.					
> December 1, 2014 or- December 15, 2014 Charter Sec. 2.13	Mayor presents 2015 Appropriation Budget to City Council as recommended by the <u>Finance and Budget Committee of City</u> <u>Council</u> . (This is required by <i>City Charter</i> .)					
> December 2, 2014 or- December 15, 2014 ORC 5705.38	City Council to adopt <i>Temporary</i> or <i>Final</i> 2015 Appropriation Budget. <i>Ist Read on 2015 Appropriation Ordinance and Transfer Resolution</i> to adopt the 2015 Appropriation Budget.					
> December 15, 2014 or- December 22, 2014 ORC 5705.38	2 nd Read (and Passage with <u>Suspension</u> and <u>Emergency</u>) on 2015 Appropriation Ordinance and Transfer Resolution to adopt the 2015 Appropriation Budget. (Special Meeting December 22, if Necessary.)					
	NOTE: <u>Suspension</u> and <u>Emergency</u> are required on the Resolution in order to meet the ORC imposed date of January 1.					
> January 1, 2015 On or About ORC 5705.36	City Council must adopt a <i>Temporary</i> or <i>Final Budget</i> . The Finance Director must certify to the County Auditor the actual <u>Unencumbered</u> <u>Balances of each Fund</u> .					
> January 31, 2015 - ORC 5705.36	County Auditor certifies the First Official Amended Certificate of Estimated Resources for 2015 to the City.					
> March 31, 2015 - On or Before ORC 5705.38	City Council must have passed the <i>Final 2015 Appropriation</i> <i>Budget</i> , if not already passed.					
· · ··································	Statit II i the second for the Very 2016 D 1 i					



Department of Treasury Internal Revenue Service Ogden UT 84201-0074

Notice	CP152A			
Tax period	December 31, 2013			
Notice date	November 25, 2013			
Employer ID number	34-6400941			
To contact us	Phone 1-877-829-5500			
	FAX 801-620-5670			

Page 1 of 2



18707

CITY OF NAPOLEON OHIO 255 W RIVERVIEW AVE NAPOLEON OH 43545

Acknowledgment of your December 1, 2013 Form 8038-CP and notice of reduction to your credit payment We received your tax-advantaged bond form

This notice serves as official acknowledgment	Tax-advantaged bond information				
that we received your Form 8038-CP. If you filed more than one form, you will receive a separate	Bond issuer	CITY OF NAPOLEON OHIO			
acknowledgment for each one.	Name of issue	SEWER SYSTEM IMPROVEMENT REVENUE BO			
acknowledginent for each one.	Address	255 W RIVERVIEW AVE			
		NAPOLEON OH 43545			
	CUSIP number	630721AQ1			
	Issue date	July 20, 2010			
	Interest payment date	December 1, 2013			
	Credit interest payment	\$39,906.57			
	IRS report number	800			
	Internal Revenue Code section 6431 applicable to certain qualified bonds. As a result, your refundable credit payment will be reduced by 7.2%. The sequestration reduction rate will be applied until the end of the fiscal year (September 30, 2014) or intervening Congressional action, at which time the sequestration rate is subject to change.				
Important reminders	 this tax-advantaged bond. If a tax practitioner or someon a copy of this notice. (A copy authorized with a Power-of-A 	designated a trustee to receive your credit payment,			



Department of Treasury Internal Revenue Service Ogden UT 84201-0074

Notice	CP152A
Tax period	June 30, 2013
Notice date	May 13, 2013
Employer ID number	34-6400941
To contact us	Phone 1-877-829-5500
	FAX 801-620-5670

Page 1 of 2

CITY OF NAPOLEON OHIO 255 W RIVERVIEW AVE NAPOLEON OH 43545

1051

Acknowledgment of your June 1, 2013 Form 8038-CP and notice of reduction to your credit payment We received your tax-advantaged bond form

This notice serves as official acknowledgment	Tax-advantaged bond information				
that we received your Form 8038-CP. If you filed more than one form, you will receive a separate	Bond issuer	CITY OF NAPOLEON OHIO			
acknowledgment for each one.	Name of issue	SEWER SYSTEM IMPROVEMENT REVENUE BO			
acknowledgment for each one.	Address	255 W RIVERVIEW AVE			
		NAPOLEON OH 43545			
	CUSIP number	630721AQ1			
	Issue date	July 20, 2010			
	Interest payment date	June 1, 2013			
	Credit interest payment	\$39,906.57			
	IRS report number	800			
	Internal Revenue Code section 6431 applicable to certain qualified bonds. As a result, your refundable credit payment will be reduced by 8.7%. The sequestration reduction rate will be applied until the end of the fiscal year (September 30, 2013) or intervening Congressional action, at which time the sequestration rate is subject to change.				
Important reminders	 this tax-advantaged bond. If a tax practitioner or someon a copy of this notice. (A copy authorized with a Power-of-A 	designated a trustee to receive your credit payment,			

06/29/2010 Sewer Revenue RZEDBs Bonds

City of Napoleon, Ohio

Sewer Revenue - RZEDBs - Baird bid \$2,535,000 Principal Issued Debt Service Schedule

Date	Annual Principal	Coupon Interest Rate	Annual Interest	Total P+I Excluding Federal Subsidy	Federal Subsidy @ 45% on Interest	Actual Federal Subsidy Received	Actual Federal Subsidy Percentage % Paid	Dollar Difference Due To Sequestration	Percentage % (Reduction) to Interest Subsidy	Net Total P+I Projected Paid b City
12/01/2010	\$0.00	-	\$0.00	\$0.00	(\$29,681.73)	\$29,681.73	-100.0000%	\$0.00	0.0000%	(\$29,681.7
12/01/2011	\$20,000.00	6.000%	\$247,221.91	\$267,221.91	(\$81,568.12)	\$81,568.12	-100.0000%	\$0.00	0.0000%	\$185,653.7
12/01/2012	\$45,000.00	6.000%	\$180,062.50	\$144,034.38	(\$81,028.12)		-99.5268%	(\$383.44)	-0.4732%	\$63,389.7
12/01/2013	\$45,000.00	6.000%	\$177,362.50	\$142,549.38	(\$79,813.12)		-92.0525%	(\$6,343.16)	-7.9475%	\$69,079.4
12/01/2014	\$45,000.00	6.000%	\$174,662.50	\$141,064.38	(\$78,598.12)	× ·	-92.8000%	(\$5,659.06)	-7.2000%	\$68,125.3
12/01/2015	\$45,000.00	6.000%	\$171,962.50	\$139,579.38	(\$77,383.12)		-92.8000%	(\$5,571.58)	-7.2000%	\$67,767.8
12/01/2016	\$50,000.00	6.000%	\$169,262.50	\$143,094.38	(\$76,168.12)		-92.8000%	(\$5,484.10)	-7.2000%	\$72,410.3
12/01/2017	\$50,000.00	6.000%	\$166,262.50	\$141,444.38	(\$74,818.12)	2	-92.8000%	(\$5,386.90)	-7.2000%	\$72,013.
12/01/2018	\$55,000.00	6.000%	\$163,262.50	\$144,794.38	(\$73,468.12)	\$68,178.42	-92.8000%	(\$5,289.70)	-7.2000%	\$76,615.
12/01/2019	\$55,000.00	6.000%	\$159,962.50	\$142,979.38	(\$71,983.12)	\$66,800.34	-92.8000%	(\$5,182.78)	-7.2000%	\$76,179
12/01/2020	\$55,000.00	6.000%	\$156,662.50	\$141,164.38	(\$70,498.12)		-92.8000%	(\$5,075.86)	-7.2000%	\$75,742
12/01/2021	\$60,000.00	7.250%	\$153,362.50	\$144,349.38	(\$69,013.12)		-92.8000%	(\$4,968.94)	-7.2000%	\$80,305
12/01/2022	\$65,000.00	7.250%	\$149,012.50	\$146,956.88	(\$67,055.62)	2	-92.8000%	(\$4,828.00)	-7.2000%	\$84,729
12/01/2023	\$65,000.00	7.250%	\$144,300.00	\$144,365.00	(\$64,935.00)		-92.8000%	(\$4,675.32)	-7.2000%	\$84,105
12/01/2024	\$70,000.00	7.250%	\$139,587.50	\$146,773.13	(\$62,814.37)	\$58,291.74	-92.8000%	(\$4,522.63)	-7.2000%	\$88,481
12/01/2025	\$70,000.00	7.250%	\$134,512.50	\$143,981.88	(\$60,530.62)	1	-92.8000%	(\$4,358.20)	-7.2000%	\$87,809
12/01/2026	\$75,000.00	7.250%	\$129,437.50	\$146,190.63	(\$58,246.87)		-92.8000%	(\$4,193.77)	-7.2000%	\$92,137
12/01/2027	\$80,000.00	7.250%	\$124,000.00	\$148,200.00	(\$55,800.00)	1	-92.8000%	(\$4,017.60)	-7,2000%	\$96,417.
12/01/2028	\$85,000.00	7.250%	\$118,200.00	\$150,010.00	(\$53,190.00)		-92.8000%	(\$3,829.68)	-7.2000%	\$100,649
12/01/2029	\$90,000.00	7.250%	\$112,037.50	\$151,620.63	(\$50,416.87)	-	-92.8000%	(\$3,630.01)	-7.2000%	\$100,043.
12/01/2030	\$95,000.00	7.250%	\$105,512.50	\$153,031.88	(\$47,480.62)		-92.8000%	(\$3,418.60)	-7.2000%	\$108,969
12/01/2031	\$100,000.00	7.500%	\$98,625.00	\$154,243.75	(\$44,381.25)		-92.8000%	(\$3,195.45)	-7.2000%	\$113,057
12/01/2032	\$105,000.00	7.500%	\$91,125.00	\$155,118.75	(\$41,006.25)		-92.8000%		-7.2000%	\$113,057
12/01/2033	\$110,000.00	7.500%	\$83,250.00	\$155,787.50	(\$37,462.50)		-92.8000%	(\$2,697.30)	-7.2000%	\$121,022
12/01/2034	\$120,000.00	7.500%	\$75,000.00	\$161,250.00	(\$33,750.00)	1	-92.8000%		-7.2000%	\$121,022 \$129,930
12/01/2035	\$125,000.00	7.500%	\$66,000.00	\$161,300.00	(\$29,700.00)		-92.8000%	,	-7.2000%	1
12/01/2036	\$135,000.00	7.500%	\$56,625.00	\$166,143.75	1		-92.8000%	,	-7.2000%	\$133,738
12/01/2037	\$140,000.00	7.500%	\$46,500.00	\$165,575.00	(\$20,925.00)		-92.8000%		-7.2000%	
12/01/2038	\$150,000.00	7.500%	\$36,000.00	\$169,800.00	(\$16,200.00)	· -	-92.8000%		-7.2000%	
12/01/2039	\$160,000.00	7.500%	\$24,750.00	\$173,612.50	1		-92.8000%			
12/01/2040	\$170,000.00	7.500%	\$12,750.00				-92.8000%	. ,	-7.2000% -7.2000%	

== 2014 through 2040 Assumes a 7.2% Subsidy Reduction ==

Total	FO FOF 000 00									
Totai	\$2,535,000,00	-	\$3,667,271,91	\$4,663,249,49	/1 CEO 070 071	#4 5 () 0 10 00				
999994 brownia			40,001,271.01	\$4,00J,243,43	(1,650,272.27)	\$1,544,316.69	<i>-93.5795%</i>	(105,955.58)	-6.4205%	\$3,118,932.80
								(100,000.00)	-0.420376	49,110,302.00

RESOLUTION NO. 034-14

A RESOLUTION URGING THE ADMINISTRATION AND THE CONGRESS OF THE UNITED STATES TO REJECT EFFORTS TO TAX THE INTEREST ON MUNICIPAL BONDS OR OTHERWISE ALTER THE FEDERAL TAX TREATMENT OR FUNDAMENTAL STRUCTURE OF MUNICIPAL BONDS

WHEREAS, tax-exempt bonds are the basic tool used by states, cities, counties, towns, universities, school districts, and other governmental entities to fund public purpose projects necessary to provide needed infrastructure and services; and,

WHEREAS, municipal bonds are celebrating a century of success as essential financing mechanisms that have been exempt from federal taxation since 1913; and,

WHEREAS, today, three-quarters of the infrastructure investment in the U.S. is financed by state and local government bonds, including roads, bridges, sewers, hospitals, libraries, schools, town halls, police stations, electric and gas infrastructure for public power utilities, and other government purpose investments made by state and local governments; and,

WHEREAS, every year, on average, public power utilities nationwide make \$15 billion in new investments financed with municipal bonds for power generation, distribution, transmission, reliability, demand control, efficiency, and emissions controls, all of which are needed to deliver safe, affordable, and reliable electricity to customers; and,

WHEREAS, the ability of these governmental entities to issue tax-exempt bonds so that they are attractive to investors is essential to the daily life of hundreds of millions of Americans; and,

WHEREAS, pressure to reduce the federal budget deficit has resulted in an ongoing review by Congress and the Administration of nearly all federal tax and spending programs, including tax-exempt financing; and,

WHEREAS, contrary to the perception that tax-exempt bonds only benefit high net-worth individuals, more than half of all municipal bond interest paid to individuals is earned by those with income of less than \$250,000; and,

WHEREAS, proposals to tax the interest on municipal bonds for some taxpayers would also likely alter the ability of state and local governments to access cost-effective financing, jeopardizing essential infrastructure projects nationwide that would benefit all citizens, not just those in the higher-income brackets; and

WHEREAS, tax credit and direct payment bonds would offer a poor substitute for traditional tax-exempt financing because they lack certainty and do not generally appeal to traditional municipal bond investors, including those who participate in the market through mutual funds; and,

WHEREAS, reductions in the availability of tax-exempt financing to municipal governments, or increases in their cost of issuing tax-exempt bonds,

would impose significant fiscal injury on these local governments and seriously impair their ability to maintain essential safety and services for their citizens; and,

WHEREAS, the loss of tax exempt financing would likely force local governments to significantly increase income taxes and utility rates, and therefore impose serious negative financial hardships on lower and middle-class families in municipal electric communities, **Now therefore:**

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

Section 1. That the City of Napoleon, Ohio urges the Administration and the Congress of the United States to reject efforts to tax the interest on municipal bonds or otherwise alter the federal tax treatment or fundamental structure of municipal bonds.

Section 2. That a copy of this Resolution shall be sent to the City of Napoleon's U.S. congressional delegation and the President of the United States.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE	Yea	Nay	Abstain
Attest:			

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 034-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____

_____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 026-14

AN ORDINANCE AMENDING RULES 6 AND 8 OF THE CITY OF NAPOLEON RULES FOR WATER AND SEWER SERVICE TO ADOPT A REVISED RULE REGARDING SEWER LATERAL RESPONSIBILITY

WHEREAS, the Board of Public Affairs and the Water and Sewer Committee met in a regular meeting held on April 14, 2014, and reviewed proposed changes to the Water and Sewer Rules regarding the responsibility of sewer lateral repair and maintenance; and

WHEREAS, the Board of Public Affairs and the Water and Sewer Committee recommended that the maintenance of a sewer lateral, regardless of the location of the maintenance should be the responsibility of the customer and that any repair of a sewer lateral from the structure to the right of way is the responsibility of the customer, but any repair at or between the right of way and the main shall be the responsibility of the City; Now Therefore,

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

Rule 1 That, Rule 6 of the of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

"RULE 6 RESIDENTIAL SEWAGE SERVICE

Rule 6.1 Availability Of Residential Sewage Service

- (A) Residential service for sewage (also known as "residential sewer service") is available to persons having a premises that qualifies for "residential service". Such service shall be considered available to the premises when the premises is located within the corporate limits of the City and where public sanitary sewer lines are installed within two hundred (200') feet of a building or structure foundation wall that is to be served on the residential premises.
- (B) The sewer service line and tap shall be installed by property owner at property owner's expense and the complete installation shall conform to City's standards and inspection requirement. No sanitary sewer connections will be permitted until the tap charge, as prescribed by the City, has been paid in full to the City.

Rule 6.2 Residential Rate

- (A) The residential sewer rate is the charge as established by the City, and is amended from time to time, and is applicable for any sanitary sewage discharged to the City's wastewater treatment works by residential users as defined in these rules.
- (B) For rate classification purposes, sewage service will be classified the same as customer's water service; however, where sewage is discharged as provided for in provision (C) of this subsection, then

the rate shall be same as if the customer was utilizing the City's water service.

- (C) Where sewage is discharged into the City's sewage system and water is obtained from a source other than from the City, property owner will be required to install, at property owner's own expense, suitable metering equipment, to be approved by the City that will accurately determine the amount of sewage being discharged into the City's system.
- (D) The total cost of maintenance for repair of existing or future sanitary service line shall be borne by the property owner.
 Property owner's responsibility shall be from the point in which the building is tapped from the City main to the terminus point.

DETERMINATION OF RESPONSIBILITY OF SEWER LATERAL: IT IS THE OVERALL INTENT OF THIS RULE FOR THE CITY OF NAPOLEON TO ASSIST AND WORK WITH THE customer PROPERTY OWNER DURING THIS PROCESS IN A CUSTOMER FRIENDLY MANNER.

- 1. ANY AND ALL MAINTENANCE OF THE CUSTOMER'S SEWER LATERAL IS THE RESPONSIBILITY OF THE customer-PROPERTY OWNER, REGARDLESS OF THE LOCATION OF THE MAINTENANCE (FOR EXAMPLE, ANY MAINTENANCE SUCH AS CLEANING OUT ROOTS IS THE FULL RESPONSIBILITY OF THE customer-PROPERTY OWNER, EVEN IF SAID ROOTS ARE IN THE SEWER LATERAL BETWEEN THE RIGHT OF WAY AND THE MAIN.)
- 2. THE CITY WILL COMPENSATE THE customer PROPERTY OWNER IF THE UNDERTAKING IS A REPAIR, NOT MAINTENANCE, AND THE REPAIR IS LOCATED AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN.
- 3. IF A customer PROPERTY OWNER BELIEVES THERE IS AN ISSUE WITH THE OPERABILITY OF THE SEWER LATERAL, IT IS THE RESPONSIBILITY OF THE customer PROPERTY OWNER TO PROVE TO THE CITY THAT A REPAIR IS NECESSARY AND THAT SAID REPAIR IS AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN.
- 4. ONCE IT HAS BEEN ESTABLISHED, AND THE CITY ACKNOWLEDGES IN WRITING THAT A REPAIR IS NECESSARY AND THAT SAID REPAIR IS AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN, THEN THE CUSTOMER HAS SEVERAL OF OPTIONS:

- A. THE CITY OR A CONTRACTOR ACTING ON THE CITY'S BEHALF MAY PERFORM THE REPAIRS.
- B. THE Customer PROPERTY OWNER MAY HIRE A CONTRACTOR TO PERFORM THE REPAIR, SUBJECT TO THE PERMITS, INSPECTION, AND ADHERENCE TO THE CITY OF NAPOLEON'S RULES AND REGULATIONS, THE WATER AND SEWER RULES, AND ANY OTHER STATE OR FEDERAL RULES OR REGULATIONS.
- C. (WITH THE CITY OF NAPOLEON'S ENGINEER'S EXPRESS WRITTEN APPROVAL) Customer PROPERTY OWNER MAY DO THE REPAIR THEMSELVES, IT IS THE RESPONSIBILITY OF THE customer PROPERTY OWNER TO MAKE SURE THAT THEY HAVE ALL OF THE PROPER PERMITS AND INSPECTIONS CONDUCTED FOR THE REPAIR. ALL REPAIRS MUST BE DONE ACCORDING TO THE CITY OF NAPOLEON'S RULES AND REGULATIONS, THE WATER AND SEWER RULES, AND ANY OTHER STATE OR FEDERAL RULES OR REGULATIONS.
- 5. THE CITY WILL ONLY COMPENSATE THE customer PROPERTY OWNER FOR ANY REPAIRS AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN, IF IT IS LATER DISCOVERED THAT THE REPAIR WAS NOT AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN THE CITY MAY BILL THE PROPERTY OWNER, AND THE customer PROPERTY OWNER WOULD BE LIABLE TO THE CITY, FOR ANY COMPENSATION OR WORK PERFORMED THAT WAS NOT IN THE PROPER AREA.
- 6. ONCE THE CITY ACKNOWLEDGES IN WRITING THAT THE REPAIR IS NECESSARY AND IS IN THE PROPER AREA FOR COMPENSATION, THE CITY HAS THE RIGHT TO PRIORITIZE PERFORMING SAID REPAIR, TAKING INTO CONSIDERATION SEVERAL FACTORS, INCLUDING BUT NOT LIMITED TO: TIME, AVAILABILITY OF RESOURCES, AVAILABILITY OF WORKERS, AVAILABILITY OF FUNDS, BUDGET CONSIDERATIONS, THE SEVERITY OF DAMAGE TO THE SEWER LATERAL IN COMPARISON TO OTHER DAMAGED SEWER

LATERALS, AND THE SEVERITY OF DAMAGE THAT COULD BE CAUSED BY THE DAMAGED SEWER LATER IN COMPARISON TO OTHER SEWER LATERALS IN NEED OF REPAIR. NOTHING IN THIS RULE CREATES A RIGHT OF THE customer PROPERTY OWNER TO DEMAND PERFORMANCE AND NOTHING IN THIS RULE OBLIGATES THE CITY TO UNDERTAKE THE REPAIR, OTHER THAN THE PRIORITIZING MENTIONED ABOVE.

- 7. FOR PURPOSES OF THIS RULE THE FOLLOWING DEFINITIONS APPLY:
 - A. MAINTENANCE: THE GENERAL MAINTENANCE AND UPKEEP OF A SEWER LATERAL IS MAINTENANCE AND SHALL INCLUDE, BUT NOT LIMITED TO, ITEMS SUCH AS AUGERING OR SNAKING OF THE LINE, CLEAN OUT OF ANY BLOCKAGES, AND ANY OTHER TREATMENT OF THE LINE THAT COULD BE DONE TO RESOLVE THE SITUATION SHORT OF REPLACEMENT OF ANY PIPE OR LINE.
 - B. REPAIR: DAMAGE THAT IS SO CATASTROPHIC THAT THE ONLY OPTION IS REPLACEMENT OF ANY SECTION OF THE PIPE OR LINE.

Rule 6.3 Direct Connection To Sanitary Sewer Required

- (A) Where sewage is being discharged, and where sewage service is available to property owners, a direct connection shall be made to the sanitary sewer within ninety (90) days of the effective date of these Rules; and any septic tanks, cesspools and similar private wastewater disposal facilities are prohibited where sewage service is available (see *VIOLATION* section).
- (B) The owners of all houses, buildings, structures or properties used for human occupancy or other purposes, or other buildings which qualifies for residential rates, situated within the City and abutting on any street, alley, or right-of-way in which there is not located a public sanitary or combined sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities therein directly with the proper public sewer in accordance with the provisions of these Rules and other applicable law, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200') feet of the building or structure foundation wall that is to be served on the premises (see *VIOLATION* section)."

Section 2. That, Rule 8 of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

"RULE 8 NONRESIDENTIAL SEWAGE SERVICE

Rule 8.1 Availability Of Nonresidential Sewage Service

- (A) Nonresidential sewage service (also known as "commercial or industrial sewer service") is available to persons having a premises that qualifies for "commercial or industrial service". Such service shall be considered available to the premises when the premises is located within the corporate limits of the City and where public sanitary sewer lines are installed within two hundred (200') feet of a building or structure foundation wall that is to be served on the commercial or industrial (nonresidential) premises.
- (B) The sewer service line and tap shall be installed by property owner at property owner's expense and the complete installation shall conform to City's standards and inspection requirements. No sanitary sewer connections will be permitted until the tap charge and if applicable, the connection charge, both as prescribed by the City, has been paid in full in advance to the City.

Rule 8.2Commercial Or Industrial Rate

- (A) The commercial or industrial rate is the charge applicable for sanitary processing of commercial and industrial and other waste resulting from use of water from the City's water system by commercial, industrial and all other classes of service not provided for in the residential rate as established by the City and as may be amended from time to time.
- (B) For rate classification purposes, sewage service will be classified the same as customer's water service; however, where sewage is discharged as provided for in provision (C) of this subsection, then the rate shall be same as if the customer was utilizing the City's water service.
- (C) Where sewage is discharged into the City's sewage system and water is obtained from a source other than from the City, property owner will be required to install, at property owner's own expense, suitable metering equipment, to be approved by the City that will accurately determine the amount of sewage being discharged into the City's system.

(D) The total cost of maintenance for repair of existing or future sanitary service line shall be borne by the property owner.

DETERMINATION OF RESPONSIBILITY OF SEWER LATERAL: IT IS THE OVERALL INTENT OF THIS RULE FOR THE CITY OF NAPOLEON TO ASSIST AND WORK WITH THE customer PROPERTY OWNER DURING THIS PROCESS IN A CUSTOMER FRIENDLY MANNER.

- 1. ANY AND ALL MAINTENANCE OF THE customer's PROPERTY OWNER'S SEWER LATERAL IS THE RESPONSIBILITY OF THE customer-PROPERTY OWNER, REGARDLESS OF THE LOCATION OF THE MAINTENANCE (FOR EXAMPLE, ANY MAINTENANCE SUCH AS CLEANING OUT ROOTS IS THE FULL RESPONSIBILITY OF THE customer PROPERTY OWNER, EVEN IF SAID ROOTS ARE IN THE SEWER LATERAL BETWEEN THE RIGHT OF WAY AND THE MAIN.)
- 2. THE CITY WILL COMPENSATE THE customer PROPERTY OWNER IF THE UNDERTAKING IS A REPAIR, NOT MAINTENANCE, AND THE REPAIR IS LOCATED AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN.
- 3. IF A customer PROPERTY OWNER BELIEVES THERE IS AN ISSUE WITH THE OPERABILITY OF THE SEWER LATERAL, IT IS THE RESPONSIBILITY OF THE customer PROPERTY OWNER TO PROVE TO THE CITY THAT A REPAIR IS NECESSARY AND THAT SAID REPAIR IS AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN.
- 4. ONCE IT HAS BEEN ESTABLISHED AND THE CITY ACKNOWLEDGES IN WRITING THAT A REPAIR IS NECESSARY AND THAT SAID REPAIR IS AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN, THEN THE CUSTOMER HAS SEVERAL OF OPTIONS:
 - A. THE CITY OR A CONTRACTOR ACTING ON THE CITY'S BEHALF MAY DO THE REPAIRS.
 - B. THE Customer PROPERTY OWNER MAY HIRE A CONTRACTOR TO PERFORM THE REPAIR, SUBJECT TO THE PERMITS, INSPECTION, AND ADHERENCE TO THE CITY OF NAPOLEON'S RULES AND REGULATIONS, THE WATER AND SEWER RULES, AND ANY

OTHER STATE OR FEDERAL RULES OR REGULATIONS.

- C. (WITH THE CITY OF NAPOLEON'S ENGINEER'S EXPRESS WRITTEN APPROVAL) Customer PROPERTY OWNER MAY PERFORM THE REPAIR THEMSELVES. IT IS THE RESPONSIBILITY OF THE customer PROPERTY OWNER TO MAKE SURE THAT THEY HAVE ALL OF THE PROPER PERMITS AND INSPECTIONS CONDUCTED FOR THE REPAIR. ALL REPAIRS MUST BE DONE ACCORDING TO THE CITY OF NAPOLEON RULES AND REGULATIONS, THE WATER AND SEWER RULES, AND ANY OTHER STATE OR FEDERAL RULES OR REGULATIONS.
- 5. THE CITY WILL ONLY COMPENSATE THE customer PROPERTY OWNER FOR ANY REPAIRS AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN, IF IT IS LATER DISCOVERED THAT THE REPAIR WAS NOT AT OR BETWEEN THE RIGHT OF WAY AND THE MAIN THE CITY MAY BILL, AND THE customer PROPERTY OWNER WOULD BE LIABLE TO THE CITY, FOR ANY COMPENSATION OR WORK PERFORMED THAT WAS NOT IN THE PROPER AREA.
- **ONCE THE CITY ACKNOWLEDGES IN WRITING** 6. THAT THE REPAIR IS NECESSARY AND IS IN THE **PROPER AREA FOR COMPENSATION, THE CITY HAS** THE RIGHT TO PRIORITIZE PERFORMING SAID **REPAIR TAKING INTO CONSIDERATION SEVERAL** FACTORS, INCLUDING BUT NOT LIMITED TO: TIME, AVAILABILITY OF RESOURCES, AVAILABILITY OF WORKERS, AVAILABILITY OF FUNDS, BUDGET CONSIDERATIONS, THE SEVERITY **OF DAMAGE TO THE SEWER LATERAL IN COMPARISON TO OTHER DAMAGED SEWER** LATERALS, AND THE SEVERITY OF DAMAGE THAT **COULD BE CAUSED BY THE DAMAGED SEWER** LATER IN COMPARISON TO OTHER SEWER LATERALS IN NEED OF REPAIR. NOTHING IN THIS **RULE CREATES A RIGHT OF THE customer PROPERTY OWNER TO DEMAND PERFORMANCE** AND NOTHING IN THIS RULE OBLIGATES THE CITY TO UNDERTAKE THE REPAIR, OTHER THAN THE **PRIORITIZING MENTIONED ABOVE.**

7. FOR PURPOSES OF THIS RULE THE FOLLOWING DEFINITIONS APPLY:

- A. MAINTENANCE: THE GENERAL MAINTENANCE AND UPKEEP OF A SEWER LATERAL IS MAINTENANCE AND SHALL INCLUDE, BUT NOT LIMITED TO, ITEMS SUCH AS AUGERING OR SNAKING OF THE LINE, CLEAN OUT OF ANY BLOCKAGES, AND ANY OTHER TREATMENT OF THE LINE THAT COULD BE DONE TO RESOLVE THE SITUATION SHORT OF REPLACEMENT OF ANY PIPE OR LINE.
- B. REPAIR: DAMAGE THAT IS SO CATASTROPHIC THAT THE ONLY OPTION IS REPLACEMENT OF ANY SECTION OF THE PIPE OR LINE.

Rule 8.3 Direct Connection To Sanitary Sewer Required

- (A) Where sewage is being discharged and where sewage service is available to property owners, a direct connection shall be made to the sanitary sewer within ninety (90) days of the effective date of these Rules; and any septic tanks, cesspools and similar private wastewater disposal facilities are prohibited where sewage service is available (see *VIOLATION* section).
- (B) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, or other buildings which qualify for commercial or industrial rates, situated within the City and abutting on any street, alley, or right-of-way in which there is not located a public sanitary or combined sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities therein directly with the proper public sewer in accordance with the provisions of these Rules and other applicable law, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200') feet of a building or structure foundation wall that is to be served on the premises (see *VIOLATION* section).

Rule 8.4 Multiple Establishments

Shall be applied in the same manner stated in Rule 3.3 (nonresidential water service/multiple establishments).

Rule 8.5 City Measures

(A) If at any time within a twenty-four (24) hour period sewage flow from a premises is greater than 2% of the total twenty-four (24) hour sewage flow to City's treatment plant, the City may require the owner of the premises involved to install such storage, pumping facilities and other appurtenances as are required to control the quantity and rate of discharge of the sewage flow involved so as to not interfere with the normal operation of the City's treatment plant.

- (B) All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is herein made shall be determined in accordance with "standard methods for the examination of waters and wastes" and shall be determined at the control manhole previously specified. In the event that no special manhole has been required, then the control manhole shall be considered to be the nearest down stream manhole in the City's sewage system to the point at which the building sewer is connected.
- (C) If necessary, in the opinion of the City, the individual, firm or others discharging any waste of the prohibitive character into the City's sewage system shall provide, at their own expense (individual, firm, or others discharging the waste), such preliminary treatment as may be necessary to stop or reduce within the acceptable limits, the objectionable characteristics or constituents. The plans, specifications and other pertinent information pertaining to such proposed preliminary treatment shall be submitted to the City for written approval in advance of any construction work.
- (D) When commercial or industrial waste exceed 250 mg/l of suspended solids and/or 200 mg/l of CBOD5 by weight, excess strength surcharges will be levied as outlined in the City rules or legislation."

Section 3. That, Rule 6 and Rule 8 of the City of Napoleon Rules for Water and Sewer Service as they existed prior to the enactment of this Ordinance are hereby repealed.

Section 4. That any changes needed to pages, page numbers, or appendixes are hereby approved to accommodate for the above amendment.

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 shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald R. Behm, Mayor

VOTE ON PASSAGE _____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 026-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, ____, & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 027-14

AN ORDINANCE ESTABLISHING SECTION 931.13 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON WHICH ESTABLISHES A CHARGE AND RATE FOR THE COSTS OF THE SEWER LATERAL RESPONSIBILITY RULE

WHEREAS, the Board of Public Affairs and the Water and Sewer Committee met in a regular meeting held on April 14, 2014, and reviewed the rule regarding sewer lateral responsibility and recommended that the City should have greater responsibility than previously, and they recommended establishing a charge as well as a rate to pay for this new responsibility; and,

WHEREAS, City Council now desires to pay for the some of the costs associated with sewer lateral repair as outlined in the Water and Sewer Rules; and,

WHEREAS, City Council now desires to establish a charge to assist with the costs of this responsibility; and,

WHEREAS, City Council now desires to establish a rate for said charge; Now Therefore,

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

Section 1. That, the City of Napoleon does hereby establish Section 931.13 of the Codified Ordinances of the City of Napoleon, Ohio which *EFFECTIVE JULY 1ST*, 2014, establishes the Sewer Lateral Charge and sets the rate for said charge and is enacted as follows:

"931.13 SEWER LATERAL CHARGE.

(a) <u>Purpose</u>. The purpose of the sewer lateral charge, that is charged in addition to the overflow abatement charge, capacity charge, and commodity charge, is as follows:

(1) To raise revenue to offset the costs of assuming repairs to customer sewer laterals which occur at or between the right-of-way and the main.

(2) By assuming those costs, the City benefits by having more control over who does work and how the work is being done to sewer lines that are in the right-of-way to the main, which may include going under City streets.

(3) To improve the public health, safety, and welfare by providing for the safe and efficient delineation of the sewer lateral responsibility.

(b) <u>Rules</u>. The City of Napoleon Water and Sewer Service Rules, and as amended from time to time, are established to assist in decisions regarding this charge.

(c) <u>Application of Charge</u>. This charge will be considered a sanitary sewer lateral fee that is to be charged, in addition to any overflow abatement, capacity, or commodity charge, to any real property that currently or in the future has been determined to qualify for the Overflow Abatement Fee. The responsible party for payment will be the same as the responsible party for the Overflow Abatement Fee.

(d) <u>Rate</u>. The Sewer Lateral Charge is assessed monthly as follows:

Class User:	<u>Charge</u> :
Residential - In	\$2.10
Residential - Out	\$3.15
Commercial /INDUSTRIAL- In	\$3.50

(e) <u>Conflict with Rules for Water and Sewer Service</u>. Where a conflict arises between this section and the Rules for Water and Sewer Service, this section shall control.

(f) <u>Exemption</u>. Notwithstanding any provision to the contrary, all buildings and land owned by this municipality are exempt from the sewer lateral charge; moreover, any sewer lateral charge billed to this municipality is exempt from collection.

(g) <u>Appeals</u>. Any appeals shall be in accordance to the process set forth in the City of Napoleon Water and Sewer Service Rules, as may be amended from time to time."

Section 2. That, it is found and determined that all formal action 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 21.22 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 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 4. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed:	
	John A. Helberg, Council President
Approved:	
	Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 027-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, ____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 028-14

AN ORDINANCE AMENDING SECTION 931.09 INCREASING SANITARY SEWER RATES FOR THE YEARS 2014, 2015; AND, 2016

WHEREAS, the Board of Public Affairs and the Water and Sewer Committee met in a regular meeting held on April 14, 2014, reviewed the existing sanitary sewer rates and determined a rate increase over a three year period effective July 1, 2014 for the years 2014, 2015; and, 2016 is necessary in order to keep the sanitary sewer fund sound;

WHEREAS, the Council for the City of Napoleon now desires to increase sewer rates for the years 2014, 2015; and, 2016 Now Therefore,

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

Section 1. That, Section 931.09 of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

"931.09 SANITARY SEWER RATES FOR INSIDE AND OUTSIDE CORPORATION LIMITS.

The sanitary sewer rates charged by the City shall be as follows, except as may otherwise be permitted by rule:

(a) It is determined and declared to be necessary to the protection of the public health, safety, welfare, and convenience of the City to establish and collect charges upon all lots, lands, and premises which are served by the municipal sanitary sewer system of the City.

(b) The following measures shall be used to determine the sewer charges provided to a premises served by the City sanitary sewer system:

(1) Any premises using water exclusively supplied by the City and having a water meter acceptable to the City shall be measured by said meter for determining the sanitary sewer charge for the premises.

(2) Any owner or other interested party of a premises using water supplied either in whole or in part from sources other than the waterworks system of the City may be required to install water meters satisfactory to the City to the extent necessary to measure all such supplies of water. The quantity of water consumed on said premises shall be deemed to be the aggregate amount disclosed by said meter for the purpose of determining the sanitary sewer charge for the premises.

(3) In the event it can be shown to the satisfaction of the City that a portion of the water from any source consumed on said premises does not and cannot enter the City sanitary sewer system, then in such case the owner or other interested party may, at the owner's or interested party's expense, install and maintain separate metering devices, subject to inspection and testing by the City, to the extent necessary to demonstrate to the satisfaction of the City that only a portion of the water consumed on the premises is being discharged into the City sanitary sewer system, which portion shall constitute the basis for measuring the sanitary sewer charge for said premises. In the event that such metering devices are impractical, then other reliable evidence produced by the owner or other interested party may be considered by the City Manager, in the City Manager's sole discretion, in adjusting sewer charges.

(4) Effective with the billing cycle in July of the year 2010 JUNE 18,
 2014, to be reflected in the first billing in August of the year 2010 JULY, 2014, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$25.34	\$25.3 4 \$29.62
Outside Corporation Limits	\$50.85 \$59.42	\$50.85 <i>\$59.42</i>

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$4.03 \$4.71	\$4.03 <i>\$4.71</i>
Outside Corporation Limits	\$8.55 \$10.00	\$8.55 \$10.00

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand SS = Suspended Solids MG/L = Milligrams per Liter CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 *AND SEWER LATERAL CHARGE PURSUANT TO SECTION 931.13*: (To be charged in addition to the Capacity and Commodity Charge)

(5) Effective with the billing cycle in January of the year $2011 \ 2015$, to be reflected in the first billing in February of the year $2011 \ 2015$, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

sewer rate increase - 028-14

Charges per MonthResidentialInside Corporation Limits\$26.61 \$31.99Outside Corporation Limits\$53.39 \$64.17

Commercial or Industrial **\$26.61** *\$31.99* **\$53.59** *\$64.17*

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$4.23 \$5.09	\$4.23 <i>\$5.09</i>
Outside Corporation Limits	\$8.98 <i>\$10.80</i>	\$8.98 <i>\$10.80</i>

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand SS = Suspended Solids MG/L = Milligrams per Liter CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 AND SEWER LATERAL CHARGE PURSUANT TO SECTION 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(6) Effective with the billing cycle in January of the year 2012 2016, to be reflected in the first billing in February of the year 2012 2016, and each billing thereafter, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per MonthResidentialInside Corporation Limits\$27.94 \$35.19Outside Corporation Limits\$56.06 \$70.59

Commercial or Industrial **\$27.94** *\$35.19* **\$56.06** *\$70.59*

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100CF	Residential	Commercial or Industrial
Inside Corporation Limits	\$4.44 <i>\$5.60</i>	\$4.44 <i>\$5.60</i>
Outside Corporation Limits	<mark>\$9.43</mark> <i>\$11.88</i>	<mark>\$9.43</mark> <i>\$11.88</i>

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand SS = Suspended Solids MG/L = Milligrams per Liter CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 AND SEWER LATERAL CHARGE PURSUANT TO SECTION 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(c) Disposal of Domestic Septage.

(1) Domestic septage accepted. The City accepts hauled domestic septage from approved hauling companies for disposal at the City's Wastewater Treatment Plant or other place as may be designated by the City's Wastewater Superintendent. The City's Wastewater Superintendent shall determine what constitutes an "approved hauling company". As used in this Ordinance, septage is considered waste collected from septic tanks in place for domestic type use. It contains partially treated household waste disposed through a homes plumbing system or other similar type waste commonly disposed in toilets, sinks, and showers.

(2) Company information required. Companies wishing to haul septage to the City's disposal site must apply to the City's Wastewater Superintendent and provide:

A. Company contact and ownership information;

B. Information about the types and capacities of the trucks used

to haul septage; C. Information about the source and characteristics of the septage to be hauled; and,

D. Approximate daily/weekly/monthly volumes which are planned to be hauled.

(3) Internal Policy Compliance. All hauled septage accepted at the City's dumping site must comply with any internal policies as may be established by the City's Wastewater Superintendent.

(4) Testing. Testing of the septage may be required prior to the disposal to ensure compliance with the internal policies.

(5) Waste manifest. A manifest document as provided by the Henry County, Ohio, Health Department, or other approved manifest as approved by the City's Wastewater Superintendent, is required for each load, prior to disposal. The City Wastewater Superintendent or designee may request to review this septage manifest document and/or inspect and test the load to confirm that the material being delivered can be accepted.

(6) Prior disposal arrangements. The City's Wastewater Treatment Plant or other designated facility must be contacted prior to each disposal so that arrangements can be made to access the facility.

(7) Rates. The rate for dumping septage shall be six cents (.06) per gallon."

Section 2. That, Section 931.09 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed.

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 shall be in full force and effect at the earliest time permitted by law.

Passed:	 	

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 028-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, ____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



City of Napoleon, Ohio

Department of Management

255 West Riverview Avenue, P.O.Box 151 Napoleon, OH 43545 Telephone: (419) 592-4010 Fax: (419) 599-8393 www.napoleonohio.com

Memorandum

To: Mr. Mayor, Mr. President, and Councilmembers
From: Monica Irelan, City Manager
Date: May 15, 2014
RE: Perry Street Parking Lot Improvements Recommendation Letter

Dear Mr. Mayor, Mr. President, and Councilmembers,

There was a bid opening on Wednesday, May 14, 2014 for the Perry Street Parking Lot. As you will see, there were three bids submitted. It is the recommendation of myself and the City Engineer that the City proceeds with the concrete option and use the low bid from Hohenbrink Excavating, L.L.C. The engineer states why he believes concrete is the best option for this project, and I hope that council will take that into consideration when making the final decision.

I would also like to point out that there was a 41% difference between the two asphalt bids. The City Engineer has followed procedure and notified the contractor's surety company which is necessary whenever that low bidder is more "...than twenty-five percent (25%) below the median of all higher bids received..."

Per Section 5.2 REVIEW OF LOW BID of the Instructions to Bidders in the Project Specifications:

- 5.2.1 "No Bidder shall be best if the Bidder's bid is more than twenty percent (20%) below the median of all higher bids received for a Contract where the estimate is \$100,000 or more, and no Bidder shall be best if the Bidder's bid is more than twenty-five percent (25%) below the median of all higher bids received for a Contract where the estimate is less than \$100,000, unless the following procedures are followed.
 - 5.2.1.4 The City notifies the Bidder's Surety in writing that the Bidder with whom the City intends to enter a Contract submitted a bid determined to be substantially lower than the median of all higher bids."

The bid submitted by Hohenbrink Excavating, L.L.C. for the asphalt option is more than twentyfive percent (25%) below the median of all higher bids; therefore, the City Engineer conducted an interview with Hohenbrink Excavating, L.L.C. Although several items were significantly lower than that of the other bidder, the other bidder had a bid much higher than the Engineer's Estimate for the project. It was apparent that the discrepancy was due to only having one (1) other bid and this one (1) other bid was excessively high. Hohenbrink Excavating, L.L.C. was confident with its bid price.

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Sincerely,

0 ~ a Ć

Monica Irelan

Records Resensor Chie & 4.



City of Napoleon, Ohio

Department of Public Works

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

Memorandum

To:	Monica Irelan, City Manager
From:	Chad E. Lulfs, P.E., P.S., City Engineer
<i>cc:</i>	Mayor & City Council
	Greg Heath, City Finance Director
Date:	May 19, 2014
Subject:	Perry Street Parking Lot Improvements
	Recommendation of Award

On Wednesday, May 14, 2014, bids were opened and read aloud for the above referenced project. Five (5) bids for the two (2) options were submitted and read as follows:

Concrete Option:	
Hohenbrink Excavating, L.L.C.	\$74,565.00
Smith Paving & Excavating, Inc.	\$74,806.00
Schimoeller Construction	\$102,863.25
Asphalt Option:	
Hohenbrink Excavating, L.L.C.	\$67,425.00
Schimoeller Construction	\$95,188.25

The published Engineer's Estimate for this project is \$95,000.00 for the Concrete Option and \$86,000.00 for the Asphalt Option. This project consists of constructing a concrete or asphalt parking lot at the corner of N. Perry Street and W. Main Street where two (2) building were recently removed and the basement area was filled with stone. The completion date for this project is August 9, 2014.

The lowest and best bid for both options was received from Hohenbrink Excavating, L.L.C. It is my recommendation that the City of Napoleon Council award Hohenbrink Excavating, L.L.C. the contract for the Concrete Option for the Perry Street Parking Lot Improvements in the amount of \$74,565.00.

It is my engineering opinion that asphalt should be used for streets and concrete should be used for parking lots. Many asphalt parking lots fail because of parked vehicles during the hot summer. The weight of the vehicles causes the hot asphalt to deform. In this instance this issue is compounded because the area was backfilled with six feet (6') of stone in December 2013. Although stone is frequently used as backfill material for utility trenches in the roadway, utility trenches usually have undisturbed earth relatively close together; most trenches are only four (4) or five (5) feet wide. The area filled under this parking lot was sixty feet (60') by eighty feet (80'). If the stone backfill settles two percent (2%), this could cause a void 1-1/2" deep.

P:\2014 Projects\Perry Street Parking Lot\Phase II - Concrete Parking Lot\Documents\Construction\Council Memo - Contractor Award - 05-19-14.doc

Council has the authority to award the bid to whomever it chooses. If the Asphalt Option is chosen, I recommend awarding the contract to Hohenbrink Excavating, L.L.C. in the amount of \$67,425.00. However, I strongly recommend the Concrete Option.

If you have any questions or require additional information, please contact me at your convenience.

CEL



City of Napoleon, Ohio

Department of Public Works

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

Memorandum

To: From:	Monica Irelan, City Manager Chad E. Lulfs, P.E., P.S., Director of Public Works
сс:	Mayor & City Council Greg Heath, City Finance Director
Date: Subject:	May 19, 2014 2013 Miscellaneous Concrete Street Improvements Change Order No. 1 – Final

The above referenced project has been completed and final quantities have been tabulated. Change Order No. 1 – Final is \$1,117.34. The final project cost is \$170,159.59.

This project was originally funded from account number 400.5100.57500 – Street Improvements. Because this project is under a 2013 Purchase Order, funds have not been allocated for this change order. However, there are sufficient funds in this account to cover the cost of this change order.

I request that Council approve Change Order No. 1 – Final to allow us to close out this project.

CEL

CHANGE ORDER

No. 1 (FINAL)

PROJECT

DATE OF ISSUANCE

2013 Miscellaneous Concrete Street Improvements

OWNER

City of Napoleon 255 W. Riverview Ave., P.O. Box 151 Napoleon, OH 43545 **CONTRACTOR**

Smith Paving & Excavating, Inc. 4426 North Old State Road Norwalk, Ohio 44857 May 1, 2014

ENGINEER

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

CONTRACT FOR:2013 Miscellaneous Concrete Street ImprovementsYou are hereby directed to proceed promptly with the following change(s):DESCRIPTION:Work Completed, Final Quantity Adjustments

ATTACHMENTS - (List Documents Supporting Change)

If a claim is made that the above change(s) have affected Contract Price or Contract Time, any claim for a Change Order based thereon will involve one of the following methods of determining the effect of the change(s).

Method of Determining Change In

CONTRACT PRICE

- **Time and Materials**
- Unit Prices
- Cost Plus Fixed Fee
- **Other**

Estimated Increase/Decrease in

CONTRACT PRICE \$1,117.34

If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.

Recommended

CITY of NAPOLEON

CONTRACT TIME

Contractor's Records

Method of Determining Change In

- Engineer's Records
- Other

Estimated Increase/Decrease in

CONTRACT TIME

days

If the Change involves an Increase, the estimated time is not to be exceeded without further authorization.

Accepted

SMITH PAVING & EXCAVATING, INC.

Contractor

бу:

Chad E. Lulfs, P.E., P.S.; City Engineer

Authorized

Monica Irelan, City Manager

Original Contract Prior to this Change Order Increase / Decrease Resulting from this Change Order Current Contract Price, Including this Change Order

FINAL CHANGE ORDER

May 1, 2014

NAME of PROJECT - 2013 Miscellaneous Concrete Street Improvements

CONTRACTOR - Smith Paving & Excavating, Inc.

		ESTIMATED	ACTUAL	QUANTITY		UNIT	AMOUNT	AMOUNT
	DESCRIPTION	QUANTITY	QUANTITY	DIFF.	UNIT	PRICE	DECREASE	INCREASE
	shington Street (Monroe St. to Hobson St.)							
	8" Plain Portland Cement Concrete Pavement Removal &							
	Replacement (Including 6" ODOT 304 Stone)	635.00	695.37	60.37	SY	\$49.00		\$2,958.13
2	4" Concrete Walk Removal & Replacement (Including 4" ODOT 411							
	Stabilized Crushed Aggregate Base)	165.00	243.90	78.90	SF	\$5.35		\$422.12
2a	Replacement (Including 4" ODOT 411 Stabilized Crushed Aggregate							
Za	Base)	0.00	155.40	155.40	SF	\$5.85		\$909.09
3	Handicap Ramp with ADA Truncated Dome Detectable Warning	2.00	3.00	1.00	EA	\$270.00		\$270.00
	Concrete Curb Removal & Replacement	25.00	67.20	42.20	LF	\$13.25		\$559.15
5	Catch Basin Reconstructed to Grade (Reuse Existing Casting)	2.00	2.00	0.00	EA	\$885.00		
6	3" Topsoil, Fertilizer, Seeding & Mulching	15.00	41.07	26.07	SY	\$5.25		\$136.87
7	Maintaining Traffic	1.00	1.00	0.00	LS	\$2,000.00		
8	Mobilization	1.00	1.00	0.00	LS	\$1,000.00		
Sedwa	rd Avenue (W. Riverview Ave. to Dead-End)							
1	8" Plain Portland Cement Concrete Pavement Removal &							
	Replacement (Including 6" ODOT 304 Stone)	1,350.00	0.00	-1,350.00	SY	\$49.00	-\$66,150.00	
1a	6" Plain Portland Cement Concrete Pavement Removal &							
	Replacement (Including 6" ODOT 304 Stone Base)	0.00	1,185.00	1,185.00	SY	\$44.70		\$52,969.50
2	4" Concrete Walk Removal & Replacement (Including 4" ODOT 411							
	Stabilized Crushed Aggregate Base)	725.00	687.20	-37.80	SF	\$5.35	-\$202.23	
2a	Replacement (Including 4" ODOT 411 Stabilized Crushed Aggregate							
	Base)	0.00	426.40	426.40	SF	\$5.85		\$2,494.44
3	Handicap Ramp with ADA Truncated Dome Detectable Warning	13.00	12.00	-1.00	EA	\$270.00	-\$270.00	
4	Concrete Curb Removal & Replacement	450.00	616.40	166.40	LF	\$13.25		\$2,204.80
5	Manhole Adjusted to Grade with New Casting and Lid (East Jordan							
	1080 Frame and Cover with Gasketed Lid Marked "Sanitary")	1.00			EA	\$800.00		
	Chimney Seal	1.00	1.00	0.00	LF	\$75.00		
	Catch Basin Adjusted to Grade (Reuse Existing Casting)	3.00	5.00	2.00	EA	\$660.00		\$1,320.00
8	Catch Basin Reconstructed to Grade (Reuse Existing Casting)	2.00	2.00	0.00	EA	\$885.00		

		ESTIMATED	ACTUAL	QUANTITY		UNIT	AMOUNT	AMOUNT
ITEM	DESCRIPTION	QUANTITY	QUANTITY	DIFF.	UNIT	PRICE	DECREASE	INCREASE
9	Water Valve Adjust to Grade	4.00	4.00	0.00	EA	\$180.00		
10	3" Topsoil, Fertilizer, Seeding & Mulching	250.00	172.59	-77.41	SY	\$5.25	-\$406.40	
11	Maintaining Traffic	1.00	1.00	0.00	LS	\$2,000.00		
12	Mobilization	1.00	1.00	0.00	LS	\$500.00		
Cheste	erfield Drive (Sedward Ave. to North Cul-De-Sac)	-					-	
1	8" Plain Portland Cement Concrete Pavement Removal &							
	Replacement (Including 6" ODOT 304 Stone)	255.00	0.00	-255.00	SY	\$49.00	-\$12,495.00	
1a	6" Plain Portland Cement Concrete Pavement Removal &							
	Replacement (Including 6" ODOT 304 Stone Base)	0.00	243.80	243.80	SY	\$44.70		\$10,897.86
2	Concrete Curb Removal & Replacement	140.00	145.60	5.60	LF	\$13.25		\$74.20
	Catch Basin Reconstructed to Grade (Reuse Existing Casting)	0.00	1.00	1.00	EA	\$885.00		\$885.00
3	3" Topsoil, Fertilizer, Seeding & Mulching	75.00	40.13	-34.87	SY	\$5.25	-\$183.07	
4	Maintaining Traffic	1.00	1.00	0.00	LS	\$500.00		
5	Mobilization	1.00	1.00	0.00	LS	\$200.00		
Borde	aux Drive (North of Sedward Ave.)	<u></u>				i		
	8" Plain Portland Cement Concrete Pavement Removal &							
	Replacement (Including 6" ODOT 304 Stone)	75.00	0.00	-75.00	SY	\$49.00	-\$3,675.00	
1a	6" Plain Portland Cement Concrete Pavement Removal &							
	Replacement (Including 6" ODOT 304 Stone Base)	0.00	12.30	12.30	SY	\$44.70		\$549.81
2	Concrete Curb Removal & Replacement	11.00	17.00	6.00	LF	\$13.25		\$79.50
3	Catch Basin Reconstructed to Grade (Reuse Existing Casting)	2.00	2.00	0.00	EA	\$885.00		
4	3" Topsoil, Fertilizer, Seeding & Mulching	10.00	12.66	2.66	SY	\$5.25		\$13.97
5	Maintaining Traffic	1.00	1.00	0.00	LS	\$500.00		
6	Mobilization	1.00	1.00	0.00	LS	\$200.00		
Thers	han Drive (Becca Ln. to Cul-De-Sac)			L				
1	8" Plain Portland Cement Concrete Pavement Removal &							
	Replacement (Including 6" ODOT 304 Stone)	340.00	0.00	-340.00	SY	\$49.00	-\$16,660.00	
1a	6" Plain Portland Cement Concrete Pavement Removal &					+	+ ,	
	Replacement (Including 6" ODOT 304 Stone Base)	0.00	289.60	289.60	SY	\$44.70		\$12,945.12
2	4" Concrete Walk Removal & Replacement (Including 4" ODOT 411					+ · · · · · ·		+;>
	Stabilized Crushed Aggregate Base)	200.00	198.80	-1.20	SF	\$5.25	-\$6.30	
2a	Replacement (Including 4" ODOT 411 Stabilized Crushed Aggregate			1.20		÷:.20	+0.00	
	Base)	0.00	140.30	140.30	SF	\$5.85		\$820.76
3	Handicap Ramp with ADA Truncated Dome Detectable Warning	4.00	4.00	0.00	EA	\$270.00		+ 520110
	Concrete Curb Removal & Replacement (Integral)	85.00			LF	\$13.25	-\$241.15	

		ESTIMATED	ACTUAL	QUANTITY		UNIT	AMOUNT	AMOUNT
ITEM	DESCRIPTION	QUANTITY	QUANTITY	DIFF.	UNIT	PRICE	DECREASE	INCREASE
4a	Catch Basin Reconstructed to Grade (Reuse Existing Casting)	0.00	2.00	2.00	EA	\$885.00		\$1,770.00
5	3" Topsoil, Fertilizer, Seeding & Mulching	50.00	26.65	-23.35	SY	\$5.25	-\$122.59	
6	Maintaining Traffic	1.00	1.00	0.00	LS	\$500.00		
7	Mobilization	1.00	1.00	0.00	LS	\$200.00		
Additi	onal - Williamsburg							
1a	6" Plain Portland Cement Concrete Pavement Removal &							
	Replacement (Including 6" ODOT 304 Stone Base)	0.00	144.00	144.00	SY	\$44.70		\$6,436.80
2a	Replacement (Including 4" ODOT 411 Stabilized Crushed Aggregate							
	Base)	0.00	119.00	119.00	SF	\$5.35		\$636.65
3a	Replacement (Including 4" ODOT 411 Stabilized Crushed Aggregate							
	Base)	0.00	128.00	128.00	SF	\$5.85		\$748.80
4a	Truncated Dome Detectable Warning Strip	0.00	4.00	4.00	EA	\$270.00		\$1,080.00
5a	Concrete Curb Removal & Replacement	0.00	35.20	35.20	LF	\$13.25		\$466.40
6a	3" Topsoil, Fertilizer, Seeding & Mulching	0.00	16.76	16.76	SY	\$5.25		\$87.99
Extras							• •	
1a	Joint Sealer	0.00	5,874.24	6,048.00	LF	\$1.00		\$6,048.00
2a	Stone Base Non-Performed	0.00	2,195.04	2,195.04	SY	-\$2.85	-\$6,255.86	
		-		-		Sub-totals:	-\$106,667.60	\$107,784.94
						TOTAL DI	FFERENCE:	\$1,117.34



To:Dr. Jon Bisher, City ManagerFrom:Marc S. Gerken, P.E., President/CEOSubject:AMPGS Stranded Cost Payment OptionsDate:April 16, 2014

The purpose of this memo is to inform you, as a participant in the AMPGS project, the City of Napoleon's net AMPGS liability for stranded costs currently held on AMP's revolving line of credit facility (LOC) at March 31, 2014, including any payments made by the City, is \$820,991.00 (please see **Attachment A**). Stranded costs are subject to change, including future borrowings costs on the LOC. That amount does not include allocation of the \$34,881,074 Plant Held for Future Use potential liability.

Subject to the continued renewal of the LOC, AMP is prepared to assist the City with a payment plan of your choosing for a payback period of up to 15 years. The City may choose to include these payments as part of their monthly power invoice from AMP or pay their respective AMPGS liability in one or several lump sum payments. AMP prefers that these amounts would be invoiced to your municipality through the AMP monthly power supply invoices in order for these costs be recovered through your power cost adjustment. Please utilize **Attachment B** to this memo to make your selection, being sure an authorized signatory executes the document and returning **Attachment B** to the attention of Marty Engelman (mengelman@amppartners.org, 614-540-0851) at AMP headquarters, 1111 Schrock Rd, Columbus, OH 43229 by June 1, 2014.

AMP would like to emphasize the expectation that whatever payment option is chosen, the payment option should not cause the Electric Fund to exhibit an annual operating loss at any time during the payment period or cause the municipality to fail any covenants for its own debt service, AMP Joint Venture (JV) debt service if a participant in a JV, or reflect unfavorably on the municipal's AMP project participation.

As you have questions in deciding your payment options or would like assistance in determining the potential effects on your Electric Fund of a particular payment option under consideration, please contact Chris Deeter (cdeeter@amppartners.org, 614-540-0848) at AMP.

ATTACHMENT A PAGE 1 OF 1

	Original Ordinance kW	AFEC Allocation kW	AMPGS Stranded Costs	AMPGS AFEC Credit	AMPGS Plt held future use Credit	Less Municipal Payments	Net AMPGS Stranded Liability
Napoleon	12,000	6,650	2,078,311	(714,622)	(542,698)	-	820,991
Plus: Potential P	lant Held for	⁻ Future Use	e Liability				542,698
					Total		1,363,689

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We ask that you please complete this form and return to the attention of Marty Engelman (<u>mengelman@amppartners.org</u>, 614-540-0851) at AMP headquarters, 1111 Schrock Rd, Columbus, OH 43229 by June 1, 2014.

Options for Payment of AMPGS Sunk Costs (More than one option can be selected) also Options (after contacting AMP) may be modified in the future as necessary:

Option A – Single Lump Sum Payment \$_____ Month and Year_____

□ Option B – Multiple Lump Sum Payments through power supply invoices up to 15 years

-Please include in monthly power supply invoice(s) during year(s) as indicated below:

	\$ per Month in Year
	\$ per Month in Year
	\$ per Month in Year
	\$ per Month in Year
\square	\$ per Month in Year
	\$ per Month in Year
\square	\$ per Month in Year
	\$ per Month in Year
\square	\$ per Month in Year
	\$ per Month in Year
	\$ per Month in Year

□ Option C – Multiple Lump Sum Payments, separately invoiced up to 15 years

-Please send a separate monthly or annual invoice(s) during year(s) as indicated below:

□ \$	per Month or Annual	in Year
□\$	per Month or Annual	in Year
□ \$	per Month or Annual	in Year
□ \$	per Month or Annual	_ in Year
□ \$	per Month or Annual	in Year
□ \$	per Month or Annual	in Year
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□\$	per Month or Annual	in Year

C \$	per Month or Annual	in Year
□\$	per Month or Annual	in Year
G \$	per Month or Annual	in Year
□\$	per Month or Annual	in Year

If there is a desire to pay on your municipality's Plant Held for Future Use potential liability, please contact Chris Deeter (<u>cdeeter@amppartners.org</u>, 614-540-0848) at AMP for assistance and payment arrangements.

If you want to make any other payment arrangements, also please contact Chris Deeter (<u>cdeeter@amppartners.org</u>, 614-540-0848) at AMP for assistance with alternate payment arrangements.

Community

Authorized Representative Name (Printed)

Authorized Representative Signature

Date

City of Napoleon, Ohio

TREE COMMISSION

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

Meeting Agenda

Monday, May 19, 2014 at 6:00 PM

- I. Approval of Minutes (In the absence of any objections or corrections, the minutes shall stand approved.)
- II. Tree Call Report
- III. Spring Programs
- IV. Other Upcoming Projects
- v. Any Other Matters to Come before the Commission

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio TREE COMMISSION

Meeting Minutes Monday, April 21, 2014 at 6:00 pm

PRESENT	
Commission	David Volkman – Chair, Kirk Etzler, Anella Huff, Jeffrey Marihugh, Becky Rohre, Bill Rohrs
City Staff	Marty Crossland, Staff Engineer
Recorder	Tammy Fein
Others	Nancy Conrad
ABSENT	
Members	Bill Rohrs
Call To Order	Chairperson Volkman called the meeting to order at 6:00 pm.
Approval Of Minutes	The minutes from March 17 stand approved with no corrections or objections.
Tree Call Report	Crossland distributed a memo entitled Services To Be Completed; see attached.
	Crossland received a call from Bonnie Babcock, 403 E. Washington Street, regarding two (2) trees located across the street from Hawk's requested to be removed with replanting to be done at the City's convenience. Crossland stated he had been delaying planting on this section of the street as it needs to be rebuilt. Crossland told Babcock that the construction forecast for this area will be researched. If planting can be done, Scarlet Oaks would be the choice.
	Crossland received a call from Jane Recker regarding her rental property at 620 Webster Street, regarding an ornamental pear tree to be removed; Recker did not want a tree replanted in the area since the area is quite small. Etzler asked if removing the tree could be justified; Crossland replied that the City is trying to deter from planting pear trees.
	Crossland received a call from Deb Rohrs, 240 Kolbe Street, requesting a tree to be planted to replace the tree that was removed last Fall; this will be a candidate for the Fall 2014 planting program.
	Crossland stated that the City tree trimmers have noticed some trees that should be removed; two (2) trees at 707 Park Street that have hollow spots, silver maples, and a tree at the corner of Sheffield Avenue and Park Street which is also a type of maple.
	Marihugh stated there is a tree on the Barnes Street side of Swearingen Park that is hollow and needs attention.
Spring Programs	Crossland reported that the Spring Planting Programs are completed, except for the Arbor Day tree planting.
	Crossland reported there are approximately three and a half $(3 \frac{1}{2})$ days of trimming left to be completed, then the removals will begin; the removals are expected to be completed by May 17, 2014.
	Etzler stated that Bill Creager, 723 Erie Street, would like to keep the wood from a tree that is to be removed from the property; Crossland added this information to the

	list and Creager will have approximately one (1) week to remove the wood. Crossland postponed the tree plantings at the islands at Twin Oaks due to a large amount of work that is scheduled to be done in this area, and the type of tree to be planted must still be determined.					
Arbor Day Observance	Etzler reported the Arbor Day Observance will be Friday, April 25, and participating students will be excused from the school day at 11:30am to return at the end of the school day; the participating students were advised via permission slip to parents to bring a sack lunch and will be walking to and from the park for the Observance. Etzler and Marihugh stated they would not be able to attend the Observance; Rohre stated she will attend.					
	Crossland introduced Nancy Conrad to the Commission; the tree that is being planted at the Arbor Day Observance is in memory of Conrad's father; Crossland added this is a rededication as the first tree planted was an Ash tree that was removed. Conrad stated her gratitude for the new Oak tree.					
Any Other Matters To Come Before The Commission	Crossland will send a list to Stephanie Miller at ODNR updating the Commission member's email list to receive the information that Miller distributes. Crossland stated that the Tree Commission had participated in a Tree Commission Academy which consisted of approximately five (5) sessions giving the background of Tree Commission, goals of the Tree Commission, and identifying different tree species and issues and concerns; adding that Miller periodically distributes dates and locations for upcoming academies. Volkman added that it's similar to a condensed version of an urban forestry program.					
	Marihugh stated that the evergreen trees on Route 424 East along Hogrefe's property should be checked to make sure they are getting enough water as well as removing the unhealthy trees.					
Motion To Adjourn	Motion: Etzler Second: Rohre To adjourn the meeting at 6:43 pm.					
Passed Yea- 5 Nay- 0	Roll call vote on above motion: Yea- Etzler, Marihugh, Rohre, Volkman, Huff Nay-					
Approval Date:	David Volkman , Chair					

Memorandum

To:	Parks & Recreation Committee, Council, Mayor, City Manager,
	City Law Director, City Finance Director, Department Supervisors,
	Media
From:	Gregory J. Heath, Finance Director/Clerk of Council
Date:	5/15/2014
Re:	Parks & Recreation Committee Meeting Cancellation

The regular Parks & Recreation Committee meeting scheduled for Monday, May 19 at 6:15pm has been CANCELED due to lack of agenda items.



AMP, APPA file comments on the winter operating conditions in PJM

By Lisa McAlister – deputy general counsel FERC/RTO affairs

As everyone is likely aware, this past winter alone, the forced outage rate in PJM reached approximately 22 percent of all installed generation capacity, which is over three times higher than the average forced outage rate of 7 percent. Stated differently, over 40,000 megawatts (MW) of generation that cleared in PJM's reliability pricing model (RPM) capacity auction was unavailable as peak demand soared to record highs. While some of these outages were related to gas curtailments, the vast majority of PJM's outages were caused by equipment issues.

As a result of these extreme conditions, on April 1, 2014, the Federal Energy Regulatory Commission (FERC) held a technical conference regarding the "Winter 2013-2014 Operations and Market Performance in Regional Transmission Operators and Independent System Operators." In response to FERC's invitation, AMP filed joint post-technical conference comments with the American Public Power Association (APPA), along with numerous other stakeholders, on May 15.

AMP and APPA argued that reliability during these severe weather events was not preserved through the most efficient means and, thus, renewed their call for comprehensive reform of the capacity construct to allow them to serve as voluntary, residual capacity procurement mechanisms rather than continual "band-aid" adjustments. AMP's joint comments can be found at: <u>http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20140515-5218</u>.

While many parties agreed that: 1) the capacity markets are not functioning adequately to ensure reliability; 2) it is important to maintain a diverse mix of generation resources; and, 3) FERC should swiftly improve the coordination between the gas and electric markets, the remaining proposed solutions varied greatly and largely depended on the proponent's market position. For example, generation owners, such as AEP, FirstEnergy and Dayton Power & Light (DP&L) supported proposals capping and increasing operational flexibility of demand response (DR), limiting imports and ensuring that resources with on-site fuel are able to survive in the competitive markets.

FirstEnergy and DP&L went as far as arguing that FERC must require that "measures be put in place to ensure that resources that provide such fuel diversity receive the compensation needed to continue operations until long-term market reforms can be adopted..." like adding a "fuel reliability adder" into RPM. In contrast, the PJM Industrial Customer Coalition pointed out that cleared capacity resources received payments

Markets end week lower

By Craig Kleinhenz – manager of power supply planning

A smaller than expected injection of natural gas into storage this week was not enough to overcome the larger than expected report from last week. Most of the week saw daily declines of natural gas prices as a result of last week's more robust storage numbers. These decreases were partially offset by the number coming in lower than expected on May 15.

The net result is that both natural gas and power prices closed the week lower. June natural gas prices ended the week \$0.10/ MMBtu lower than last week to finish trading yesterday at \$4.47/MMBtu. 2015 on-peak electric prices fell \$0.62/MWh for last week with AD Hub closing at \$48.33/MWh.

FERC decision imperils RICE unit 'emergency' status

By Julia Blankenship – director of energy policy & sustainability

A recent decision by the Federal Energy Regulatory Commission (FERC) could negatively impact both the cost of electricity and grid reliability in our region by threatening the current "emergency" status of AMP's (and many of our members') reciprocating internal combustion engines (RICE units).

As you may recall, in January 2013, the U.S. Environmental Protection Agency (USEPA) finalized its complex rule setting National Emissions Standard for Hazardous Air Pollutants (NESHAP) for RICE units located at area sources. Types of facilities that have RICE engines that are impacted by the rule include water plants, wastewater treatment plants, and engines used to start combustion turbines; also included are RICE en-

PJM continued from Page 1

of more than \$6.2 billion for capacity commitments. However, as a consequence for failure to show up when needed, only \$112,000 of performance penalties was assessed across the entire group of under-performing resources. America's Natural Gas Alliance (ANGA) argued that, while the signal for infrastructure expansion has been received and is inducing appropriate responses, the rules that govern electric markets must provide the incentive and cost recovery mechanisms to support infrastructure expansion and/or to support other alternative mechanisms to manage gas delivery constraints (such as LNG reserves that can be located locally and used as a dual fuel for natural gas generation).

Conference report supports hydro permitting language

By Jolene Thompson - senior vice president/OMEA executive director

The Water Resources Reform and Development Act (WRRDA), the conference report to H.R. 3080, was filed in the House of Representatives on May 15. The bill includes provisions supported by the National Hydropower Association (NHA) and AMP/OMEA.



(R-OH)

The legislation was introduced by House Transportation and Infrastructure

Committee Chairman Bill Shuster (R-PA), Ranking Member Nick Rahall, II (D-WV), Water Resources and Environment Subcommittee Chairman Bob Gibbs (R-OH), and Ranking Member Tim Bishop (D-NY).

A section of the bill, "Expediting Hydropower at Corps of Engineers Facilities," includes a good portion of the hydrospecific language that was proposed by the NHA. We want to offer special appreciation to Congressman Gibbs for his leadership and support.

The legislation would improve the regulatory and permitting processes for hydro development. The bill states, among other things, that the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority and that permits must be issued in a timely manner.

The WRRDA was among the issues AMP and OMEA raised with lawmakers during the 2014 American Public Power Association Legislative Rally in Washington, D.C.

The NHA has posted the Conference Report Highlights, Section-by-Section Analysis, and the Conference Report on its website at <u>http://www.hydro.org/news-and-media/resources/</u>.

AFEC weekly update

By Craig Kleinhenz

After a long streak of solid production, AFEC went offline on the night of May 9 for its spring maintenance outage. The plant generated at base maximum levels for almost all of the on-peak hours before ramping down to start the planned spring outage on May 9.

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

Week ending May 16						
MON \$57.85	TUE \$59.73	WED \$48.58	THU \$45.95	FRI \$45.73		
Week ending May 9						
MON \$53.37	TUE \$52.80	WED \$47.65	THU \$58.19	FRI \$56.63		
AEP/Dayton 2015 5x16 price as of May 16 — \$48.33						

AEP/Dayton 2015 5x16 price as of May 9 — \$48.95

RICE unit 'emergency' status

continued from Page 1

gines used for peak shaving or demand response (DR). The rule – portions of which are currently being litigated – also specifically established procedures for units to operate for a limited number of hours without penalty in response to a declared Energy Emergency Alert Level 2 (EEA2; as defined in the NERC Reliability Standard EOP-002-3), as determined by PJM or other RTO or balancing authority for emergency DR to support grid reliability.

On Dec. 24, 2013, PJM filed with FERC modifications to its rules for dispatching DR resources. One of the proposed rules would change the dispatch from during NERC EEA2 emergencies to what PJM called "preemergency" – a term that is not consistent with the RICE NESHAP rule. PJM's proposed rules also contained an exception for behind-the-meter DR resources that have restricted run hours due to EPA regulations such as the RICE NESHAP rule.

On May 9, 2014, FERC accepted PJM's proposed rules for dispatching DR resources, but rejected the exception for EPA-limited behind-the-meter generators. We do not understand FERC's action and fear that it could cause our units to be in violation of the RICE NESHAP rules. Under the rule, a single violation will cause the unit to lose its designation as an emergency unit, thus subjecting it to immediate shut-down or installation of costly emission controls.

We understand that PJM may be filing comments with FERC in support of its previously proposed exception for EPA-limited behind-the-meter generators. However, action is needed immediately (and before June 1) if DR resources are to be able to meet their obligations to PJM to begin performing for the June 1, 2014, through May 31, 2015, capacity delivery year. Additionally, FERC's May 9 order was issued well after the last auction in which entities had an opportunity to purchase replacement capacity. At this time, the only option would be for entities to purchase bilateral replacement capacity, but they are in a catch-22 by not knowing when FERC will act on the PJM proposal...or how.

The end result, we fear, could be the loss of "emergency" status for our DR units, leaving them unable to *see RICE Page 3*

AMP assists with members' OSHA training needs

By Kyle Weygandt – director of member safety

Municipal electric systems continuously need to raise the bar and understand the importance of safety on the job. This is why AMP is offering the Occupational Safety and Health Administration (OSHA) 10 Outreach Training Program to any AMP member who requests it.

OSHA is strict in making sure that workers (especially new ones) get the orientation, training, and education they need with regards to safety while on the job – and AMP is here to help provide that training.

Any AMP member can schedule a class by contacting me at 330.323.1269 or <u>kweygandt@amppartners.org</u>.

The OSHA 10-hour training program is designed for workers who perform services by replacing, correcting, erecting, and painting in the work environment, but anyone may participate in the course.

Program topics include, but are not limited to:

- Introduction to OSHA and PERRP Standards
- OSHA Focus Four Hazards
- Personal Protection and Life Saving Equipment
- Lockout/Tagout Standard
- Health Hazards in the Workplace
- Stairways and Ladders
- Material Handling and Storage
- Tools (hand and power)
- Near Miss/Incident/ Accident Reporting
- Importance of a Safety Culture

The cost is \$179 per student (at least 10 students must attend) for this two-day training program. Payment is due prior to services provided for training cost, materials, and OSHA card request from Mid-America OSHA.

For more information, including costs, please contact me or Jennifer Flockerzie at <u>iflockerzie@amppartners.org</u> or 614.540.0853.

RICE continued from Page 2

provide needed support in both emergency and nonemergency situations. Because of the importance of this matter, AMP members will be receiving a Grassroots Alert requesting immediate contacts with congressional offices to put pressure on FERC to reverse its decision as soon as possible.

If you have questions, please contact myself at jblankenship@amppartners.org, Chris Norton at cnorton@amppartners.org, or Lisa McAlister at lmcalister@amppartners.org. As always, we appreciate your grassroots support.

AMP welcomes Gnall as intern

By Randy Meyer – director of environmental affairs

Lauren Gnall joined AMP on May 12 as an environmental, health and safety intern. Gnall will be primarily located at the AMP Fremont Energy Center, assisting the Environmental Services team with programs, policies, monitoring, record keeping and reporting requirements.



Lauren Gnall

A native of Cleveland, Gnall will be going into her senior year at Cleveland State University, where she is majoring in environmental science with a chemistry track.

The goal of the internship is to apply knowledge acquired in the classroom to real-world situations, as well as gain the skills and experience that are necessary to prepare her for a successful career in an environmental field. Following graduation, Gnall plans to pursue environmental science as a profession.

Please join me in welcoming Lauren.

Meeting covers issues regarding financial soundness for members

By Joe Regan – member credit compliance analyst

Montpelier hosted the AMP membership on May 15 for an AMP Finance & Accounting Subcommittee meeting.

James Engel, with Kensington Capital Advisors, started off the meeting with a presentation on bond proceeds investments. Specifically, Engel covered what the decision process is that AMP must go through when investing bond proceeds and how to maximize the return while still being aware of the arbitrage limitations on earnings.

Dawn Lund, vice president of Utility Financial Solutions, followed Engel with a discussion on cost of service challenges and solutions.

Lund was followed by Dan Hyland, assistant vice president of enterprise fraud at Huntington National Bank, who discussed protection from fraud and cyber fraud in municipalities.

Following lunch, Andy Blair, AMP's assistant vice president-quality systems, covered the concepts behind AMP's power invoices. Chris Deeter, AMP's assistant vice president of finance & member credit compliance, finished out the day with "Financial Soundness: The Economy and your Municipality."

The next Finance & Accounting Subcommittee meet-



Dawn Lund, vice president of Utility Financial Solutions, discusses cost of service challenges and solutions during the May 15 Finance & Accounting Subcommittee Meeting in Montpelier.

ing will be held June 5 in Salem, Virginia. All interested parties from municipalities are invited.

Please RSVP to either myself at 614.540.6913 or jregan2@amppartners.org, or Chris Deeter at 614.540.0848 or cdeeter@amppartners.org.

Students learn benefits of public power at OEP event

By Karen Ritchey - manager of communication programs

The annual Ohio Energy Project (OEP) Youth Energy Celebration was held on May 13 at the Ohio State University Fawcett Center. Some schools in AMP member communities were recognized for their outstanding achievements in energy education for the 2013-14 school year.

BLANCHESTER

Blanchester High School

Participant Ribbon Award

WESTERVILLE

Genoa Middle School

- 3rd Place Junior Division
- Joule 5 Year Award to Teacher Julie McSwords

Hanby Elementary School

• 2nd Place Elementary Division

Heritage Middle School

• 1st Place Junior Division

Robert Frost Elementary School

• 1st Place Elementary Division

Westerville Energy Education Partnership

- School District of the Year
- 1st Place National Awards-Special Category

JACKSON

Jackson High School

• 4th Place Senior Division

Westview Elementary School

Participant Ribbon Award

OEP provides energy programs and materials for schools utilizing innovative, hands-on techniques correlated to the Ohio Academic Content Standards. Their mission is to facilitate students' and teachers' understanding of the science of energy and its efficient use in order to empower the next generation of energy consumers. Several AMP member communities participate in OEP programs. If you would like more information about the programs, please contact me at 614.540.0933 or kritchey@amppartners.org.



Representatives from Piqua Power give a demonstration during the annual Youth Energy Celebration. AMP staff members were also on hand to educate students on the importance of public power.

Calendar

May 19-23—Lineworker Training Basic 1 AMP Headquarters, Columbus

May 21—AMP Regional Safety Meeting *Piqua*, *Ohio*

June 2-6—Lineworker Training Basic 1 AMP Headquarters, Columbus

June 5—AMP Finance & Accounting Subcommittee Meeting Salem, Virginia

June 13-18—APPA National Conference *Denver, Colorado*

June 16-20—Lineworker Training Intermediate AMP Headquarters, Columbus

June 30-July 2—Hotline Training *AMP Headquarters, Columbus*

July 24—AMP Finance & Accounting Subcommittee Meeting AMP Headquarters, Columbus

Aug. 23—AMP Lineworkers Rodeo AMP Headquarters, Columbus

Aug. 28—AMP Finance & Accounting Subcommittee Meeting Johnstown, Pennsylvania

Sept. 8-12—Lineworker Training Basic 2 AMP Headquarters, Columbus

Update Classifieds

Clinton seeks lineworker

The Village of Clinton I has an immediate opening for a lineworker in its Electrical Department. A journeyman lineman is the preferred level of knowledge, skill, and ability; however, the village will consider those with some level of training and/or experience in the electrical field. Duties include being responsible for the operation, maintenance and construction of the village's municipal electric distribution system.

Must have a high school diploma or GED; have or can obtain a CDL driver's license; mechanical knowledge and experience operating equipment such as an aerial bucket truck, digger derrick truck, backhoe and power tools preferred. The successful candidate, if less experienced, must promptly complete the lineworker apprenticeship program and become a jouneyman lineworker.

Clinton offers an attractive wage and benefit package. Salary is commensurate with experience.

Applications are available at the Village of Clinton website <u>www.villageofclinton.org</u>. Please submit a completed job application and resume by June 17, 2014 to Village of Clinton, 119 E. Michigan Avenue, Clinton MI 49236. *see CLASSIFIEDS Page 5*

Director of IT position open in City of Hamilton

The City of Hamilton, Ohio (pop. 63,000) is seeking candidates for Director of Information Technology.

Qualifications include a bachelor's degree from an accredited college or university with a major in management information systems, information technology, computer science, or a closely related field; and five years of progressively responsible information technology experience at the management level or above, two years of which were at the assistant director or director level; or an equivalent combination of education, training and work experience. MBA or an MPA advanced degree from an accredited college or university is desirable.

Candidates should send cover letter, resume, salary history and five business references in Word or PDF format to: Civil Service Dept., One Renaissance Center, 345 High St. First Floor, Hamilton, OH 45011 by email to: <u>cspersonnel@ci.hamilton.oh.us</u> or by fax to: 513.785.7037. The City of Hamilton is an EEO & AAE. Minorities and women are encouraged to apply.

Fiscal officer position available in Village of New Knoxville

The Village of New Knoxville is accepting applications and resumes for the fulltime position of Village Fiscal Officer. Candidates for this fulltime position must be very computer literate and have excellent skills in Microsoft Word and Excel. Experience with Uniform Accounting Network (UAN) software for municipal accounts payable, accounts receivable, utilities and payroll is also a significant benefit for this position. Experience in human resources issues such as health care, OPERS, worker's compensation and COBRA are also assets for candidates.

Wages will be commensurate with skills and experience. Target annual salary for this position is \$27,750.00 to \$37,250.00. The village fiscal officer works closely with the mayor, village council, village administrator, all village employees and the auditor of the State of Ohio.

Applications can be obtained at the Village Hall in New Knoxville at 101 S. Main St. in New Knoxville, OH or online at <u>www.newknoxville.com</u>. Submit application and resume, including references: Attention: Village Administrator, 101 S. Main St., P.O. Box 246, New Knoxville, OH 45871.

Applications will be accepted until the position is filled. Inquiries can be made at: <u>admin@newknoxville.com</u>.

Danville is looking for electric substation superintendent

The Utilities Department is seeking an experienced candidate to perform administrative and expert technical support for the Substation and Meter Department as well as coordinating the dispatch/control of power supply. Electric substation superintendent will be responsible for preparing the budget and monitoring expenditures, programming; testing and calibrating all meters; handle customer complaints; providing technical support for meter technicians; supervise meter technicians, substation technicians and systems operators.

Qualified candidates will have the ability to read, understand, and interpret financial reports and/or legal documents; the ability to supervise, train, motivate, and discipline authorized personnel. Must have broad knowledge in a general professional or technical field or a bachelor's degree in related field. Possession of valid drivers license required; Starting salary range: \$56,993 -\$68,391/Annual. Position open until filled Apply online: www.danville-va.gov Equal Opportunity Employer.

Cleveland Public Power seeks candidates for consulting engineer, senior lineworker

Cleveland Public Power is seeking applicants for two positions: Consulting Engineer and Senior Lineworker.

Consulting Engineer: Candidates should have a bachelor's degree in electrical engineering or closely related field from an ABET accredited four-year college or university (or equivalent as determined by the Ohio Board of Registration of Professional Engineering and Surveyors). A Master's Degree is preferred. Candidates must be registered as a Professional Engineer (PE) in the State of Ohio or if PE license is in another state, candidates must have applied for an Ohio PE license at the time of hire and obtain it within four months of the date of hire. Three years of full time paid experience in Distribution substation Engineering, GIS, and AutoCAD; five years is preferred.

Senior Lineworker: Candidates should have a high school diploma or GED and must have completed a four-year Apprenticeship Program or Electrical Lineman program. Two years of full time paid experience as a High Tension Lineman or equivalent. May be required to work overtime during emergencies and for emergency call outs. Must be able to lift and carry 75 pounds. A valid State of Ohio Class "A" Commercial Driver's License with Air Brake Endorsement is required.

Interested applicants for either position should submit a cover letter and resume to Danyelle Conner, DPU Employment Services Manager, 1201 Lakeside Ave., Cleveland, Ohio 44114, or email to <u>dconner@clevelandwpc.com</u>.

Schuylkill Haven in need of journeyman electric lineworker

The Borough of Schuylkill Haven is accepting applications for a journeyman electric lineman position.

A complete job description and job application can be obtained by contacting the borough office at 570.385.2841 or by logging on to the Borough's website www.schuylkillhaven.org.

Please submit a completed job application, resume, certifications and three references to: Scott J. Graver, Borough Administrator, Schuylkill Haven Borough Office, 12 W. Main St., Schuylkill Haven, PA 17972.



Legislative Bulletin

Ohio Municipal League Legislative Bulletin

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Committee Schedule

May 16, 2014

SEVERANCE TAX BILL HEADS TO THE SENATE

Earlier this week the Ohio House of Representatives voted to send HB375 (Huffinan) to the Ohio Senate for its consideration by a vote of 55-35. The bill has yet to be assigned to a Senate committee and no timeframe has been given yet as to when the Senate plans on moving the bill. We will inform you of committee and timeframe when that information becomes available. Below is a list of items contained in the bill as well as short list of potential items the League and the other local government groups will be requesting when hearings commence. The League would like to thank Rep. Brian Hill and Rep. Jack Cera for working with the local government groups in trying to improve the bill on behalf of local government.

Items currently included in the bill dealing with local government:

Disbursement:

The first \$21 million in revenue goes to fund the Ohio Department of Natural Resources in the following manner:

- \$15 million for the department's regulatory functions
- \$3 million for the department's idle and orphan well program
- \$3 million for the department's geological mapping program

Seventeen point five percent (17.5%) of the total severance tax revenue will be distributed to local governments in the following manner:

- Hold the Local Government and the Public Library Funds harmless.

Of the remainder:

- The money is distributed to counties in proportion to the statewide share of oil and gas revenue they produce.
- 20% goes to counties; budget commission will decide, must be used on capital.
- 5% goes toward a township road maintenance fund.
- 75% goes toward the Ohio Shale Gas Infrastructure Development Fund, with the Ohio Shale Gas Regional Commission making awards. (of this 85% goes to infrastructure projects and 15% goes to a legacy fund)
- PWC will manage application and award the grants.
- The Ohio Shale Gas Regional Commission is made up of 3 county commissioners, 3 township trustees, 3 municipal

leaders, 1 economic development leader and 1 representative of the oil and gas industry.

- The balance will provide annual income tax relief to Ohioans through the Ohio Income Tax Reduction Fund.

Amendments for which the three local organizations are seeking support:

1) Increase the local government disbursement from 17.5%. There needs to be enough money available to local governments to address the concerns that the Shale Boom is creating.

2) Hold harmless provision that reimburses the loss to LGF / PLF directly off the top of revenue received from increased severance tax - similar to ODNR disbursement - rather than out of local government disbursement.

3) Use each county's undivided local government fund formula, as opposed to the county budget commission, to dispense the 20% each county receives.

HB 289 (SCHURING) JEDZ BILL CONTINUES TO BE HEARD IN THE SENATE

Rep. Kirk Schuring presented his latest version of the bill to the Senate Finance Committee this week. A copy of the bill can be found <u>HERE</u>. The main features in the latest version of HB289 or the (-10) version are:

1.) E limination of the JEDZ process as of 12/31/14

2.) I nability to "substantially" amen d JEDZ contracts after 12/31/14

3.) R equiring the creation of an economic development review council to approve an economic development plan of the contracting parties of a JEDZ prior to the contracting parties passing resolutions/ordinances creating the JEDZ

4.) Make-up of the economic development council.

5.) The -10 version of Sub HB 289 removes 715.691 from the revised code and replaces it with a new section, 715.84. The new section is identical to 715.691 but changes the name from Joint Economic Development Zones to Municipal Utility District. The -10 version also removes the stipulations created in HB 289 regarding newly created JEDZ's under 715.691. The reason for the removal is that they are no longer relevant due to the elimination of that section. In summary, the -10 version eliminates section 715.691 and replaces it with 715.84. This will allow municipalities to continue to join together to share utilities and revenues under Municipal Utility Districts.

ANNEXATION ALERT

Anti-Annexation HB 277 (Rep. Stautberg), which was passed out of the House Committee February 26, of this year, has been languishing in Rules Committee. That is, until Wednesday when it showed up on the House floor for a vote. This is the bill that includes political subdivision property owners in the definition of owners that must be counted to make the petition 100 %. The bill was amended on the House floor prior to passage to make it more troublesome than the original version. HB 277 now proposes to make not only the expedited Type II annexation procedure more difficult but may also impact negatively the expedited Type I procedure. It is clear that the townships are continuing their efforts to stop annexations. Attached <u>HERE</u> is a copy of the amended bill. It would not be surprising if the Senate begins consideration soon. Please let your State Senator know of your objection to this proposal.

The League provided testimony this week at the House Finance Committee in support of HB 459. This testimony was given in conjunction with testimony provided by officials in Nelsonville and Delaware City. This bill provides expanded investment authority for interim and inactive funds to both the state, municipalities, and political subdivisions. SB 287, an OML supported bill which is the same as HB 459, was passed by the Senate as well this week. SB 287 is expected to receive hearings in the House soon.

Have a great weekend.~

Fw: ARTICLE: Cities still scuffling with State over proposed income tax bill

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

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

05/12/14 09:09 AM

For Council Packets.

-----Original Message-----From: "Michelle Jordan" <datataxgroup@gmail.com> To: undisclosed-recipients: Date: 05/12/2014 08:42 AM Subject: ARTICLE: Cities still scuffling with State over proposed income tax bill

Dear DATA members:

Please share this article from Crain's Cleveland with your administration.

Thank you!

Michelle

---Michelle Jordan DATA Dayton Area Tax Administrators

Tax Manager, Dayton Branch Office Central Collection Agency 371 W Second St, Suite 110 Dayton OH 45402 937.227.1359 Office 216.857.7382 Cell www.ccatax.ci.cleveland.oh.us

Monday, May 12, 2014

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Home

Cities still scuffling with state over proposed income tax bill

Possible raise of commercial activity tax is another issue that has yet to be resolve

By JAY MILLER

4:30 am, May 11, 2014

The Ohio General Assembly is moving quickly and nearly unanimously to pass a bill designating a state rock song.

House Bill 283 sailed through the lower House last Wednesday, May 7, 90-0. Now, the Senate will take up t makes "Hang on Sloopy" the state's rock song. The song, long a favorite of the Ohio State Marching Band, "Beautiful Ohio," a World War I era love song, which became the state song in 1969.

It is having a harder time finding a consensus on two business-tax issues that have stirred a lot of debate Columbus. One is House Bill 5, which would simplify the way the state's 600-plus cities collect their income

other is the part of Gov. John Kasich's budget course correction that raises the rate on the commercial act CAT, the state's key business tax.

A decision on the CAT tax changes should be resolved before the Legislature recesses in June since it is pa the governor calls his "mid-biennium budget review." Ohio's manufacturers are fighting the proposed increas tax, which falls heavily on their industry.

The muny tax reform legislation, though, likely will remain in limbo, at least until the Legislature returns for i duck session after the November elections. Though the strongly Republican Legislature generally can side w business on tax issues without worrying about up-close-and-personal objections back home, its members fi themselves caught this time in a crossfire between business interests wanting to cut their tax bills and may Republican and Democratic - who can get in their faces about a bill that will take money out of their budge

Cities see the bill as a state assault on the finances of local governments. They won a number of concessic previous versions of the legislation, but they believe the bill the House passed last November still includes t tax policy changes that will reduce revenues for many taxing districts.

"I don't think there is going to be any movement on it until November," said Kent Scarrett, a lobbyist for the Municipal League, which advocates for the state's cities. "There are still a number of issues that were not I and some new issues included in the bill the House passed that did not get vetted." **Group think**



Among the business organizations that have supported cha way municipal income tax is collected are the National Fed Independent Business/Ohio, the Ohio Society of CPAs, the Chamber of Commerce, the Ohio Nursery and Landscaping Association, the Ohio State Bar Association and the Ohio Manufacturers' Association. The business groups complain of Ohio's nearly 600 taxing cities have their own rules abou taxed and how to file, adding unnecessarily to the cost of

The groups, operating as the Ohio Municipal Tax Reform Cc business group, believe the lack of uniformity raises the co compliance and keeps businesses from locating in Ohio.

Thomas Zaino, managing partner of the Columbus-based la Zaino Hall & Farrin LLC, and a former state tax commission

represented the Ohio Municipal Tax Reform Coalition. He said the cities' concerns about lost income are har quantify and, in any event, not as significant as the cities believe. For example, Zaino said the modification called the "occasional entrant rule" will not have the impact cities believe. The rule governs how an electric contractor, for example, apportions the city tax when he works in a number of cities for short periods of tir

Existing law says tax doesn't have to be paid to a city where the contractor works for less than 12 days. T expands that exemption to 20 days. That would reduce taxes paid to some cities. But, Zaino argued, the tapaid, if not to the occasional city because of the additional eight days of exemption, then to the business's

At the same time, though, it would reduce the number of cities the contractor must file withholding returns saving the cost of those additional filings.

"I have yet to see a city take into account the increased revenue they are going to get from the proposed he said. "It's not going to have a tremendous impact on cities."

Legislative maneuvering

Other issues, especially several amendments attached to the House bill, have widened the gap between the

sides, and the bill that left the House in November passed on a near-party-line vote, 56-39.

The cities object to a floor amendment that eliminated something called the throwback rule, which allowed tax the net profits from sales to a location outside the municipality that are not taxed by another municipa Businesses and the administration sought this change, arguing that it has made it more difficult to attract 1 businesses to the state.

The rule had been eliminated in committee but was reinstated just before the floor vote.

"This isn't about uniformity. This is just reducing the income tax obligation," Scarrett said. "We were disapp thought we had an agreement."

The CAT tax change will be resolved before the Legislature's recess since it is a part of Kasich's plan to red state income tax. But it is being opposed by business groups that might otherwise be supporting the broade

The Kasich administration wants to offset a part of the \$2.6 billion in revenue lost because of the 8.5% dec the state income tax by increasing the CAT tax.

But fiddling with the CAT tax has some business advocates upset.

"We're always concerned that the CAT will be raised," said Rob Brundrett, director of public policy services Ohio Manufacturers Association. The OMA has been leading the fight to keep the tax as broad-based and a possible since it estimates that manufacturers pay more than 27% of the CAT tax, more than any other ind group.

By the numbers

The Kasich administration is asking the Legislature to approve a 15% increase in the CAT paid by businesse than \$1 million in gross receipts from 0.26% to 0.3% of gross sales in Ohio.

Small businesses now pay a flat \$150 a year, rather than a graduated tax.

The increase would restore \$743 million of the revenue lost by the cut in state income tax.

The OMA would prefer that the state eliminate exemptions to the tax - like the exclusion of first \$1 million (from a graduated tax or a credit for certain research and development expenses. In total, the OMA estimat carve-outs cost more than \$373 million annually.

"The broader the base, the lower the rate," Brundrett said.

Reader Comments

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