

# GENERAL INFORMATION

July 15, 2019

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## CALENDAR

**CITY COUNCIL MEETING AGENDA** ~ Monday, July 15, 2019 @7:00 pm

### APPROVAL OF MINUTES

July 01, 2019 Regular Council Meeting Minutes.

### INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Resolution No. 047-19**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances (Transfer No. 3) from Respective Funds to other Funds per Section 5705.14 ORC on an as needed basis in Fiscal Year 2019, listed in Exhibit "A"; and Declaring an Emergency. (Suspension Requested)
2. **Ordinance No. 048-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 4) for the Year 2019; and Declaring an Emergency. (Suspension Requested)
3. **Resolution No. 049-19**, a Resolution Authorizing the City Manager to Enter into a Contract with Jones & Henry Engineers, Ltd. for Professional Design Services for the Project known as the Wastewater Treatment Plant Phase 1 Improvements Project, which was not included in the 2019 Master Bid Resolution, and Authorizing the Expenditure of Funds in Excess of \$25,000.00 for said project; and Declaring an Emergency. (Suspension Requested)

### SECOND READINGS OF ORDINANCES AND RESOLUTIONS.

1. **Resolution No. 043-19**, a Resolution Authorizing the Approval and Execution of the Napoleon Area City School District Campus Improvement Agreement.

### THIRD READINGS OF ORDINANCES AND RESOLUTIONS. *None*

**GOOD OF THE CITY** (Any other business as may properly come before Council, including but not limited to):

1. **Discussion/Action:** Approval of the Power Supply Cost Adjustment Factor for July 2019: PSCA 3-month averaged factor \$0.02203; JV2 \$0.024091.
2. **Discussion/Action:** Direct Law Director to Draft Legislation to Approve the Current May 2019 Replacement Pages to the Napoleon Codified Ordinances.
  - this is for the semi-annual update of the codified ordinances.
3. **Discussion/Action:** South Perry Street Resurfacing Project (Direct Law Director to Draft Legislation).
  - See attached Memorandum from Chad
4. **Discussion/Action:** Accept Donations to K9 Unit.

### INFORMATIONAL ITEMS

1. Agenda – City Tree Commission on Monday, July 15<sup>th</sup> at 6:00 pm
2. Canceled - Parks and Recreation Committee Meeting
3. Information on an Ohio Ethics Law Training Session on August 28, 2019 being offered to agencies in the County and held in our Council Chambers.
4. AMP Update Newsletter/July 12, 2019
5. AMP Update Newsletter/July 5, 2019

## July 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b> 6:15 pm Electric Comm 6:15 pm BOPA 7:00 pm Water/Sewer Comm 7:30 pm Muni Prop. Comm.	<b>9</b> 4:30 pm BZA	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b> 7:30 am Joint Meeting with Henry County Commissioners
<b>14</b>	<b>15</b> 6:00 pm Tree Comm. 7:00 pm City Council	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
<b>21</b>	<b>22</b> 6:30 pm Finance & Budget 7:30 pm Safety & HR Comm	<b>23</b> 4:30 pm Civil Service	<b>24</b> 8:00 am Healthcare Cost Committee	<b>25</b>	<b>26</b>	<b>27</b>
<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b> 6:30 pm Parks & Rec Bd.	Notes:		

City of Napoleon, Ohio

**CITY COUNCIL**

MEETING AGENDA

**Monday, July 15, 2019 at 7:00 pm**

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

**A. Attendance** (Noted by the Clerk)

**B. Prayer and Pledge of Allegiance**

**C. Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)

1. July 1, 2019 Regular Council Meeting Minutes.

**D. Citizen Communication**

**E. Reports from Council Committees**

1. **Electric Committee** met on July 8, 2019; and, recommend Council
  - a. Accept the BOPA recommendation to Approve the July 2019 Power Supply Cost Adjustment Factor.
2. **Water, Sewer, Refuse, Recycling and Litter Committee** met on July 8, 2019; and,
  - a. was presented a summary on what adding an additional refuse bag could do to our expenses and revenues; and
  - b. reviewed the details from the 2019 Spring Cleanup.
3. **Municipal Properties, Building, Land Use and Economic Development Committee** met on July 8, 2019
  - a. regarding the American Road Improvements Project received information on Tax Increment Financing, and
  - b. was given a description of the ODOT Safety Project Award for the St. Rt. 108 and US-24 North Ramp Intersection.
4. **Parks and Recreation Committee** did not meet earlier tonight due to lack of agenda items.

**F. Reports from Other Committees, Commissions and Boards** (*Informational Only-Not Read*)

1. **Board of Zoning Appeals** met on July 9, 2019; and
  - a. Approved PC 19-06 Variance to the Front Setback at 1115 Sycamore Drive.
2. **Planning Commission** did not meet on July 9, 2019 due to lack of agenda items.
3. **Tree Commission** met earlier tonight with the agenda items:
  1. Review Tree Call Reports.
  2. Review Fall Plantings List.
  3. Review Fall Trimmings List.
  4. Finalize Fall Removals List.
  5. Finalize Fall Topsoil List.

**G. Introduction of New Ordinances and Resolutions**

1. **Resolution No. 047-19**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances (Transfer No. 3) from Respective Funds to other Funds per Section 5705.14 ORC on an as needed basis in Fiscal Year 2019, listed in Exhibit "A"; and Declaring an Emergency. (Suspension Requested)
2. **Ordinance No. 048-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 4) for the Year 2019; and Declaring an Emergency. (Suspension Requested)
3. **Resolution No. 049-19**, a Resolution Authorizing the City Manager to Enter into a Contract with Jones & Henry Engineers, Ltd. for Professional Design Services for the Project known as the Wastewater Treatment Plant Phase 1 Improvements Project, which was not included in the 2019 Master Bid Resolution, and Authorizing the Expenditure of Funds in Excess of \$25,000.00 for said project; and Declaring an Emergency. (Suspension Requested)

**H. Second Readings of Ordinances and Resolutions**

1. **Resolution No. 043-19**, a Resolution Authorizing the Approval and Execution of the Napoleon Area City School District Campus Improvement Agreement.

**I. Third Readings of Ordinances and Resolutions.** *None*

**J. Good of the City** (any other business as may properly come before Council, including but not limited to):

1. **Discussion/Action:** Approval of the Power Supply Cost Adjustment Factor for July 2019: PSCA 3-month averaged factor \$0.02203; JV2 \$0.024091.
2. **Discussion/Action:** Direct Law Director to Draft Legislation to Approve the Current May 2019 Replacement Pages to the Napoleon Codified Ordinances.
3. **Discussion/Action:** South Perry Street Resurfacing Project (Direct Law Director to Draft Legislation).
4. **Discussion/Action:** Accept Donations to K9 Unit.

**K. Executive Session.** (*as needed*)

**L. Approve Payment of Bills and Approve Financial Reports.** (*In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.*)

**M. Adjournment.**

  
\_\_\_\_\_  
Roxanne Dietrich  
Interim Clerk of Council

**A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL**

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
*(Next Regular Meeting: Monday, August 5, 2019 @6:15 pm)*
2. **Electric Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 12, 2019 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for August 2019
  - b. Electric Department Report.
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 12, 2019 @7:00 pm)*
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 12, 2019 @7:30 pm)*
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 19, 2019 @6:00 pm)*
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, July 22, 2019 @6:30 pm)*
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, July 22, 2019 @7:30 pm)*
  - a. Golf Carts on City Streets
  - b. Feral Cats.
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 12, 2019 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for August 2019
  - b. Electric Department Report
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, August 13, 2019 @4:30 pm)*
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, August 13, 2019 @5:00 pm)*
4. **Tree Commission (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 19, 2019 at 6:00 pm)*
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, July 23, 2019 @4:30 pm)*
6. **Parks & Recreation Board (Last Wednesday)**  
*(Next Regular Meeting: Wednesday, July 31, 2019 @6:30 pm)*
7. **Privacy Committee (2<sup>nd</sup> Tuesday in May & November)**  
*(Next Regular Meeting: Tuesday, November 12, 2019 @10:30 am)*
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
*(Next Regular Meeting: Tuesday, December 10, 2019 @4:00 pm)*
9. **Housing Council (First Monday of April at 6:30 pm)**
10. **Health Care Cost Committee**  
*(Next Meeting: Wednesday, July 24, 2019 at 8:00 am)*
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)**
13. **Tax Incentive Review Council (as needed)**
14. **Volunteer Firefighters' Dependents Fund Board (as needed)**
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**





**Motion to Suspend the Rules on 044-19**

Sicclair inquired about the change. Harmon explained this will not be a line transfer of funds, it is now bonds and notes, it is debt, we no longer have to go to Common Pleas Court, debt repayment is as described it is not just a transfer.

Motion: Haase Second: Mires  
to suspend the rules requiring three readings of Ordinance No. 044-19:

**Passed**  
**Yea-5**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Mires, Haase, Sicclair, Comadoll, Bialorucki  
Nay-

**Passed**  
**Yea-5**  
**Nay-0**

Roll call vote to pass Ordinance No. 044-19 under Suspension and Emergency:  
Yea-Mires, Haase, Sicclair, Comadoll, Bialorucki  
Nay-

**Third Read of Resolution No. 038-19 Adopting 2020 Tax Budget**

Council President Bialorucki read by title **Resolution No. 038-19**, a Resolution Adopting the 2020 Tax Budget for the City of Napoleon, Ohio, as Required in Sections 5705.28 and 5705.281 of the Ohio Revised Code (ORC) and Directing the Finance Director to File the Same with the County Auditor; and Declaring an Emergency.

**Motion to Approve Third Read of 038-19**

Motion: Comadoll Second: Haase  
to approve Third Read of Resolution No. 038-19.

**Discussion**

Peddicord had nothing to report.

**Passed**  
**Yea-5**  
**Nay-0**

Roll call vote to pass Resolution No. 038-19 on third read:  
Yea-Mires, Haase, Sicclair, Comadoll, Bialorucki  
Nay-

**Second Quarter Budget Adjustments**

Mazur noted during the Finance and Budget Committee meeting the following items were part of the second quarter budget adjustments:  
(a) Advertising needed to have more added to the budget due to special notes that had to go out for Board of Zoning meetings, there were a couple of other plats and we've had more bids so far this year than all of last year, (b) Roadside Mowing additional funding was added to, (c) natural gas costs increased at the new Water Treatment Plant building, this winter was a really cold winter and with the additional building space needing to be heated we have nearly doubled what was budgeted. As the Mayor said, we have a big room with cold water coming in that we are trying to heat and it takes a little more; and (d) in the Parks and Rec budget the shelter house rental refunds were not accurately budgeted for and additional money was added to that fund.

**Motion to Direct Law Director to Draft Legislation for 2<sup>nd</sup> Quarter Budget Adjustments**

Motion: Comadoll Second: Mires  
to direct the Law Director to draft legislation for the second quarter budget adjustments.





Maassel-did not hear any complaints, made it easy for volunteers carding doors, to me that was the key.

Bialorucki-did have a few people ask questions regarding suspension and what the reason was and if it was just for that day maybe people did not read? That was all I heard.

**Comadoll**

Thank-you to the Operations Department for getting East Washington and Monroe Street patched. Last Thursday we had a catastrophe here in Napoleon with a spill we were right on the money. We finally got some funding for Park Street, one project we can get done finally after the fourth year. Mazur noted the amount awarded for the project was an additional \$555,000.

**Bialorucki**

I had a few people ask when Haley Street will be started. Mazur replied they just had the preconstruction meeting at the end of June, the contractor will start in mid-August and wants to have the project completed in September. They will start with Haley move to Becklee, Bonaparte and Ken James, all weather dependent. Bialorucki continued, what Parks & Rec has planned for the 4<sup>th</sup> of July looks like they have put together quite a bit for the City, there will be a lot of work involved and there will be lot of work that day for the Police and Fire Departments too. I'm excited to see another great fireworks performance.

**Comadoll**

I would like to thank the American Legion for free swim this week, they do it every year.

**Mazur**

Do you think it would be beneficial to send another release on lanterns? Bialorucki-that would be a good idea with as much rain as we did have and now a lot of people do not realize how dry it is.

**Maassel**

Rib Fest was a nice event on Friday night, we drove by Saturday morning on our way to Pickers Paradise and it was basically all cleaned up, the Chamber does a great job, there is a lot of work and a lot of volunteers. There was a lot of people at Pickers Paradise. Mazur added there were 308 vendors at Pickers Paradise.

Are we still working on the feral cat issue? Mazur responded we are coming up with the same conclusions there is no magic bullet for this. We can modify our code to help enforce feeding of animals a little better but will have to spend money on trapping, spaying and neutering. We can try to seek grants but there are no grants out there. Harmon noted there is not a really good solid answer perhaps we can patch a couple ideas together and work with the local animal shelter, we would have to help fund. It all depends if Council wants to send the issue to committee to discuss further. I have some ideas and know Joel has some too. Mazur added the Ohio Municipal League (OML) doesn't have any solutions for this either. The City of Mentor has a population of 50,000 and they work with an animal welfare organization to trap, neuter and return. Other communities have put fliers together on what can be done to provide



**Motion to go into Executive Session for Economic Development**

Motion: Siclair Second: Comadoll  
to go into Executive Session for Economic Development.

**Passed**  
**Yea-5**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Mires, Haase, Siclair, Comadoll, Bialorucki  
Nay-

**Motion to go into Executive Session for Matters Required to be Kept Confidential Due to Competitive Nature of Utility**

Motion: Haase Second: Comadoll  
to go into Executive Session regarding Matters Required to be Kept Confidential Due to Competitive Nature of Utility.

**Passed**  
**Yea-5**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Mires, Haase, Siclair, Comadoll, Bialorucki  
Nay-

City Council went into Executive Session at 7:53 pm.

**Motion to Come Out of Executive Session for Personnel**

Motion: Comadoll Second: Siclair  
to come out of Executive Session for Personnel at 8:08 pm.

**Passed**  
**Yea-5**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Mires, Haase, Siclair, Comadoll, Bialorucki  
Nay-

Council President Bialorucki reported no action was taken in Executive Session.

Harmon noted everyone is now seated and if Council President desires to add legislation to the agenda he can do so.

Council President Bialorucki requested **Ordinance 045-19** be added to the agenda.

**Motion to Add Ordinance No. 045-19 to the Agenda**

Motion: Comadoll Second: Mires  
to add Ordinance No. 045-19 to the agenda.

**Passed**  
**Yea-5**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Mires, Haase, Siclair, Comadoll, Bialorucki  
Nay-

**Introduction of Ordinance No. 045-19 Acting Finance Director**

Council President Bialorucki read by title, Ordinance No. 045-19, an Ordinance Appointing Christine R. Peddicord as Acting Finance Director for the City of Napoleon, Ohio beginning July 1, 2019; and Declaring an Emergency.

<b>Motion to Approve First Read</b>	Motion: Comadoll to approve First Read of Ordinance No. 045-19.	Second: Mires
<b>Discussion</b>	Harmon stated the legislation is written to run through the date before the Finance Director starts.	
<b>Motion to Suspend the Rules</b>	Motion: Comadoll to suspend the rules requiring three readings of Ordinance No. 045-19.	Second: Mires
<b>Passed</b>	Roll call vote to suspend the rules on 045-19:	
<b>Yea-5</b>	Yea-Mires, Haase, Siclair, Comadoll, Bialorucki	
<b>Nay-0</b>	Nay-	
<b>Passed</b>	Roll call vote to pass Ordinance No. 045-19 Under Suspension and Emergency:	
<b>Yea-5</b>	Yea-Mires, Haase, Siclair, Comadoll, Bialorucki	
<b>Nay-0</b>	Nay-	
	Council President Bialorucki requested <b>Ordinance No. 046-19</b> be added to the Agenda.	
<b>Motion to Add Ordinance No. 046-19 to the Agenda</b>	Motion: Comadoll to add Ordinance No. 046-19 to the agenda.	Second: Haase
<b>Passed</b>	Roll call vote on the above motion:	
<b>Yea-5</b>	Yea-Mires, Haase, Siclair, Comadoll, Bialorucki	
<b>Nay-0</b>	Nay-	
<b>Introduction of Ordinance No. 046-19 Appointment of City Finance Director</b>	Council President Bialorucki read by title Ordinance No. 046-19, an Ordinance Appointing Kelly O'Boyle as the City Finance Director for the City of Napoleon, Ohio; and, Declaring an Emergency.	
<b>Motion to Approve First Read of 046-19</b>	Motion: Comadoll to approve first read of Ordinance No. 046-19.	Second: Haase
<b>Discussion</b>	None.	
<b>Motion to Suspend the Rules</b>	Motion: Comadoll to suspend the rules requiring three readings of Ordinance No. 046-19.	Second: Mires
<b>Passed</b>	Roll call vote to suspend the rules on 046-19:	
<b>Yea-5</b>	Yea-Mires, Haase, Siclair, Comadoll, Bialorucki	
<b>Nay-0</b>	Nay-	
<b>Passed</b>	Roll call vote to pass Ordinance No. 046-19 under Suspension and Emergency.	
<b>Yea-5</b>	Yea-Mires, Haase, Siclair, Comadoll, Bialorucki	
<b>Nay-0</b>	Nay-	







NORTHWESTERN  
**THE DISTRICT**  
WATER & SEWER

June 27, 2019

City of Napoleon  
Jason Massel, Mayor  
PO Box 151  
Napoleon, OH 43545

RE: Henry County Regional Water & Sewer District Transition

Dear Mayor:

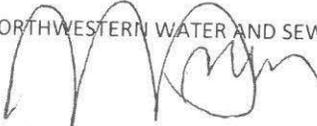
Our two regional water and sewer district boards will reach an interim operating agreement during the week of June 31<sup>st</sup> to operate Henry County's water and sewer district operations. It may be 60-90 days before the final merger is completed.

In the meantime, our emphasis will remain on serving the customer. We will not be changing any policies of the Henry County Water District, nor ignoring any current contracts already in place. It's "business as normal" in our minds, while we make improvements in their field, billing and financial operations.

With a more robust set of resources to operate the system, our 74 employees, equipment, knowledge and experience should remedy several problems now going forward in their service areas.

If you have questions, please contact me.

Sincerely,

  
NORTHWESTERN WATER AND SEWER DISTRICT

Jerry Greiner  
President  
877-354-9090 ext. 194  
[jgreiner@nwwsd.org](mailto:jgreiner@nwwsd.org)

JG/lob

Responsible for every drop.

12560 Middleton Pike • P.O. Box 348 • Bowling Green, Ohio 43402  
Fax: (419) 354-9344 • (877) 354-9090 • [www.nwwsd.org](http://www.nwwsd.org) • E-mail: [district@nwwsd.org](mailto:district@nwwsd.org)  
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*City of Napoleon, Ohio*

## **ELECTRIC COMMITTEE**

MAJORITY REPORT

**Monday, July 08, 2019**

The Electric Committee met on Monday, July 08, 2019, and:

1. Accepted the BOPA Recommendation to Approve the Power Supply Cost Adjustment Factor for July 2019 as PSCA 3-month averaged factor \$0.02203; JV2 \$0.024091.

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Travis Sheaffer, Chairman

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Joseph D. Bialorucki, Committee Member

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Lori Siclair, Committee Member

*City of Napoleon, Ohio*

**WATER, SEWER, REFUSE, RECYCLING AND LITTER  
COMMITTEE**

MAJORITY REPORT

**Monday, July 08, 2019**

The Water, Sewer, Refuse, Recycling and Litter Committee met on Monday, July 08, 2019, and:

- 1) Was presented a summary on what adding an additional refuse bag could do to our expenses and revenues; and,
- 2) Reviewed the details from the 2019 Spring Cleanup.

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Jeff Comadoll, Chairman

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Travis Sheaffer, Committee Member

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Lori Siclair, Committee Member

*City of Napoleon, Ohio*

**MUNICIPAL PROPERTIES, BUILDING, LAND USE AND  
ECONOMIC DEVELOPMENT COMMITTEE**

MAJORITY REPORT

**Monday, July 08, 2019**

The Municipal Properties, Building, Land Use and Economic Development Committee met on Monday, July 08, 2019, and:

1. Received Information on Tax Increment Financing (TIF) regarding the American Road Improvements Project; and,
2. Was given a description of the ODOT Safety Project Award for the St. Rt. 108 and US-24 North Ramp Intersection.

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Lori Sicclair, Chairman

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Joseph D. Bialorucki, Committee Member

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Jeff Mires, Committee Member

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Jason Maassel, Committee Member

**RESOLUTION NO. 047-19**

**A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES (TRANSFER NO. 3) FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2019, LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City is a charter municipality having those powers of self government as stated in Article I of its Charter; and

**WHEREAS**, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; Now Therefore,

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

Section 1. That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies, transfer number 3, among the various funds on an as needed basis in Fiscal Year 2019 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

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 the City 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, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

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Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 047-19 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.*

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*Roxanne Dietrich, interim Clerk of Council*

2019 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY				
Resolution No. 047-19, Passed 00/00/2019 FUND/DEPARTMENT-2ND QUARTER ADJUSTMENT	2019 SUPPLEMENTAL BUDGET ADJUSTMENT			2019 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
<b>100 GENERAL FUND</b>				
1500 Finance/Administrative	\$0	\$8,000.00	\$8,000.00	
<b>Total - 100 General Fund</b>	<b>\$0</b>	<b>\$8,000.00</b>	<b>\$8,000.00</b>	<b>\$8,000.00</b>
<b>201 STATE HIGHWAY IMP FUND</b>				
5100 Service/Streets Maint. And Prop.	\$0.00	\$11,070.00	\$11,070.00	\$11,070.00
<b>204 COUNTY MV LIC. PERM. TAX FUND</b>				
5100 Service/Streets Maint. And Prop.	\$0	-\$11,070.00	-\$11,070.00	-\$11,070.00
<b>220 RECREATION FUND</b>				
4400 Recreation/Parks & Programs	\$0.00	\$5,250.00	\$5,250.00	\$5,250.00
<b>510 WATER REVENUE FUND</b>				
6200 Water/Treatment Plant Operations	\$0.00	\$10,500.00	\$10,500.00	\$10,500.00
<b>* GRAND TOTAL - ALL FUNDS</b>	<b>\$0.00</b>	<b>\$23,750.00</b>	<b>\$23,750.00</b>	<b>\$23,750.00</b>

**ORDINANCE NO. 048-19**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 4) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY**

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 072-18 for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 4) as provided in Exhibit "A" (one page), attached hereto and made a part hereof.

Section 2. 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 the City 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 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 this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 048-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, interim Clerk of Council*

**2019 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT  
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

ORDINANCE No. 048-19, Passed 00/00/2019 FUND/DEPARTMENT-2ND QUARTER ADJUSTMENT	2019 SUPPLEMENTAL BUDGET ADJUSTMENT			2019 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
<b>100 GENERAL FUND</b>				
1500 Finance/Administrative	\$0	\$8,000.00	\$8,000.00	
<b>- 1500 Finance/Administrative - Legal Advertising - \$8,000.00:</b>				
Accounts - 100.1500.53810 Legal Advertising		\$8,000.00		
<b>Total - 100 General Fund</b>	<b>\$0</b>	<b>\$8,000.00</b>	<b>\$8,000.00</b>	<b>\$8,000.00</b>
<b>201 STATE HIGHWAY IMP FUND</b>				
5100 Service/Streets Maint. And Prop.	\$0.00	\$11,070.00	\$11,070.00	\$11,070.00
<b>- 5100 Service/Streets Maint. And Prop. - Additional Amount for Mowing Service \$11,070.00:</b>				
Accounts - 201.5100.53300 Service Fees - Profess		\$11,070.00		
<b>204 COUNTY MV LIC. PERM. TAX FUND</b>				
5100 Service/Streets Maint. And Prop.	\$0	-\$11,070.00	-\$11,070.00	-\$11,070.00
<b>- 5100 Service/Streets Maint. And Prop. - Funds to the 201 Fund for Mowing -\$11,070.00:</b>				
Accounts - 204.5100.54260 Supplies-Ice & Snow		-\$11,070.00		
<b>220 RECREATION FUND</b>				
4400 Recreation/Parks & Programs	\$0.00	\$5,250	\$5,250.00	\$5,250.00
<b>- 4400 recreation/Parks Program - Additional for Shelter House Refunds \$5,250.00:</b>				
Accounts - 220.4400.59000 Shelter House Refund		\$5,250.00		
<b>510 WATER REVENUE FUND</b>				
6200 Water/Treatment Plant Operations	\$0.00	\$10,500	\$10,500.00	\$10,500.00
<b>- 6200 Water/Treatment Plant Operation. - Additional amount needed for Utilities Natural Gas \$10,500.00:</b>				
Accounts - 510.6200.53111 Utilities - Natural Gas		\$10,500.00		
<b>* GRAND TOTAL - ALL FUNDS</b>	<b>\$0.00</b>	<b>\$23,750.00</b>	<b>\$23,750.00</b>	<b>\$23,750.00</b>

**ORDINANCE NO. 049-19**

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JONES & HENRY ENGINEERS, LTD. FOR THE PURPOSE OF PROFESSIONAL DESIGN SERVICES FOR THE PROJECT KNOWN AS THE WASTEWATER TREATMENT PLANT PHASE I IMPROVEMENT PROJECT, WHICH WAS NOT INCLUDED IN THE 2019 APPROPRIATION BUDGET, ALSO AUTHORIZING SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 5) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City desires to move forward with the design of its wastewater treatment plant improvements; and,

**WHEREAS**, the City sought statements of qualifications from engineering firms for the design of improvements to the City wastewater treatment plant; and,

**WHEREAS**, the City ranked the responding firms and determined that Jones & Henry Engineers, Ltd. as the most qualified firm; and,

**WHEREAS**, the City now desires to enter into a contract with Jones & Henry Engineers, Ltd. for professional design services for the City Wastewater Treatment Plant Phase I Improvements Project; and,

**WHEREAS**, this Project was not included in the annual 2019 Master Bid List Resolution, and that the cost of this project exceeds \$25,000.00; **Now therefore,**

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

Section 1. That, the expenditure of funds in excess of twenty-five thousand dollars (\$25,000.00) for the purpose of professional design services for the Wastewater Treatment Plant Phase 1 Improvements Project is hereby authorized by this Council as a necessary public expenditure.

Section 2. That, having found Jones & Henry Engineers, Ltd. to be the most qualified firm, the City Manager is hereby authorized to enter into a contract with Jones & Henry Engineers, Ltd. for professional design services for the Wastewater Treatment Plant Phase 1 Improvements Project.

Section 3. That, the annual appropriation measure passed in Ordinance No. 072-18 and supplemented by Ordinance No.(s) 028-19, 039-19, and 048-19, for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 5) as provided in Exhibit A (one (1) page), attached hereto and made a part hereof.

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, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the design process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 049-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, interim Clerk of Council*

**RESOLUTION NO. 043-19**

**A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF  
THE NAPOLEON AREA CITY SCHOOL DISTRICT CAMPUS  
IMPROVEMENT AGREEMENT**

**WHEREAS**, the City of Napoleon (the "City") is an Ohio municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio and its Charter; and,

**WHEREAS**, the Napoleon Area City School District Board of Education (the "District") is a political subdivision; and,

**WHEREAS**, the City and the District desire to work together to improve some road conditions at the school and to make improvements to the traffic and parking areas around the District's campus for the betterment of students, faculty, visitors and the general public. **Now Therefore**,

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

Section 1. That, based on the conditions of Clairmont Avenue, the City of Napoleon (City) and the Napoleon Area City School District Board of Education (District) desire to and have agreed to improve the conditions and appearance of this roadway.

Section 2. That, the City and District see the benefits of improving traffic patterns around the bus parking lot and student drop-off area, the baseball and softball field parking areas, and in improving pedestrian traffic conditions in and around the District's campus and have agreed to work together to resolve the aforementioned issues.

Section 3. That, the City Manager is hereby authorized and directed to enter into the Napoleon Area City School District Campus Improvement Agreement, upon the effective date as determined in the Agreement, and in the form as currently on file in the office of the City Finance Director

Section 4. 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 5. 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 6. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 043-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, interim Clerk of Council*

**NAPOLEON AREA CITY SCHOOL DISTRICT  
CAMPUS IMPROVEMENT AGREEMENT**

This NAPOLEON AREA CITY SCHOOL DISTRICT CAMPUS IMPROVEMENT AGREEMENT (this "Agreement") is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2019 (the "Effective Date"), by and between the CITY OF NAPOLEON (the "City"), an Ohio municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio (the "State") and its Charter and THE NAPOLEON AREA CITY SCHOOL DISTRICT BOARD OF EDUCATION (the "District") a political subdivision. The City and the District may hereinafter be referred to individually as a "Party", or collectively as the "Parties."

**Recitals**

WHEREAS, the Parties desire to work together to make improvements to the traffic and parking areas around the District's campus for the betterment of students, faculty, visitors and general public; and

WHEREAS, based on the conditions of the Clairmont Avenue, the Parties desire to improve the conditions and appearance of the roadway; and

WHEREAS, the Parties see the benefits of improving traffic patterns around the bus parking lot and student drop-off area, the baseball and softball field parking areas and pedestrian traffic in and around the District campus; and

WHEREAS, pursuant to Ordinance No. \_\_\_\_\_ passed on \_\_\_\_\_, 2019 (the "Ordinance"), the City has determined to enter into this Agreement with the District; and

Whereas, pursuant to Resolution No. \_\_\_\_\_ passed on \_\_\_\_\_, 2019 (the "Resolution"), the District has determined to enter into this Agreement with the City.

**End of Recitals**

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the District covenant, agree and obligate themselves to the foregoing Background Information and as follows:

**ARTICLE I  
GENERAL AGREEMENT AND TERM**

**Section 1. General Agreement Among Parties.** For the reasons set forth in the Recitals hereto, which Recitals are incorporated herein by reference as a statement of the public purposes of this Agreement and the intended arrangements between the Parties, the Parties intend to and shall cooperate in the manner described herein to provide certain incentives to the District and facilitate the reconstruction of that portion of Clairmont Avenue owned by the District.

**Section 2. Term of Agreement.** This Agreement shall become effective as of the Effective Date and will continue until the Parties' respective obligations set forth herein have been fulfilled, unless earlier terminated in accordance with this Agreement.

**Section 3. No Implied Obligations for Future Improvement.** Except as otherwise expressly provided herein, the rights and obligations of the Parties under this Agreement pertain only to the provision of certain obligations described herein and facilitating the improvements. This Agreement creates no obligation by any Party to cooperate in the design, financing or construction of any development other than the project described herein.

**Section 4. No Partnership or Joint Venture.** This Agreement does not and may not be construed to create a partnership or joint venture between or among any of the Parties.

**ARTICLE II  
REPRESENTATIONS OF THE PARTIES**

**Section 1. Representations by the District.**

- (a) The District is an Ohio School District duly organized and validly existing under the laws of the State.
- (b) The District has the power and authority to enter into and perform this Agreement.
- (c) This Agreement has been duly authorized, executed and delivered by the District and constitutes the legal, valid and binding obligation of the District enforceable in accordance with its terms.
- (d) Neither the entry into nor the performance of and compliance with this Agreement has resulted or will result in any violation of, or a conflict with or a default under, any judgment, decree, order, contract or agreement by which the District is bound or any legal requirement applicable to the District.
- (e) There is no action, proceeding or investigation pending or, to the District's actual knowledge, threatened, which questions, directly or indirectly, the validity or enforceability of this

Agreement or any action taken or to be taken pursuant to this Agreement, or which might result in any material adverse change in the condition (financial or otherwise) or business of the District.

(f) No representation or warranty of the District in this Agreement contains any untrue statement of material fact or omits a statement of a material fact necessary in order to make such representation or warranty not misleading in light of the circumstances under which it is made.

**Section 2. Representations by the City.**

(a) The City is a municipal corporation duly organized and validly existing under the Constitution and the applicable laws of the State and its Charter.

(b) The City has the power and authority to enter into and perform this Agreement.

(c) This Agreement has been duly authorized, executed and delivered by the City and constitutes the legal, valid and binding obligation of the City enforceable in accordance with its terms.

(d) Neither the entry into nor the performance of and compliance with this Agreement has resulted or will result in any violation of, or a conflict with or a default under, any judgment, decree, order, contract or agreement by which the City is bound or any legal requirement applicable to the City.

(e) There is no action, proceeding or investigation pending or, to the City's actual knowledge, threatened, which questions, directly or indirectly, the validity or enforceability of this Agreement or any action taken or to be taken pursuant to this Agreement.

(f) No representation or warranty of the City in this Agreement contains any untrue statement of material fact or omits a statement of a material fact necessary in order to make such representation or warranty not misleading in light of the circumstances under which it is made.

(g) Ordinance No. \_\_\_\_\_ passed by City Council on \_\_\_\_\_, 2019, authorizing the execution and delivery of this Agreement, has been duly passed and is in full force and effect as of the Effective Date.

**ARTICLE III  
RESPONSIBILITIES OF THE DISTRICT**

**Section 1. Clairmont Avenue.** The District agrees to repair and reconstruct the segment of Clairmont Avenue, which consists of the roadway, concrete curbing and other appurtenances, that the City has deemed is owned by the District and is located within the property boundaries of the property owned by the District to the standards that are acceptable to the City as outlined in the Engineering Department Rules & Regulations adopted by the Napoleon City Council on July 15, 1998 by Ordinance No. 30-98 and last amended on June 6, 2016 by Ordinance No. 020-16 at an estimated cost of \$275,000 of which costs are detailed in Exhibit A: Engineer's Estimate, by the end of calendar year 2020.

**Section 2. Roadway Dedication.** Upon successful completion to the satisfaction of the City, the District shall dedicate the section of Clairmont Avenue to the City. The dedication shall take place within 90 days of completion.

**Section 3. Grant Funding for Pedestrian Improvements.** The District agrees to be an active partner in seeking grant funds for pedestrian improvements on and around the District's campus. This includes in participating in events and performing tasks that would enhance any application for grant funds and would increase the score of a grant application which would improve the likelihood of having a grant awarded either Party. This includes participating in national and state recognized walk and bike to school days and updating the District's Pedestrian Transportation Plan. Additionally, the District agrees to pay for 50% of the consulting costs for any application that is applied for by the City.

**Section 4. Engineering Study and Recommendations.** The District shall undertake an Engineering Study to address the traffic flow of the area on Westmoreland Avenue between the intersection of Clairmont Avenue to the southernmost entrance to the elementary school to identify any improvements needed to improve safety and mitigate any potential traffic hazards around the District Transportation Lot and the unpaved portion of the turn lane at the North entrance to the elementary school. The District and City shall review the recommendations outlined by the Engineering Study as a part of this Agreement and determine which option(s) provide the best and most cost effective solution(s) to alleviate traffic hazards and improve safety.

**Section 5. Softball and Baseball Field Parking.** The District shall develop a Plan to address the parking at the Softball and Baseball fields to mitigate illegal parking taking place on Westmoreland Avenue during events. The District shall work with the City Police Department to implement the Plan.

**ARTICLE IV  
RESPONSIBILITIES OF THE CITY**

**Section 1. Inspection Services.** The City shall provide inspection services during the construction of the repair and reconstruction of the segment of Clairmont Avenue, which consists of the roadway, concrete curbing and other appurtenances, that the City has deemed is owned by the District and is located within the property boundaries of the property owned by the District to the standards that are acceptable to the City as outlined in the Engineering Department Rules & Regulations.

**Section 2. Roadway Dedication.** Upon successful completion to the satisfaction of the City, the City shall accept the dedication of the section of Clairmont Avenue to the City. The dedication shall take place within 90 days of completion.

**Section 3. Grant Funding for Pedestrian Improvements.** The City agrees to be an active partner in seeking grant funds for pedestrian transportation improvements on and around the District's campus. This includes participating in events and performing tasks that would enhance any application for grant funds and would increase the score of a grant application which would improve the likelihood of having a grant awarded either Party. Additionally, the City agrees

to pay for 50% of the consulting costs for any application that is applied for by the City or the District.

**Section 4. Compensation.** In consideration of the District completing the tasks listed in Article III of this Agreement, the City agrees to compensate the District in the amount of \$50,000 in calendar year 2020, \$50,000 in calendar year 2021 and \$50,000 in calendar year 2022. The payments for the calendar years 2020 and 2021 shall be made within 45 days of the City receiving an invoice from the District in each respective year. For the final payment in 2022, the District shall send an invoice to the City, which will then be reviewed by the City Council. The final payment shall be made within 45 days after the City Council reviews and confirms that the provisions of this Agreement have been met.

## **ARTICLE V MISCELLANEOUS PROVISIONS**

**Section 1. Assignment.** This Agreement may not be assigned without the prior written consent of all non-assigning Parties.

**Section 2. Binding Effect.** The provisions of this Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns.

**Section 3. Captions.** The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

**Section 4. Day for Performance.** Wherever herein there is a day or time period established for performance and such day or the expiration of such time period is a Saturday, Sunday or legal holiday, then such time for performance shall be automatically extended to the next business day.

**Section 5. Entire Agreement.** This Agreement constitutes the entire Agreement between the Parties on the subject matter hereof and supersedes all prior negotiations, agreements and understandings, both written and oral, between the Parties with respect to such subject matter. This Agreement may not be amended, waived or discharged except in an instrument in writing executed by the Parties.

**Section 6. Events of Default.** In the event of any default in or breach of this Agreement, or any of its terms or conditions, by any Party hereto, the non-defaulting Party shall provide written notice to the defaulting Party of such default or breach. The defaulting Party shall have thirty (30) days following receipt of such written notice to cure or remedy such default or breach.

**Section 7. Executed Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed to constitute an original, but all of which together shall constitute but one and the same instrument. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

**Section 8. Extent of Covenants; No Personal Liability.** All covenants, obligations and agreements of the Parties contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. No such covenant, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, officer, agent or employee of the District or City other than in his or her official capacity, and neither the members of the legislative body of the District or City official executing this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the execution thereof or by reason of the covenants, obligations or agreements of the District or City contained in this Agreement.

**Section 9. Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio without regard to its principles of conflicts of laws. All claims, counterclaims, disputes and other matters in question between the District, its agents and employees, and the City, its employees and agents, arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Henry County, Ohio.

**Section 10. Limitation on Liability.** Notwithstanding any clause or provision of this Agreement to the contrary, in no event shall the Parties be liable to each other for punitive, special, consequential, or indirect damages of any type and regardless of whether such damages are claimed under contract, tort (including negligence and strict liability) or any other theory of law.

**Section 11. Notices.** Notice from one Party to another relating to this Agreement shall be deemed effective if made in writing and delivered to the recipient's address set forth below by any of the following means: (a) hand delivery, (b) registered or certified U.S. mail, postage prepaid, with return receipt requested, or (c) Federal Express, UPS, or like overnight courier service. Notice made in accordance with this Section shall be deemed delivered when delivered by hand, upon receipt or refusal of receipt if mailed by registered or certified U.S. mail, or the next business day after deposit with an overnight courier service if delivered for next day delivery. The Parties agree that electronic mail shall not constitute a permitted form of notice under this Section. All notices shall be addressed as follows:

If intended for the City, to:

City of Napoleon, Ohio  
255 W. Riverview Avenue  
Napoleon, Ohio 43545  
Attention: City Manager

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With a copy to:

City of Napoleon, Ohio  
255 W. Riverview Avenue  
Napoleon, Ohio 43545  
Attention: Law Director

If intended for the District, to:

The Napoleon Area City School District  
701 Briarheath Drive  
Napoleon, Ohio 43545  
Attention: Treasurer

The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices; certificates, requests or other communications shall be sent.

**Section 12. No Recordation of Agreement.** Neither this Agreement nor any memorandum of this Agreement may be recorded in the real property records.

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**Section 13. No Waiver.** The failure of any Party to insist at any time upon the strict observance or performance of any of the provisions of this Agreement or to exercise any right or remedy as provided in this Agreement shall not impair any such right or remedy or be construed as a waiver or relinquishment thereof. Every right and remedy given by this Agreement to the Parties hereto may be exercised from time to time and as often as may be deemed expedient by the parties hereto, as the case may be.

**Section 14. Recitals.** The Parties acknowledge and agree that the facts and circumstances as described in the Recitals hereto are an integral part of this Agreement and as such are incorporated herein by reference.

**Section 15. Severability.** If any provision of this Agreement, or any covenant, obligation or agreement contained herein is determined by a court to be invalid or unenforceable, that determination shall not affect any other provision, covenant, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation or agreement shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

**Section 16. Survival of Representations and Warranties.** The warranties, representations, covenants and agreements set forth in this Agreement shall not be cancelled by performance under this Agreement, but shall survive the Closing and the delivery of the deed of conveyance hereunder.

**Section 17. Third Party Beneficiaries.** Nothing in this Agreement, express or implied, is intended to or shall confer upon any other person any right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.

**Section 18. Time of Essence.** Time is of the essence of this Agreement in all respects.

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DRAFT

IN WITNESS WHEREOF, the City, the CIC and the District have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the date first written above.

**CITY:**

**CITY OF NAPOLEON, OHIO**  
an Ohio municipal corporation

By: \_\_\_\_\_

Printed: Joel Mazur

Title: City Manager

**DISTRICT:**

**NAPOLEON AREA CITY SCHOOL DISTRICT**  
a political subdivision

By: \_\_\_\_\_

Printed: Ty Otto

Title: Board President

BY: \_\_\_\_\_

Printed: Michael Bostelman

Title: Treasurer

Approved as to Form:

By: \_\_\_\_\_

Printed: Billy D. Harmon

Title: Law Director

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**FISCAL OFFICER'S CERTIFICATE**

The undersigned, Director of Finance of the City under the foregoing Agreement, certifies hereby that the moneys required to meet the obligations of the City under the foregoing Agreement during Fiscal Year 2019 have been appropriated lawfully for that purpose, and are in the Treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Kent Seemann  
Director of Finance  
City of Napoleon, Ohio

**TREASURER'S CERTIFICATION**

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the Board of Education of the Napoleon Area City School district under the foregoing Agreement have been lawfully appropriated for such purposes and are in the treasury of the Napoleon Area City School District or are in the process of collection to an appropriate fund, free from any previous encumbrance.

\_\_\_\_\_  
Signature

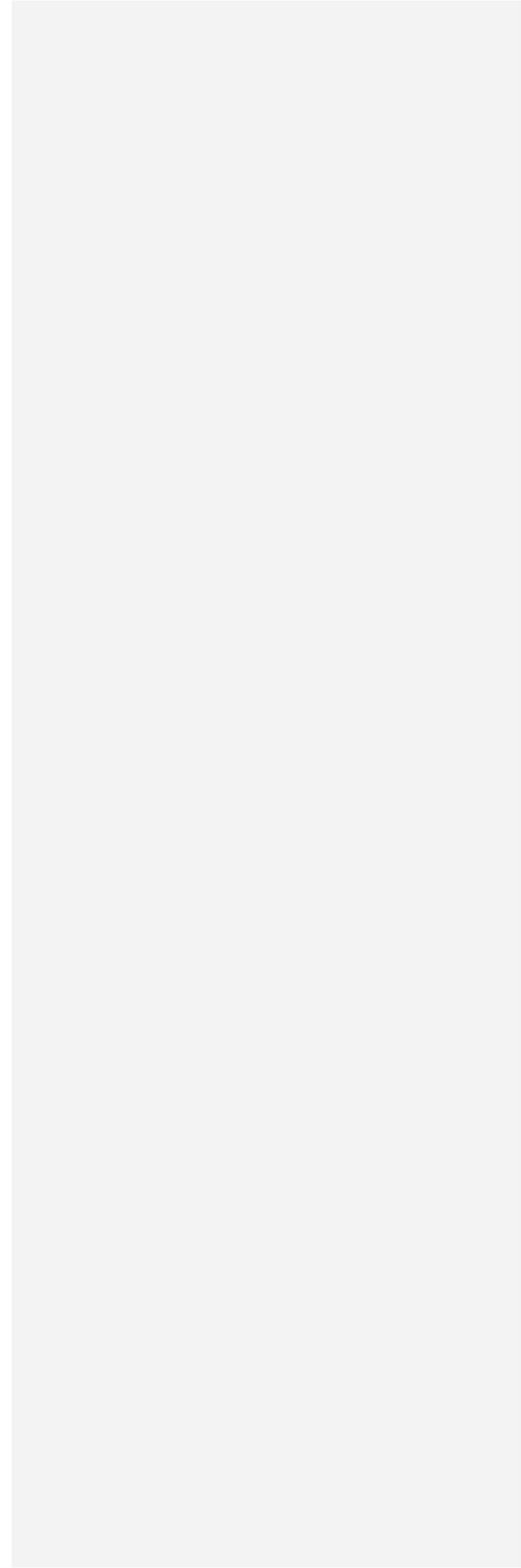
Michael Bostelman  
Printed Name

School District Board Treasurer  
Title

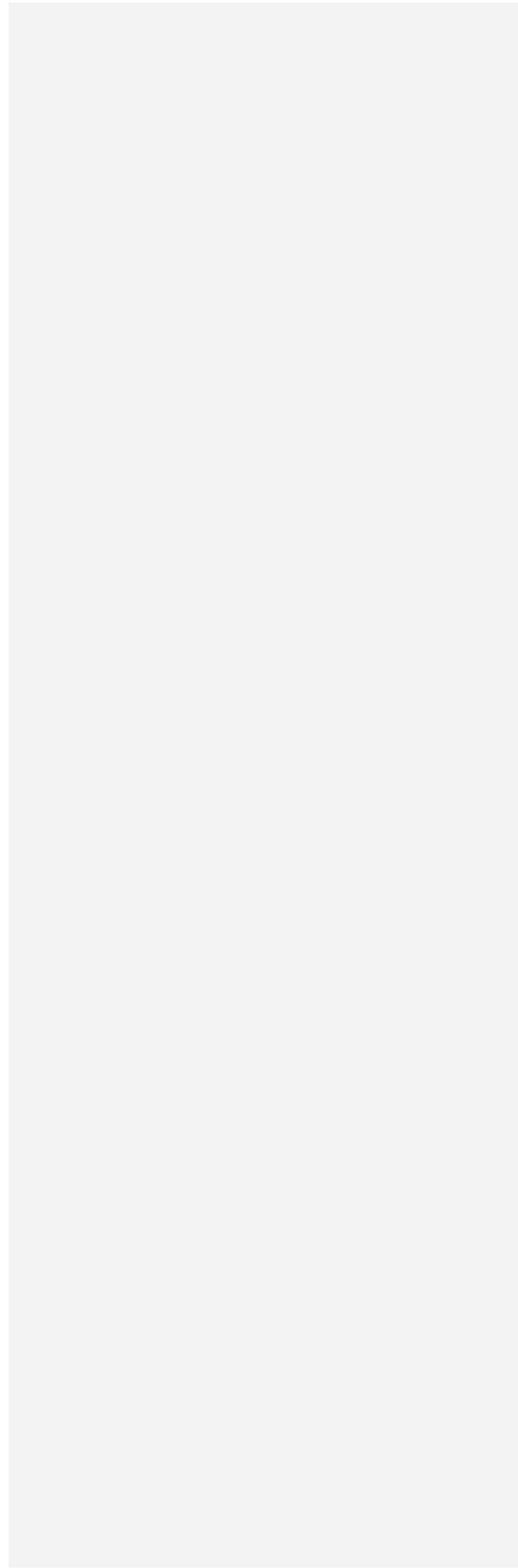
**EXHIBIT A**

**Engineer's Estimate**

DRAFT



DRAFT





# 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](http://www.napoleonohio.com)

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Billy D. Harmon, City Law Director  
**Date:** June 24, 2019  
**Subject:** S. Perry Street Resurfacing ~ O.D.O.T. Required Legislation

In 2020 O.D.O.T. will be resurfacing S.R. 108 between Holgate & Napoleon. I have been working with O.D.O.T. to have S. Perry Street resurfaced from the river bridge to the south corporation limit as part of its larger project to save on costs. In order for O.D.O.T. to work inside the corporation limits, legislation must be passed by the City Council. I have received sample legislation from O.D.O.T. Please request for Council to direct the Law Director to draft the appropriate legislation.

An estimated cost for this project has not yet been developed. I will work with O.D.O.T. to develop that cost which would then need to be included in the City's 2020 budget.

CEL

TONYA S WALKER 12-06  
411 W MAIN ST  
NAPOLEON, OH 43545-1725

1608  
56-7816/2412

July 8, 2019  
Date

Pay to the Order of City of Napoleon \$ 570.00

Five Hundred Seventy and <sup>00</sup>/<sub>100</sub> Dollars

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For K9 Program Donation Tonya Walker MP

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*City of Napoleon, Ohio*

## **TREE COMMISSION**

### **MEETING AGENDA**

**Monday, July 15, 2019 at 6:00 pm**

LOCATION: City Building, 255 West Riverview Avenue, Napoleon, Ohio

1. Approval of Minutes: May 19, 2019 (In the absence of any objections or corrections, the Minutes shall stand approved.)
2. Review Tree Call Reports.
3. Review Fall Plantings List.
4. Review Fall Trimmings List.
5. Finalize Fall Removals List.
6. Finalize Fall Topsoil List.
7. Any Other Matters to Come Before the Commission.
8. Adjournment.



Roxanne Dietrich  
Interim Clerk of Council

## TREE COMMISSION

Meeting Minutes

Monday, May 20, 2019 at 6:00 pm

### PRESENT

Commission Members  
Council Representative  
City Staff  
Recording Secretary

Jim Fitzenreiter-Chair, Dave Volkman, Ed Clausing, Larr Etzler  
Jeff Mires  
Aron Deblin  
Roxanne Dietrich

### ABSENT

Commission Member

Kyle Moore

### Call to Order

Chairman Fitzenreiter called the meeting to order at 6:00 pm.

### Approval of Minutes

Hearing no objections or corrections, the minutes from the April 15, 2019 meeting stand approved as presented.

### Review Tree Call Reports

Deblin reported 1060 Highland would like to have a tree planted, it has been added to the Fall list. There were two calls for tree removals one from 327 Carey and the other at 893 East Graceway, both are outside of the right-of-way. 415 West Clinton the Elm tree had ants around it. 403 Hudson this lady has called in a few times over the last three years, Marty had a Dogwood planted and she wanted two trees planted, there was only room for one tree and now she claims the Dogwood has a disease and half of the tree is dead, I would suggest we monitor it, there were some dead limbs the tree isn't in the best of health but, it's not dead she wants it removed with a flowering tree replanted. The gentleman at 816 Daggett called today, he claims the Electric Department cut down a tree last fall and said the City will grind the stump I wanted to check with the Electric Department if there are other residents that were told the same thing. Fitzenreiter asked about 1112 North Sheffield from last month's minutes, is that resolved? Deblin said the tree is not as bad as she claimed. Fitzenreiter said the Silver Maple looked good, right beside it is the Crimson King Maple they are too close together if you were to remove the Silver Maple I would suggest not doing a replanting. Deblin said that area is on the end of the spring trimming list so it will get trimmed either this spring or fall.

Fitzenreiter asked if the City should have a preservation list of older trees in the City, the tree at 415 West Clinton is an old tree and made me wonder if certain trees should be treated differently and trimmed more often to preserve them.

Deblin noted the tree in front of Snyders on Perry Street by the Railroad Bridge was hit by something that busted the tree completely off, there was not a police report we will pull the stump out and replant it in the fall.

### Fall Tree Removals

Deblin stated there are only five trees on the list so far, all are recommendations from the city arborist. At 122 West Maumee there are two honey locust trees out front, 304 Brownell, the tree is on Fourth Street it was overlooked we did not think it was on the city right-of-way but it is and is in pretty bad shape, 855 Maple is at

the corner of Filmore and Maple and 1112 North Sheffield, if we decide to do something with it. At this point, the commission does not see any reason to remove the Silver Maple.

#### Fall Topsoil

Deblin reported there are only four on the list, the removals are not settling very much I think you could almost seed them. My thought is instead of separate contracts, when the tree plantings are done have the contractor put topsoil on when they bring the trees. Fitzenreiter said we can finalize something in July since there is not a meeting in June.

#### Other Matters

North Branch Nursery tour, do you want to go and meet with the owner Tom Oberhouse? He will give us a tour on Saturday, June 8<sup>th</sup> we'd leave here around 9:00 am and get back by lunch. My thought is we take a list of the trees we are planting, there will be opportunities to ask questions it is meant for education, we can see what other towns are doing, what kind of trees they are planting.

Fitzenreiter commented we have an arborist as a city employee should we tap more into his knowledge base when needed, would that individual be an asset to our group is my question. Deblin responded there will be some reason as to why he's not since he is already on-board I'm trying to push for it the response I get is *he is an electric department employee* but to me it makes sense to work together. Clausing said Stephanie (from ODNR) said we'd be eligible for some remunerations if he was on this committee. Fitzenreiter said we could have him as an ad-hoc member for the times we need another opinion. Volkman added it is a resource we could use on an as-needed basis.

Fitzenreiter commended Dave Volkman for serving on the Tree Commission for 25 years, that is an exceptional accomplishment. Dave started on the Tree Commission on January 1, 1994 and is very noteworthy for someone to hang in there 25 years. I spoke with Mayor Maassel and Councilman Jeff Mires; Mayor Maassel suggested at next year's Arbor Day celebration a tree be planted in recognition of Dave, we'd have a plaque made to be put with the tree with his name on it and have the years of service on it, Jeff and I thought that was a good idea if everyone is in agreement to do that for Arbor Day 2020. Volkman said he appreciates that, I feel an obligation when I have background in tree forestry, my major was in forestry, I worked for a tree company in Toledo for six years before I came back here as the groundskeeper for Sauders. Steve Lankenau was Mayor at the time and it was his idea to start a Tree Commission, we looked at ordinances from other cities and created our own. It is nice to see where we are at now with the program it nothing like it used to be, we removed a lot of bad trees that had been identified and now having the trimming program on a regular basis. One of the best parts of Arbor Day is when kids are involved, especially the kids this year they were very attentive and you could tell they were paying attention.

Clausing said in looking back at the February minutes we were going to evaluate the tree on 718 Strong Street the homeowner wanted the tree removed and we were going to report back in June, we do not have a meeting in June. I went out there today, there are a couple of dead branches otherwise it is all leafed out and looks decent. The commission concluded that tree is okay.





# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151  
Napoleon, OH 43545  
Telephone: (419) 599-1235 Fax: (419) 599-8393  
[www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**To:** Mayor and City Council, City Manager, City Law  
Director, Department Supervisors, News Media  
**From:** Roxanne Dietrich, *interim Clerk of Council* *rd*  
**Date:** July 12, 2019  
**Subject:** Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, July 15, 2019 at 6:00 pm has been CANCELED due to lack of agenda items.

Merom Brachman, *Chairman*  
Megan C. Kelley, *Vice Chair*  
Bruce E. Bailey  
Julie A. Rutter  
Elizabeth E. Tracy  
Mark A. Vander Laan



OHIO ETHICS COMMISSION  
William Green Building  
30 West Spring Street, L3  
Columbus, Ohio 43215-2256  
Telephone: (614) 466-7090  
Fax: (614) 466-8368

Paul M. Nick  
*Executive Director*

[www.ethics.ohio.gov](http://www.ethics.ohio.gov)

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## Ohio Ethics Law: Can I Do That?

The Ohio Ethics Commission is coming to your community to offer an educational training session on the Ohio Ethics Law!

All are invited to this free, voluntary, and informative session.

Wednesday, August 28, 2019  
10:30 a.m. – 12:00 p.m.

Napoleon City Hall  
Council Chambers  
255 W. Riverview Ave.  
Napoleon, OH

While the training is not mandated by law, the Ohio Ethics Law does pertain to all public officials and employees – hired, elected, and appointed – and these sessions are designed to help those in public service better understand and comply with the statute.

So please join us for a helpful discussion on the law!

Topics Covered:

- Conflicts of Interest
- Gifts and public service
- Public Contracts
- Nepotism
- Post-employment

Registration is not required, but if you have questions,  
contact Susan Willeke at (614) 466-7090 or [susan.willeke@ethics.ohio.gov](mailto:susan.willeke@ethics.ohio.gov)



# UPdate

A weekly newsletter presented by AMP President/CEO Marc Gerken

July 12, 2019

## June Board meeting update

By Marc Gerken, P.E. - President/CEO

The AMP Board of Trustees held its monthly meeting, June 19. Below is a brief, high-level update of the meeting

### **Legislative**

The AMP Board heard updates on House Bill 6 - legislation that has passed the House in Ohio and is pending in the Senate that would provide subsidies to older nuclear and coal plants, as well as eliminating the renewable portfolio standard (RPS). OMEA and AMP members oppose the legislation and we are advocating for amendments that would ensure the RPS remains in place with the corresponding benefits to our hydro projects.

### **Member services**

AMP communications staff presented an update on the social media footprint of recent posts, as well as previewing the hype video for the upcoming AMP Lineworker Rodeo to be held on August 24 at AMP Headquarters. See the video [here](#).

### **Focus Forward**

Board members received an update during the President's Report on the microgrid community tour covered in the June 7 edition of Update. All participants agreed that the tour was very helpful in gaining a better understanding of the future of the electric grid. The presentation will also be provided to the Focus Forward Advisory Council at an upcoming meeting.

### **Finance**

The independent accounting firm of PricewaterhouseCoopers, LLP (PwC) presented their Report to the Finance Committee of the Board of Trustees, which included an update on the status of their quarterly review of the financial statements of AMP, Inc. at March 31, 2019, a summary of the results of their work, as well as other required communications. PwC did not identify any misstatements or any material weaknesses in internal controls over financial reporting.

During the first quarter of 2019, AMP, Inc. issued \$168.5 million of term debt relating to the Prairie State Energy Campus and \$55.2 million of term debt related to the Solar Project prepayment agreements. Proceeds of the issuance were used to pay down balances previously outstanding on the revolving line of credit and to effect the refunding of certain previously outstanding revenue bonds.

The Board of Trustees reviewed the First Quarter 2019 AMP, Inc. Interim Consolidated Financial Statements and approved the report.

AMP, Inc. has a \$600 million revolving credit loan agreement with a syndicate of lenders led by Royal Bank of Canada. As a part of this agreement, AMP, Inc. is required to provide quarterly Financial Covenant calculations as described in the Borrowing Agreement, based upon the Consolidated Financial Statements. The Board of Trustees reviewed and accepted the First Quarter 2019 Financial Covenant calculations.

### **RTO and transmission**

The MISO transmission owners plan to recommend 518 new projects at a cost of \$4.3 billion for approval. Of these projects, \$2.5 billion are for "other" needs beyond reliability or generation interconnection.

FERC approved reactive revenues for Smithland and Cannelton of \$1.84 million annually combined.

PJM's CEO will retire on June 30, and other significant organizational changes are occurring at the senior level.

Along with other Electric Distributor CEOs, I will meet with a subset of the PJM Board to explore issues of PJM governance and future direction on June 28.

### **Power supply and generation projects**

The Generation Project Committees and Power Supply and Generation Committee met and received informational updates. AFEC returned to service on May 11 after completion of a planned maintenance outage that started April 27. AFEC performance for May was better than original forecasts. Prairie State performance for May was below original forecasts due to three forced outages resulting from boiler tube leaks and boiler slagging. Hydro generation performance for the month of May varied by location with Belleville and Willow Island generation above anticipated production for the month; Cannelton, Meldahl and Greenup generation slightly below anticipated production due to river conditions and Smithland experiencing low production due to continued high water levels on the Mississippi river backing up into the lower Ohio River.

If you have any questions or need additional information about the Board meeting, please contact me at [mgerken@amppartners.org](mailto:mgerken@amppartners.org) or 614.540.1111.

## **RSVP for Black Sector Mutual Aid meeting by Aug. 1**

*By Scott McKenzie - director of member training and safety*

Members who are interested in attending the Black Sector Mutual Aid meeting on Aug. 6 should RSVP with me by Aug. 1 in order to get accurate numbers for lunch orders. The meeting will be held from 10 a.m. to 1 p.m. at the City of Hamilton Council Chambers, 345 High St., Hamilton, OH 45011.



At the recommendation of our Mutual Aid Committee, AMP is hosting a Mutual Aid meeting for each sector. These meetings provide participants an opportunity to meet the communities within their Mutual Aid sector and to discuss Mutual Aid procedures in a small group setting.

Topics of discussion include:

- How to request Mutual Aid
- Who to contact
- Assessing storm damage
- Responding to Mutual Aid
- Any other questions or concerns you may have about the program

If you have questions or would like to RSVP, please contact me at [smckenzie@amppartners.org](mailto:smckenzie@amppartners.org) or 614.306.4269.

## **APPA and Nissan Partner on EV rebates for public power**

*By Erin Miller - director of energy policy and sustainability*

The American Public Power Association (APPA) has partnered with Nissan to offer member utilities, employees and their customers rebates on the all-electric 2019 Nissan LEAF. Employees and customers are eligible for a rebate of \$3,500 on the Nissan LEAF 40kWH and \$2,500 on the Nissan LEAF 62

kWH. Public power utility fleet vehicle purchases are eligible for a deeper rebate (potentially up to \$5,000) on the Nissan LEAF 40 kWH only.

To claim the public power rebate, buyers must download [this flyer](#) and take it to a local Nissan dealer. Customers must bring along proof of eligible residency and a current electric bill. Public power employees are required to present an employee ID or a letter on the utility letterhead.

All rebates expire Sept. 30, 2019. For more information, click [here](#)

## Sustainability Annual Report now available

*By Erin Miller*

The 2018 AMP Sustainability Annual Report is now available on the [AMP website](#). AMP is committed to our sustainability principles, and we've fully transitioned our annual reports to digital format. We encourage you to share the link to the 2018 AMP Sustainability Annual Report with your colleagues, community leaders and customers.

Click [here](#) to view the report.

## One week left to submit nominations for 2019 AMP Awards Program

*By Jodi Allalen - manager of member events and programs*

The deadline to nominate for the 2019 AMP Awards Program is July 19. The program offers an excellent public relations opportunity for participating members, with some awards even leading to possible national recognition.

AMP is encouraging members to put forward deserving candidates for the following Awards:

- Electric System Sustainability Award (more than one award may be given)
- Hard Hat Safety Award (more than one award may be given)
- Innovation Award (one award for each of four categories)
- Public Power Promotion Award (more than one award may be given)
- Safety Award (more than one award may be given)
- Seven Hats Award (only one award given each year)
- System Improvement Award (one award for each of four categories)



Details about each award and nomination forms are available on the [member extranet](#) (login required).

Award recipients will be recognized at the 2019 AMP/OMEA Annual Conference, Sept. 23-25, at the Hilton Columbus at Easton.

If you have questions about the AMP Awards Program or would like the program brochure via email, please contact me at [jallalen@amppartners.org](mailto:jallalen@amppartners.org) or 614.540.0916.

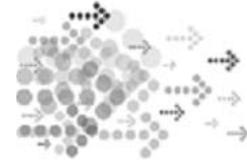
## Planning for EVs in Your Community webinar scheduled for Aug. 8

*By Erin Miller*

The Focus Forward Advisory Council Electric Vehicle (EV) sub-group is scheduled to meet via Skype on Aug. 8, 2-3 p.m.

Dave Roberts, senior consultant and Jennifer Wallace-Brodeur, director of transportation efficiency for Vermont Energy Investment Corporation will present information on how to plan for EVs in your community. Topics covered will include designing rates, siting and investment options for charging

infrastructure, managed charging and vendor considerations, fleet adoption and customer education.



Login details can be found on the upcoming events section of the [Focus Forward](#) on the [member extranet](#) (login required). If you have questions or need additional information, contact me at [emiller@ampppartners.org](mailto:emiller@ampppartners.org) or 614.540.1019.

## Energy market update

*By Jerry Willman - assistant vice president of energy marketing*

The August 2019 natural gas contract decreased \$0.028/MMBtu to close at \$2.416 yesterday. The EIA reported an injection of 81 bcf for the week ending July 5. Market expectations were for an injection of 72 Bcf. The injection brought total U.S. working gas supply to 2,471 Bcf, a deficit of 152 Bcf (5.4 percent) versus the five-year average and 275 Bcf above a year ago. This was the 17th straight bearish report versus the five-year average. The injection season running total of 1364 Bcf is much larger than the five-year average of +978.

On-peak power prices for 2020 at AD Hub closed yesterday at \$32.47/MWh which increased \$2.05/MWh for the week.

On Peak (16 hour) prices into AEP/Dayton hub				
Week ending July 12				
MON	TUE	WED	THU	FRI
\$29.19	\$34.91	\$38.59	\$35.93	\$32.43
Week ending July 5				
MON	TUE	WED	THU	FRI
\$32.57	\$36.46	\$37.14	\$30.39	\$35.84
AEP/Dayton 2020 5x16 price as of July 11 — \$32.47				
AEP/Dayton 2020 5x16 price as of July 4 — \$30.42				

## AFEC weekly update

*By Jerry Willman*

The AMP Fremont Energy Center (AFEC) was available for 2x1 operation for the week. PJM dispatched the plant offline overnight Monday and Tuesday due to economics. Duct firing operated for 116 hours this week. For the week, the plant generated at an 80 percent capacity factor (based on 675 MW rating).

## Student from Elmore awarded AMP Scholarship

*By Harry Phillips - director of marketing/member relations*

Kaitlyn Brugger of Elmore, daughter of Philip and Marcia Brugger, was presented with a Richard H. Gorsuch Scholarship this week. The Richard H. Gorsuch Scholarship is presented to a student whose parent or guardian is an employee of either a municipal electric system or AMP, or is an elected official with responsibility for the electric system. Philip Brugger is a serviceman for the Village of Elmore.

Brugger, a student at Woodmore High School, plans to attend either the University of Toledo or Owens Community College to study business management. She is a member of the National Honor Society, where she serves as historian, and is an active volunteer in her community. She also participated in Spanish club and symphonic choir, as well as varsity-level soccer and basketball.

Please join us in congratulating Kaitlyn on her outstanding accomplishment and wishing her luck in her future endeavors.



Harry Phillips (right) and Elmore Mayor Matt Damschroder (left) present Kaitlyn Brugger with her scholarship

## Security tip - The shock factor: don't take the bait

*By Jared Price - vice president of information technology and CTO*



One of the most common and successful tricks cyber criminals use to trigger you into falling for their scams is fake "stressor events." In this context, "stressor events" are shocking or compromising situations that inflict fear or provoke other emotions for the purpose of causing an impulsive reaction.

### **How it works:**

When the bad guys present a shocking claim to an unknowing victim, they often add a sense of urgency to drive home the "importance" of the scenario. In reality, this sense of urgency is another factor increasing the chances that you'll react impulsively and click on their malicious links or download their dangerous attachments. Attackers explain their fake scenarios in the body of their phishing emails, but they're also known for using shocking subject lines such as, "Act now: Fraudulent activity on your checking account." Though these tactics certainly aren't limited to phishing emails, scammers also use these techniques in smishing (SMS, or text phishing) and vishing (voice phishing) attempts.

### **How to avoid falling victim to pressure:**

The reason these attackers are often successful is because they're convincing the target to either avoid a

negative consequence or gain something of value. Stop and think about the likelihood of the scenario before making the wrong move.

- Never open an attachment you weren't expecting. Even if it appears to be from someone you know, pick up the phone to verify it's legitimate.
- If the sender of the email is difficult to get in touch with or unwilling to speak on the phone, it's likely a scam.
- If the sender requests that you send or receive money in unusual ways it's probably a scam. For example, if they're requesting a payment in the form of gift cards, don't fall for it!

## **Poles set for 2019 AMP Lineworkers Rodeo**

*By Scott McKenzie*

Thank you to the volunteers from Cleveland, Piqua, Tipp City and Westerville that helped set poles this week in preparation for the Sixth Annual AMP Lineworkers Rodeo, to be held Aug. 23-24 at AMP headquarters.

If you have questions about the rodeo or how to compete, please contact Jennifer Flockerzie at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org).



## **Gerit Hull joins AMP as deputy general counsel for regulatory affairs**

*By Lisa McAlister - senior vice president and general counsel for regulatory affairs*

Gerit Hull joined AMP on July 8 as deputy general counsel for regulatory affairs. In this role, Hull will work to facilitate internal and external strategies with respect to regulatory initiatives and promoting AMP positions at FERC, PJM and MISO.

Prior to joining AMP, Hull worked as a member of Jennings, Strouss & Salmon, PLC in Washington, D.C. He holds a bachelor's degree in economics and management from Hiram College, a Juris Doctor from George Washington University Law School and a master of laws degree in environmental and natural resources law from Lewis & Clark Law School.

Please join me in welcoming Gerit to AMP.



## AMP TRAINING SERIES: Register for these upcoming courses

### **Lineworker Training Basic 1**

Prerequisite: None

Date: July 29–Aug. 2      Class length: Weeklong

Size: Limited to 16

### **Lineworker Training Advanced**

Prerequisite: Intermediate is required unless instructor approves

Date: Sept. 9–13      Class length: Weeklong

Size: Limited to 12

### **Hotline Training**

Prerequisite: First- and second-year apprentice training is required

Date: Oct. 7–10      Class length: Three full days

Size: Minimum of 8

### **Advanced Transformer Workshop**

Prerequisite: None

Date: Oct. 22-23      Class length: Two full days

Size: Minimum of 15

*For a complete schedule and full details of the 2019 training courses, see the 2019 AMP Training Catalog at: [www.amppartners.org/services/technical-services](http://www.amppartners.org/services/technical-services).*

*To register contact Jennifer Flockerzie, manager of technical services logistics, at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org)*



**AMERICAN PUBLIC  
POWER ASSOCIATION**

THE ACADEMY

## 2019 | Webinars

# Register now for Webinars

Learn from your office! Individual webinars are \$109 (or sign up for a series at a discounted rate). Register today at [www.PublicPower.org](http://www.PublicPower.org) under Education & Events. Non-members can enter coupon code **AMP** to receive the member rate.

- The Site Selection Process and Megatrends:  
**July 8** *Economic Development Series*
- Monitoring Financial Health with a Check-up:  
**July 11** *Financial Planning Series*
- Marketing to Site Selectors: **July 22**  
*Economic Development Series*
- Defining Revenue Requirements: **July 25**  
*Financial Planning Series*



Save-the-Date

# 2019 AMP LINEWORKERS RODEO

The AMP Lineworkers Rodeo provides journeyman and apprentice lineworkers the opportunity to demonstrate their skill and knowledge of the craft through events that are designed to replicate real lineworker tasks. Events are judged and scored on safety, work practices, neatness, ability, equipment handling and timely event completion. Learn more about the Rodeo at [www.amppartners.org](http://www.amppartners.org)

Aug. 23-24

Columbus



## Classifieds

Members interested in posting classifieds in Update may send a job description with start and end advertisement dates to [zhoffman@amppartners.org](mailto:zhoffman@amppartners.org). There is no charge for this service.

### Bowling Green seeks applicants for two positions

#### Wastewater collection equipment operator

The City of Bowling Green is seeking applicants for the position of wastewater collection equipment operator. This position is responsible for maintaining, repairing and installing municipal sanitary, combination, storm sewers and performing lift station maintenance. Operates vac-truck, dump truck, CCTV, excavator, backhoe, jack hammer, tapping machine, air monitor, concrete saw and flow meter; uses hand tools; repairs and installs manholes, catch basins, asphalt and concrete; sets up work zone traffic control; responds to after hour calls; performs other related duties as assigned. Work is performed outdoors and in confined spaces in proximity to sewage; night, weekend and holiday work. High school diploma or equivalent; Class A Commercial Driver License with Tanker Endorsement; OEPA Class I Wastewater Collection Certification or the ability to obtain within two years; one to three years of relevant experience; or any combination of experiences which provides the required skill sets to perform the essential functions of the job. A copy of the job description will be provided to applicants.

Interested persons must complete an application packet that is available either by visiting the Personnel Department of the City of Bowling Green at 304 N. Church St, Bowling Green, OH 43402 or by applying [online](#). Resumes may be included, but will not substitute for a completed application. All completed application materials must be returned to the Personnel Department by one of the following methods: via email to [bgpersonnel@bgohio.org](mailto:bgpersonnel@bgohio.org) via fax to 419.352.1262 or via U.S. Mail or hand-delivery to the address above. Office hours are Monday through Friday, 8:00 a.m.-4:30 p.m. You may reach the Personnel Department by phone at 419.354.6200. Deadline for making application is 4:30 p.m. July 29, 2019. AA/EEO

#### Firefighter/paramedic

The City of Bowling Green is seeking applicants for the position of firefighter/paramedic. Applications must be submitted to the Personnel Department by 4:30 p.m. on Aug. 6. This position is responsible for fire suppression and prevention, and emergency medical service for the protection of life and property. Applicants must be certified by the State of Ohio as a Paramedic at the time of application and appointment. A copy of the valid paramedic certification must be provided at the time of application. Within 12 months of appointment, those persons hired must become certified as an Ohio Firefighter II.

Candidates must take and successfully pass both a written examination and a physical agility test. Candidates must take and pass a physical agility exam to be administered by appointment through Aug.

16, 2019. An alternative to taking and passing the physical agility test is to provide to the city, upon application, official verification that documents the candidate currently holds a valid/current certification of passing the Firefighter Mile exam through the National Testing Network. Those candidates who passed the physical agility requirement, as previously outlined, will be scheduled to take a written examination on Aug. 24, 2019 beginning at 8:00 a.m.

Ohio law (ORC 124.42) and city ordinance provide that no person shall be eligible to receive an original appointment in the fire service unless the person has reached the age of 18 and has not reached his/her 41 birthday. The age restriction is permitted by the Public Safety Exemption to the Age Discrimination in Employment Act (29 U.S. Code 623 (j)).

Section 7.01 of the city's charter provides for an additional credit of 10 percent of a passing test score for honorably discharged veterans. A candidate's DD Form 214 documenting an honorable discharge must be submitted at the time of application in order to be eligible for the veteran's credit. firefighter/paramedics must serve a one-year probationary period. The current starting rate is \$20.24 per hour, which annualizes to \$54,728.

Interested persons must complete an application packet that is available either by visiting the Personnel Department of the City of Bowling Green at 304 N. Church St, Bowling Green, OH 43402 or by applying [online](#). Resumes may be included, but will not substitute for a completed application. All completed application materials must be returned to the Personnel Department by one of the following methods: via email to [bgpersonnel@bgohio.org](mailto:bgpersonnel@bgohio.org) via fax to 419.352.1262 or via U.S. Mail or hand-delivery to the address above. Office hours are Monday through Friday, 8:00 a.m.-4:30 p.m. You may reach the Personnel Department by phone at 419.354.6200. Deadline to apply is 4:30 p.m. Aug. 6. AA/EEO

## **City of Marshall seeks applicant for assistant director of electric utilities**

The City of Marshall is a quaint Norman Rockwell style community with a population of 7,068 in lower, central Michigan. Located less than one hour from the campuses of the University of Michigan and Michigan State University, two hours from Detroit and beautiful Lake Michigan, and three hours from Chicago. The City has installed a fiber to the premise system to every property in the city with symmetrical speeds up to 10 mbps.

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Please submit a completed job application, resume, certifications and three references to: Scott J. Graver, Borough Administrator, Schuylkill Haven Borough Office, 333 Centre Ave., Schuylkill Haven, PA 17972. This position will remain open until filled.

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The engineering manager will provide leadership in project development, design and implementation; coordination and issue resolution; manage technical research to support recommendations; assist with estimating project costs while maintaining departmental budgets; prepare surveys and studies based on economic engineering practices in order to prepare plans for proposed construction projects; draft specifications for equipment and materials used in construction, maintenance and operation of utility and municipal systems; make on-site inspections of work to ensure compliance with plans; develop creative and effective strategies and coordinate with other utility and city engineering personnel to avoid conflicts of utility construction projects with other services; ability to prepare, review and interpret engineering plans and specifications; ability to conduct research projects; ability to prepare technical reports; keep record and documentation updated; mentor and facilitate the succession planning within the department; develop a departmental training program; develop and set priorities for department; ability to establish and maintain an effective working relationships with associates and build professional customer relations; research methods to improve workplace efficiency, productivity and recommend policy change; and perform related tasks as required through knowledge of engineering principles and practices.

Successful applicant should have a minimum of 10 years of experience in engineering or project management with an emphasis on electrical or civil engineering. An electrical engineering degree is preferred, but other engineering degrees will be considered. Salary commensurate with experience.

Send resume to: Nicki Luce, Coldwater Board of Public Utilities, One Grand St., Coldwater, MI 49036 or email to [resume@coldwater.org](mailto:resume@coldwater.org).

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AMP is seeking applicants for the following positions:

Risk analyst

Staff attorney

Manager/Director - debt management

System administrator - enterprise content

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American Municipal Power, Inc.

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# AMP Update for July 5, 2019

American Municipal Power, Inc.

Fri 7/5/2019 1:51 PM

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

Having trouble viewing this email? [Click here to view web page version](#)



## AMP files amicus brief in FCC pole attachments appeal

*By Lisa McAlister, general counsel for regulatory affairs*

AMP filed an amicus brief in support of municipal petitioners and the American Public Power Association in the Ninth Circuit Court of Appeals, which argues that the Federal Communications Commission (FCC) decision to regulate municipal utility poles violated the Communications Act.



In September 2018, the FCC issued a declaratory order determining that it has the authority to regulate the use and rates for attachments to municipal poles using sections 253 and 332 of the Communications Act. APPA and a number of municipal entities challenged the FCC order. AMP's amicus brief supports their arguments and requests that the appellate court reverse the FCC's Order.

Specifically, AMP argued that, at least with respect to municipal electric utility poles, the FCC does not have authority over municipal poles under section 224 of the Communications Act and municipal utilities are properly regulated under state and local law. While section 224 requires the FCC to "regulate the rates, terms and conditions for pole attachments to provide that such rates, terms and conditions are just and reasonable," pole attachments are defined as attachments by cable or telecommunications providers to poles, ducts, conduit or right-of-way owned or controlled by a utility, which excludes municipal entities.

AMP further argued that the FCC's use of sections 253 and 332 of the Communications Act was improper as those sections apply only to regulatory activities and not when municipal electric utilities are acting in a proprietary capacity. Municipal electric utilities indisputably act in a proprietary capacity when entering into agreements regarding the price, terms and conditions for use of their property.

AMP and the petitioners argue that the FCC exceeded its authority by attempting to impose regulations on municipal electric utility poles in order to facilitate the deployment of wireless broadband services and that the court should reverse the order, at least with respect to its application to municipal poles.

We will continue to monitor these proceedings and update members as the court case proceeds. To read the brief in full, click [here](#).

## **Monroeville answers call for mutual aid**

*By Scott McKenzie - director of member training and safety*

On July 2, the Village of Monroeville answered a call for mutual aid from the Village of Milan following a severe thunderstorm that passed through the area. With the assistance that Monroeville provided, power was restored in Milan in the same evening.



Thank you to Monroeville for answering this call for mutual aid, your efforts are appreciated!

If you have questions about mutual aid or want to learn more, please contact Jennifer Flockerzie at [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org) or 614.540.0853.

## **Affordable Clean Energy Rule released, Clean Power Plan repealed**

*By Adam Ward - vice president of environmental affairs, sustainability and energy*

On June 19, the U.S. Environmental Protection Agency (USEPA) released a pre-publication version of the final Affordable Clean Energy (ACE) Rule and a repeal of the Clean Power Plan (CPP). The ACE rule defines the best system of emission reduction (BSER) as a list of heat rate improvements (HRIs) that are accomplished inside the fence line at coal-fired electric utility boilers (with some exemptions).

Once the rule is in effect, states have three years to submit plans to USEPA that establish site-specific CO2 emission standards through the implementation of applicable HRIs. States have the flexibility to take factors particular to each facility into account when developing emission standards such as implementation costs, feasibility and the remaining useful life of the facility.

We will continue to review the rule and supporting documentation, along with new and ongoing litigation with respect to USEPA carbon regulations, and provide updates as appropriate. For more information please contact me at 614.540.0946 or [award@amppartners.org](mailto:award@amppartners.org).

## **Two weeks left to submit nominations for 2019 AMP Awards Program**

*By Jodi Allalen - manager of member events and programs*

The deadline to nominate for the 2019 AMP Awards Program is July 19. The program offers an excellent public relations opportunity for participating members, with some awards even leading to possible national recognition.

AMP is encouraging members to put forward deserving candidates for the following Awards:

- Electric System Sustainability Award (more than one award may be given)
- Hard Hat Safety Award (more than one award may be given)
- Innovation Award (one award for each of four categories)
- Public Power Promotion Award (more than one award may be given)
- Safety Award (more than one award may be given)
- Seven Hats Award (only one award given each year)
- System Improvement Award (one award for each of four categories)

Details about each award and nomination forms are available on the [member extranet](#) (login required).

Award recipients will be recognized at the 2019 AMP/OMEA Annual Conference, Sept. 23-25, at the Hilton Columbus at Easton.

If you have questions about the AMP Awards Program or would like the program brochure via email, please contact me at [jallalen@amppartners.org](mailto:jallalen@amppartners.org) or 614.540.0916.

## June 2019: Lowest prices since 2003

By Mike Migliore - vice president of power supply planning

A few 90 degree days at the end of June was not enough to offset the mild weather during the first three weeks of the month. The meager loads were supplied by a system flush with generation fueled by low-cost natural gas. June power prices ended at their lowest monthly average since November 2003. The maximum hourly day-ahead price hit \$53/MWh on June 28. The low prices kept congestion costs down throughout PJM.

AVERAGE DAILY RATE COMPARISONS			
	June 2019 \$/MWh	May 2019 \$/MWh	June 2018 \$/MWh
A/D Hub 7x24 Price	\$22.68	\$25.06	\$30.75
PJM West 7x24 Price	\$22.61	\$25.30	\$29.64
A/D to AMP-ATSI Congestion/Losses	-\$0.88	-\$0.56	\$1.53
A/D to Blue Ridge Congestion/Losses	-\$0.17	\$0.45	\$0.01
A/D to PJM West Congestion/Losses	-\$0.07	\$0.27	-\$1.12
PJM West to PP&L Congestion/Losses	-\$3.06	-\$4.40	-\$5.30
MISO to A/D Hub Congestion/Losses	\$0.91	\$1.63	-\$1.72

## Energy market update

By Jerry Willman - assistant vice president of energy marketing

The August 2019 natural gas contract increased \$0.05/MMBtu to close at \$2.29 yesterday. The EIA reported an injection of 89 bcf for the week ending June 28. Market expectations were for an injection of 85 Bcf. The injection brought total U.S. working gas supply to 2,390 Bcf, a deficit of 152 Bcf (6 percent) versus the five-year average and 249 Bcf above a year ago. This was the 16th straight bearish report versus the five-year average. The injection season running total of 1,238 Bcf is much larger than the five-year average of +907.

On-peak power prices for 2020 at AD Hub closed yesterday at \$30.42/MWh, which decreased \$1.17/MWh for the week.

## On Peak (16 hour) prices into AEP/Dayton hub

Week ending July 5

MON	TUE	WED	THU	FRI
\$32.57	\$36.46	\$37.14	\$30.39	\$35.84

Week ending June 28

MON	TUE	WED	THU	FRI
\$30.46	\$29.37	\$30.99	\$32.77	\$33.93

AEP/Dayton 2020 5x16 price as of July 4 — \$30.42

AEP/Dayton 2020 5x16 price as of June 27 — \$31.59

### AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) was available for 2x1 operation for the week. PJM dispatched the plant offline overnight Saturday and Monday due to economics. Duct firing operated for 93 hours this week. For the week, the plant generated at a 78 percent capacity factor (based on 675 MW rating).

### MEP program is underway

By Jodi Allalen

The AMP 2019-2020 Municipal Electric Partner (MEP) program is currently underway. The MEP program runs from July 1, 2019, through June 30, 2020. You may join the program any time before June 30 of next year. Sign up today to take advantage of MEP benefits, as well as exhibit and sponsorship opportunities.

To become a MEP, please click [here](#) to fill out the application and pay via credit card.

We look forward to your involvement in this valuable program. If you have any questions about the MEP program, please contact me at 614.540.0916 or [jallalen@amppartners.org](mailto:jallalen@amppartners.org).

### Scam of the week: Beware of Google Calendar phishing scam

By Jared Price - vice president of information technology and CTO



If you use Google's free calendar service to schedule business or personal events, be on the lookout for fake notifications going around. The bad guys are using unsolicited Google Calendar notifications to trick you into clicking phishing links so they can steal your information or install malware on your computer.

Here's how it works: scammers send a realistic-looking Google Calendar invite complete with a meeting topic and location information. Some of these fake events even claim that you're entitled to a cash payment. The event details contain a link that you're prompted to click to see more information. At first glance, the link appears to take you to a Google website, but beware. If you click the link, your computer could be infected with malware, or your banking and other account information could be stolen if you unknowingly provide any data to the scammers.

Remember the following to avoid falling for scams like this:

- Never click links in emails or in calendar notifications that you weren't expecting. Even if you were expecting an email or an event invite, pick up the phone or use an alternative channel of communication to confirm whether the sender is legitimate.
- Always hover over links to see where they're taking you before clicking. The link may take you to a different address from the URL that is shown.
- Don't fall victim by clicking a link to gain something of value, like an unexpected payment. If something sounds too good to be true, it probably is. Delete suspicious emails or follow the reporting procedures put in place by your organization.

## AMP TRAINING SERIES: Register for these upcoming courses

### **Lineworker Training Basic 1**

**Prerequisite:** None

**Date:** July 29–Aug. 2      **Class length:** Weeklong

**Size:** Limited to 16

### **Lineworker Training Advanced**

**Prerequisite:** Intermediate is required unless instructor approves

**Date:** Sept. 9–13      **Class length:** Weeklong

**Size:** Limited to 12

### **Hotline Training**

**Prerequisite:** First- and second-year apprentice training is required

**Date:** Oct. 7–10      **Class length:** Three full days

**Size:** Minimum of 8

### **Advanced Transformer Workshop**

**Prerequisite:** None

**Date:** Oct. 22-23      **Class length:** Two full days

**Size:** Minimum of 15

*For a complete schedule and full details of the 2019 training courses, see the 2019 AMP Training Catalog at: [www.amppartners.org/services/technical-services](http://www.amppartners.org/services/technical-services).*

*To register contact Jennifer Flockerzie, manager of technical services logistics, at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org)*



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# 2019 | Webinars

## Register now for Webinars

Learn from your office! Individual webinars are \$109 (or sign up for a series at a discounted rate). Register today at [www.PublicPower.org](http://www.PublicPower.org) under Education & Events. Non-members can enter coupon code **AMP** to receive the member rate.

- The Site Selection Process and Megatrends:  
**July 8** *Economic Development Series*
- Monitoring Financial Health with a Check-up:  
**July 11** *Financial Planning Series*
- Marketing to Site Selectors: **July 22**  
*Economic Development Series*
- Defining Revenue Requirements: **July 25**  
*Financial Planning Series*





## Classifieds

**Members interested in posting classifieds in Update may send a job description with start and end advertisement dates to [zhoffman@amppartners.org](mailto:zhoffman@amppartners.org). There is no charge for this service.**

### **City of Cuyahoga Falls seeks applicants for lineworker**

The City of Cuyahoga Falls is accepting applications for lineman class a. Starting pay is \$32.25-\$38.45 per hour, depending on qualifications. Three years of lineman experience and a Class A CDL is required. Non-smoking environment. Visit [www.cityofcf.com](http://www.cityofcf.com) for details and an application packet. Applications must be postmarked by July 5. EEO/ADA

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