



City of Napoleon, Ohio

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

Memorandum

To: Mayor and Members of City Council
From: Roxanne Dietrich, Clerk of Council
cc: Joel L. Mazur-City Manager,
Billy D. Harmon-City Law Director,
Kelly O'Boyle-Finance Director
Date: October 5, 2020
Subject: General Information

CALENDAR

Monday, October 19th

Agenda – Park and Rec Committee @6:00 pm

1. Rates and Fees for the Napoleon Aquatic Club – *a copy of the proposed rates and fees are included in your packet.*
2. Corporate Membership Program for the Napoleon Aquatic Club – *Tony put together a corporate membership program similar to the one in place for the Golf Course at the request of the Park and Rec Board, the information for this program is enclosed.*

Agenda – City Council Meeting @7:00 pm

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Resolution No. 052-20**, a Resolution Authorizing the City Manager to Enter into an Annexation Agreement with William R. Meyers for the Annexation of 3.038 acres of land, more or less.
2. **Ordinance No. 053-20**, an Ordinance to Amend Chapter 194, specifically Section 194.081 "Credit for Tax Paid – City of Napoleon," of the Codified Ordinances of the City of Napoleon Regarding Municipal Income Tax, Amending Ordinance No. 053-15, and Declaring an Emergency

SECOND READING ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 043-20**, an Ordinance Accepting the Dedication of a Section of Clairmont Avenue between Briarheath Avenue and Westmoreland Avenue as a Public Street Pursuant to ORC Section 723.03
2. **Resolution No. 044-20**, a Resolution Authorizing the City Manager to Renew a Contract with Werlor Waste Control & Recycling, Inc. Without the Necessity of Public Bidding; and Declaring an Emergency
3. **Ordinance No. 048-20**, an Ordinance Authorizing the Issuance of Revenue Bonds from Time to Time for the Purpose of Paying the Costs of Improving the City's Municipal Water System or Refunding Debt Issued by the City for that Purpose and Authorizing the Execution and Delivery of a Master Trust Agreement providing for the Rights of the Holders of the Bonds and Pledging Certain Revenues and Funds to Secure those Bonds; and Declaring an Emergency
4. **Ordinance No. 049-20**, an Ordinance Providing for the Issuance and Sale of Water System Refunding Revenue Bonds, Series 2020, under Article XVIII of the Ohio Constitution, in the Maximum Aggregate Principal Amount of \$3,165,000, for the Purpose of Paying the Costs of Refunding certain Outstanding Obligations heretofore Issued by the City to Improve the Utility, Authorizing Various

Related Documents and Instruments, including a Bond Purchase Agreement, a First Supplemental Trust Agreement, an Escrow Agreement and an Official Statement; and Declaring an Emergency

5. **Ordinance No. 050-20**, an Ordinance Authorizing the Issuance of Revenue Bonds from Time to Time for the Purpose of Paying the Costs of Improving the City's Municipal Sewer System or Refunding Debt Issued by the City for that Purpose and Authorizing the Execution and Delivery of a Master Trust Agreement Providing for the Rights of the Holders of the Bonds and Pledging Certain Revenues and Funds to Secure those Bonds; and Declaring an Emergency
6. **Ordinance No. 051-20**, an Ordinance Providing for the Issuance and Sale of Sewer System Refunding Revenue Bonds, Series 2021, under Article XVIII of the Ohio Constitution, in the Maximum Aggregate Principal Amount of \$5,140,000 for the Purpose of Paying the Costs of Refunding certain Outstanding Obligations heretofore Issued by the City to Improve the Utility, Authorizing Various related Documents and Instruments, including a Bond Purchase Agreement, a First Supplemental Trust Agreement, an Escrow Agreement and an Official Statement; and Declaring an Emergency

THIRD READING OF ORDINANCES AND RESOLUTIONS

1. **Resolution No. 042-20**, a Resolution Appointing Mayor Jason Maassel and Councilman Dan Baer to Represent the City of Napoleon, Ohio as Members of the Board of Directors of the Community Improvement Corporation of Henry County, Ohio; and Declaring an Emergency.

GOOD OF THE CITY - Discussion/Action:

1. Power Supply Cost Adjustment Factor for October 2020 as 3-month averaged Factor \$0.00731 and JV2 \$0.016902 – *the pages showing the PSCAF and JV2 rates are enclosed*
2. Twin Oaks Subdivision, 7th Addition Construction (Tabled)
3. Behind Meter Generation
4. Conditional Use Permit for Apartment Development in 600 Block of Trail Drive – *the Planning Commission approved this conditional use permit for Trailwind Apartments at their meeting on October 13 .*
5. Rates and Fees for the Napoleon Aquatic Center – *the rate and fee schedule is attached*
6. Corporate Membership Program for the Napoleon Aquatic Center – *information on this program is included in your packet*
7. Investment Update by Eileen Stanic, CTP from Meeder Investment Management
8. MSG Investments CRA Application (request Law Director to draft Legislation)
9. Supplemental No. 6 (request Law Director to draft Legislation)
10. CARES Act Purchases and Reimbursements (request Law Director to Draft Legislation)
11. American Road TIF District (request Law Director to Draft Legislation)
12. Application for Liquor Permit Transfer from Grewal Bros Corp dba TA Napoleon Travel Center to Santokh Venture, Inc. dba Fuel King Travel Center – *we received notification from the Ohio Div. of Liquor Control regarding the transfer of the liquor permit from Napoleon Travel Center to Fuel King Travel Center. If there are no objections to this transfer, Council does not need to take any action.*

INFORMATIONAL ITEMS

1. Agenda – City Tree Commission-Monday, October 19th at 6:00 pm
2. AMP Weekly Newsletter/October 9, 2020

October 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 8:00 am – Healthcare Cost Committee	3
4	5 7:00 pm – CITY COUNCIL	6	7	8	9	10
11	12 6:15 pm – Electric Comm 6:15 pm - BOPA	13 4:30 pm Board of Zoning Appeals 5:00 pm – Planning Commission	14	15	16	17
18	19 6:00 pm – Parks & Rec Committee 6:00 pm – Tree Commission 7:00 pm – CITY COUNCIL	20	21	22	23	24
25	26 6:30 pm – Finance & Budget Committee 7:30 pm Safety and Human Resources Committee	27 4:30 pm – Civil Service Comm.	28 6:30 pm - Parks & Rec Board	29	30	31

November 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 6:15 pm – Technology and Communications Comm. 7:00 pm – CITY COUNCIL	3	4	5	6 8:00 am–Council and Finance and Budget Committee 2021 Budget Meetings	7 8:00 am–Council and Finance and Budget Committee 2021 Budget Meetings
8	9 6:15 pm – Electric Comm 6:15 pm - BOPA 7:00 pm – Water/Sewer Committee 7:30 pm- Municipal Properties, Bldg, Land Use/ED Comm	10 10:30 am – Privacy Committee 4:30 pm Board of Zoning Appeals 5:00 pm – Planning Commission	11	12	13	14
15	16 6:00 pm – Parks & Rec Committee 6:00 pm – Tree Commission 7:00 pm – CITY COUNCIL	17	18	19	20	21
22	23 6:30 pm – Finance & Budget Comm. 7:30 pm - Safety and Human Resources Committee	24 4:30 pm Civil Service	25 6:30 pm - Parks & Rec Board	26 Closed THANKSGIVING DAY	27	28
29	30 <i>5th Monday</i>					

City of Napoleon, Ohio

PARKS AND RECREATION COMMITTEE

MEETING AGENDA

MONDAY, OCTOBER 19, 2020 AT 6:00 PM

LOCATION:

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

The WebEx link to the meeting will be posted on the main page of the City's website at www.napoleonohio.com

AGENDA

- 1) Approval of Minutes: May 18, 2020 Special Meeting Minutes (in the absence of any objections or corrections, the minutes shall stand approved)
- 2) Rates and Fees for the Napoleon Aquatic Center
- 3) Corporate Membership Program for the Napoleon Aquatic Center
- 4) Adjournment

Roxanne Dietrich

Roxanne Dietrich - Clerk of Council

City of Napoleon, Ohio
PARK AND RECREATION COMMITTEE
in Joint Session with the
PARK AND RECREATION BOARD

Monday, May 18, 2020 at 6:00 pm
SPECIAL MEETING MINUTES

PRESENT

Parks & Rec Comm Members
Board Members via WebEx

City Staff

Clerk of Council
Others on WebEx

Ken Haase-Chair, Dan Baer, Molly Knepley
Matt Hardy-Chair, Peg Funchion, Chad Richardson, Jon Knepley,
Ryan Miller, Ryan Funchion
Tony Cotter, Director of Parks, Recreation and Cemeteries
Joel Mazur, City Manager
Roxanne Dietrich
News Media, LaRae Meyer

ABSENT

CALL TO ORDER

Haase called the Special Park and Recreation Committee Meeting to order at 6:00 pm

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the October 21, 2019 Park and Recreation Committee meeting were approved as presented.

DISCUSSION ON FOURTH OF JULY CELEBRATION PLANS

Mazur began with a review of the fireworks contract between the City and Melrose Pyrotechnics. We have used this company for how many years now? Cotter replied probably close to twenty years. They have been a great company to work with and they want the ability to work with us again this year. With the current circumstances they understand we are still trying to make some decisions. Mazur continued some of the things we were discussing are, whether or not to enter into a contract and will we have the fireworks? If we do have the fireworks, do we need to make any changes to how we have the display planned. A considerable amount of work goes into planning for the fireworks from the contractor to the Fire Department, they have to get licenses and everything else. We are only six weeks away and close to decision time on what to do. We have \$24,500 budgeted for the fireworks. This amount is split between the General Fund and the Park and Rec Fund. \$13,500 will come out of the General Fund and \$11,000 will be from the Park and Rec Fund. The one change we proposed in the contract is, if the City enters into this contract and at a later date decides to cancel, then we will have to pay the contractor 50% of the full contract price and that amount can be used for a later display. The company wants to be paid \$12,250 up front for this year. Cotter noted the contract has always read that if we did not give them sufficient lead time to cancel the display, then we were obligated to pay 50% of the contract. What they have proposed for this year and we are considering is, that language would stay in but there would be additional language added that will allow us to take the 50% that we would forfeit and that amount would be applied to the 2021 display if we decide we have to cancel the show. They really need to know by the end of this week because they have to order the shells for the display and get their insurance in place plus there is permitting involved and it all takes time. Mazur added he has checked with the County Health Commissioner, Mark Adams, on what his thoughts are on this. There are no safety protocols locally or state-wide that provide guidelines for having a fireworks display. Adams said most places around the State of Ohio have canceled or postponed their shows. As of right now, even social banquet halls cannot open for mass events. Adams did not know if a fireworks display can be construed as a mass event. If it is advertised, you are attracting people into an area to watch the display. This is as of today and could change by the end of this week or as we head into June. It is a matter of what is our risk tolerance. The last thing I have to say is from a financial prospective, we are expecting a drop in the amount of funds that we are collecting from income tax. Income tax is a big part of the Parks and Rec budget. The drop may not be this year because we are collecting the 2019 income tax, it's in 2021 when we collect this year's income tax. We don't have solid numbers to look at but we are anticipating some kind of drop in revenue that will directly

affect the Parks and Rec budget as well. Hardy asked about signing the contract now. Cotter said if we sign the contract, we would be obligated to at least half if we decided to not do the display. Hardy confirmed but that can be used for next year. Cotter replied *correct*. My thought is if we decide to sign the contract in hopes of having the display and if we still plan on shooting the fireworks off at Glenwood Park, at a minimum we will need to close that park or decide to shoot the fireworks off at a different location. I seriously doubt if mass gatherings will be allowed by July 4th. That would be the only way we could make this work if we decide to do that. Hardy said he does not have a problem with signing the contract. Cotter asked if the County Health Commissioner's biggest issue with the display is the gathering and us not being able to ensure that that kind of situation would not occur. Mazur said it is the gathering piece and no safety protocols or guidelines. There are measures we can do independently if we decide to move forward, like not disclose the location of where the fireworks are going to be displayed not too soon before they start. By advertising and blasting on Facebook, we are essentially inviting people to come to an area. It is hard to police what people do on private property. We cannot predict what the orders will be. Haase asked if they know of any other towns in the area that have canceled? Mazur replied he does not know of one that has not canceled or postponed. We are up against a deadline to get a contract signed in order for the companies to be able to get everything in place by July 4th. Haase said he can understand signing the contract. The decision to have it or not we have a little bit of leeway on that. Cotter said it would be beneficial to the company to have a plan. We can monitor what is going on and see what is happening in June and it gives us time to see how the re-opening of things is going. Signing the contract would not hurt us that much at all. Haase noted the amount is budgeted. Mazur said if something happens and we cancel, the money is split a certain way. Would the thought be to split it between the General Fund and the Parks and Rec Fund evenly or the Parks and Rec Fund? Haase commented it is split two ways now, that would be easy to figure it out. Cotter added split two ways this year and two ways next year. Haase said his personal opinion is we should cancel. My generation has seen enough of them it is the younger generation that is going to want it. Mazur said signing the contract is a big decision even though it is under \$25,000. My opinion from the financial side and I would caution by signing we are obligating ourselves to \$12,250 in a time when we are uncertain of how big of an impact this COVID is going to have on us. We are fairly certain it will have a large negative impact on us, is this a type of expense we want to make right now? Recommending to move forward will have a financial impact that we will realize in the coming months. Being financially prudent would be to cancel the fireworks like other communities that have made announcements already. One is for safety reasons and the other is for financial reasons. In terms of public spaces, we usually have a large amount of officers, firefighters, part-timers and auxiliaries out there to keep an eye on things at least at Glenwood Park and there is an expense on that side too. It would be easier to keep people off the property rather than to try and marshal the area when there is a large crowd there. My concern is what people choose to do on their own property. If they decide to have gatherings at their houses or people are traveling to Napoleon to watch the fireworks and they are going to places where there are large amounts of people. By having the fireworks, we are in a way inviting that. Hardy said I'm getting you don't want to sign the contract. Mazur responded I'll admit I have a hesitancy on signing it but, I think it is a bigger decision than just me. It is more of a community decision. Hardy said I don't understand why you would not sign it. We still have six weeks and that money can be used towards next year if we cancel. Mazur said I get it, there is some logic to pay some now and pay a little bit later, but it's still \$12,000 out the door now. Hardy replied it's \$12,000 now or \$25,000 next year and you are hinting next year will be our chopping block. Cotter pointed out what Hardy is saying yes, the \$12,250 would have to be paid this year. Then if we cancel this year, our show next year would be cheaper and would be easier to swallow if we are experiencing some financial difficulties. Mazur said we are obligating ourselves to this company for next year. Cotter noted I would highly recommend them anyway. Mazur said we are obligating ourselves to this company, will they hold their prices into next year or will their prices go up, they have us over the barrel is the part I do not like. There is a little bit of a risk there. They have been good to us for many years. The financial uncertainty is still out there and any money out the door right now is being looked at because of the situation. Why sign it and spend the money now if we don't have to? That's my thought from the financial perspective. I think we can handle it from the safety perspective. Richardson commented with small businesses dropping because of this thing, how solid is this fireworks company? Will they even be around next year? Will they fold and take our money with them? Cotter said they are a relatively large company but I have no idea how stable they will be after all this. That is a good point to bring up.

Motion: Knepley

Second: Haase

to accept the recommendation of the Park and Recreation Board to sign the contract with Melrose Pyrotechnics on the terms and conditions that have been detailed in this meeting.

Roll call vote on the above motion:

Yea-Knepley, Baer, Haase

Nay-

Yea-3, Nay-0. Motion Passed.

PARKS AND RECREATION OPERATIONS AND POLICIES UPDATE RELATED TO COVID-19

Mazur reported we are planning on keeping the shelter houses closed until the mass gathering orders have been lifted, that is until May 29th for now.

The golf course is open but with all this rain I do not know what it is going to look like. Right now we are limiting only three (3) people in the club house at any one time, we are maintaining social distancing as people come in and out of there. All the merchandise is behind the counter and if anyone wants something, they can order it from whoever is behind the counter. The carts are being wiped down after each use and there is a limit of one person per cart. We are in the process of purchasing barriers that go in the golf carts, it is a barrier that hangs on the inside of the roof of the golf cart and goes down between the two golfers. Cotter added we are allowing people in the same family/household to ride together. We encourage walking if possible. On busy days we do run out of golf carts. We have the order in for the barriers. I'm assuming there are a lot of courses ordering these types of things and I'm not sure how soon before we will receive them. Mazur said the parks have been open. Cotter added the athletic fields are open, they are closed to team competition, team play or team gatherings. Mazur said the restrooms are open and we have been cleaning them. The other item we want to bring to everyone's attention are the guidelines for baseball and softball brought out from the Governor's office. There are two pages on how to responsibly restart baseball and softball leagues. A few of the guidelines are, people have to conduct daily symptom assessments, prior to any tournaments or events the Health Commissioner needs to be made aware of it. Regarding practices, coaches must wear face coverings at all times, athletes have to wear face coverings while not actively participating on the field, no sharing of water coolers, everyone has to bring their own water or drinks. No one can share any of the equipment, that includes bats, gloves, helmets, catcher's gear. That becomes problematic in how do we address that? Is that an expense the City has to bear or do we put the burden on the players and the parents to purchase and bring their own equipment? Does the City pay for it and increase registration fees for the time being to accommodate this? There is the no-touch rule, no high-fives, no hand shake lines, basically no physical contact. They recommend a tip of the hat to acknowledge something. No eating sunflower seeds or gum or other products that might cause droplets that could get someone exposed. It does allow spectators, they cannot enter the field of play and have to maintain social distancing. As for the coaches, they have to wear a face covering, check symptoms, there is the no touch rules and social distancing. The same goes for the umpires and officials. No exchanging of documents. Hardy expressed his biggest concern is, I cannot ask volunteer coaches to do all that. It is hard enough to get coaches as it is now and you are asking them to do all this. I don't think you can pass this onto the parents. I want to get out and play but, I just don't know we make it happen. Cotter stated everyone is really wanting to get going with this and it would be great if we could start things up the way they were and we have everyone signed up that we think will sign up and I start putting teams together and getting schedules out, but with these guidelines in place it is going to be very difficult. To be honest with you, a lot of this has to do with social distancing. We have dugouts on all our fields except St. Paul's. The kids would not be allowed in these dugouts since they are only a certain size. Would we put the kids on the bleachers or have them stand behind the fence? If we put the kids 6' apart on the bleachers, then the parents cannot sit on the bleachers and they would have to space out all around the field. The way I read the guidelines, all players have to wear face masks unless they are actively participating. When they are playing on the field they do not have to wear a mask, once they come to the dugout or wherever we put them, they instantly have to put their mask on until they get up to bat. Mostly for the younger kids it will be very difficult to do. We might be able to work out something on the equipment sharing with bats by sanitizing them, it is the helmets that would be impossible to sanitize in lieu of not sharing. Like Hardy said, we are putting a lot of pressure on the coaches. In the guidelines it says *that the coaches must make sure that their players are following all these guidelines*. That is a going to be difficult. Some coaches will accept the challenge, but I don't always have volunteers beating down the doors to coach. Now we place expectations on them I think it is going to be very difficult. I would love to be able to run

these programs and will do whatever is decided. I'd be remiss if I did not bring up these difficult circumstances that we are going to be facing and whether or not we can really adhere to all these in the way that they want us to. Mazur said he received an email today saying they are really looking forward to having their boys playing baseball and would like to see us hold the baseball programs. We are getting some feedback both ways. Some people want to keep social distancing and stay safe and others want to get things back to normal. One suggestion I do have is we did extend the registration for the parks baseball and softball programs until the end of the week, per the recommendation from the Board. Let's see how the registrations come in and see where we are at. Can we get volunteer coaches for the leagues, do we have enough teams? If you look at the registration, people are not signing up. A majority of the years we have six to eight teams. Cotter added of the leagues we are taking registration for, there are only two (Youth Little League and T-ball) have enough participants to have a four team league. Jr. Little League has 18 kids signed up, Major League Softball is at 14, Minor League Softball has 49 signed and could actually be another one and the Henry County Bank League has 29 signed up. The numbers are way down. In my opinion to have a viable league you need to have four teams. At the last Board meeting we said the amount of registrations would likely decide what we would do and that may still hold. Hardy liked waiting until registration is over on Friday. A question I have is from a liability standpoint for the City, if someone gets sick, what liability does the City have? Mazur said he would have to ask the Law Director. As long as we are doing our best at following the guidelines that came from the Governor's office, as far as I'm concerned we are okay. That's why they put these guidelines out. We have liability already when people use the playgrounds or whatever else that is covered. I would set the limitation on our end that if we don't have four or more teams for a league, that league is canceled and if we cannot get enough coaches or parents to agree to the rules and guidelines then we may have to cancel it all. There's that one line *must not share equipment* it does not say sanitize it says *share* and that is the key to making this work. I like the idea to keep registration open to the end of this week. Knepley said you need at least three or four parents to help the coach just to make sure those guidelines are being followed with the kids. Cotter said the head coach will be coaching at first or third base, he cannot watch what is going on the bench. You are going to have to have at least one to two others helping to make sure no one is sharing equipment. If these are the guidelines set, then we have to follow them the best that we can. We have to be sure that we are doing this right. Knepley said you'd have to have a representative of the league watching over the teams making sure everyone is doing their best to follow the intent. Cotter said if we get the numbers for a league, then we can start planning in that respect. If you only have four teams in a league that usually has six to eight teams. Maybe then we will have enough helmets, I don't know. You figure twelve helmets per team because everyone has to have their own, I don't think I can do that. We would have to make a requirement everyone has to bring their own bat and their own helmet. It is important that parents have that in mind before they register or if they have registered, that is an expense they may have to cover to have their child play this year, unfortunately. Mazur said if the parents are gun-ho about having a season, then they need to step up and register. Miller asked will the registration numbers go up if you put something out that you are considering having the league? Cotter said it is possible, we will see. If we can get it publicized and what the expectations will be we will see where the numbers are.

Remember, coaches, players and umpires have to wear masks when it is going to be 85 degrees on some nights. That is going to be tough to keep those masks on the kids, that is another thing that has to be considered in all of this. LaRae Meyer said if registration is held open until the end of this week, by the time teams are formed, coaches assigned and you have another week to get in the first practice, you cannot get started without at least practicing, it will be at least mid-June before you get started if not later than that. Cotter said we talked about that at our last Board meeting that it would take 2 to 2½ weeks to get teams formed, get coaches and equipment around and you cannot just put a team on the field for their first game without practicing. On the girls' softball side, there are several traveling teams that are formed and hope to be playing by the middle-end of June. There would be some overlap there if we decide to do this. The other thing I wanted to talk about was we have some men's leagues that are primarily softball. There wasn't any indication on these guidelines on whether or not these also pertain to adult leagues. I know there is a tournament that wants to be held at the end of this month at East Riverdowns Park, do they need to follow the same guidelines. Mazur said as an operational issue we can open up the fields now that we have the guidelines. As long as they are following the guidelines, we can open them up. It is just a matter of scheduling and things like that for whatever team sports are being held or want to use for practices. Meyer asked about the high school fields, they are closed until June 30th. Cotter said the Governor's office is communicating with OHSAA on this. There was some confusion on closing of schools if that meant outside

ADJOURNMENT

Yea-3, Nay-0. Motion Passed.

Ken Haase - Chair

Napoleon Aquatic Center Rate Proposal - Revised

	2019 RATE		2021 RATE - REVISED	
	Resident	Non-resident	Resident	Non-Resident
Family Membership (up to 5)	\$100	\$125	\$100	\$200
Additional Family Member	n/a	n/a	\$10	\$30
Individual Member – Adult	\$70	\$80	\$60	\$100
Individual Member – Child	\$60	\$70	\$50	\$85
Senior Citizen Member	\$50	\$60	\$50	\$75
Child Care Provider	n/a	n/a	\$50	\$60
Daily Fee – Child	\$2.50	n/a	\$3.00	\$5.00
Child 3 and under	Free		Free	Free
10 Visit Pass – Child	-	-	\$27	\$45
Daily Fee – Adult	\$3.00	n/a	\$4.00	\$6.00
10 Visit Pass – Adult	-	-	\$36	\$54
Daily Fee – Senior (65 & Older)	n/a	n/a	\$3.00	\$5.00
10 Visit Pass - Senior	-	-	\$27	\$45
Pool Rental – 3 hour (6-9p)	\$150	n/a	\$250	\$400
Facility Rental – for events (Sat-Sun)	\$500	n/a	\$750	Not available

Resident – defined as residing in the City of Napoleon corporation limits

Napoleon Aquatic Center

Corporate Membership Program

Objective: To provide opportunities for area companies seeking to provide healthy, recreational activities for the employees and families.

What is Included: A corporate membership shall include the employee and up to four (4) additional immediate family members. (Immediate family members defined as spouse and children living in the same household)

Plans Offered:

Number of Employees	Annual Fee
25 and under	\$2,000
26 to 50	\$3,500
50 to 100	\$5,000
100 to 150	\$7,500
Over 150 employees	\$10,000

Details:

- A company purchasing a corporate membership must present documentation indicating a current number of full-time employees.
- The company shall provide a list of employees that the employer has approved eligible to the City of Napoleon prior to the start of the pool season.
- Employees must display a valid membership badge issued by the City of Napoleon to verify eligibility and admission.
- Family members of employees are not included as part of the corporate membership privileges.
- Corporate memberships are valid from Memorial Day (or on the first day of pool opening) through Labor Day (or pool closing) of each season.

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, October 19, 2020 at 7:00 pm

City Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio
The WebEx link to the meeting will be posted at www.napoleonohio.com

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. October 5, 2020 Regular Council Meeting Minutes

D. Citizen Communication

E. Reports from Council Committees

1. Electric Committee met on October 12, 2020; and
 - a. approved the PSCAF for October 2020
2. Water, Sewer, Refuse, Recycling and Water Committee for October 12, 2020 was canceled
3. Municipal Properties, Building, Land Use and Economic Development Committee did not meet on October 12, 2020 due to lack of agenda items
4. Park and Recreation Committee met at 6:00 pm tonight and discussed
 - a. Rates and Fees for the Napoleon Aquatic Center
 - b. Corporate Membership Program for the Napoleon Aquatic Center

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

1. BZA met on October 13, 2020; and
 - a. Dismissed BZA 20-04 – Variance to Front and Side Setbacks – Lot 86 Williamsburg Avenue
 - b. Approved BZA 20-05 – Variance to Property at 1020 Westmoreland Avenue
 - c. Approved BZA 20-06 – Variance to Building Setbacks at 105 Vincennes Drive
2. Planning Commission met on October 13, 2020; and
 - a. Approved PC 20-13 – Conditional Use Permit for Planned Apartment Development 600 Block of Trail Drive
3. Tree Commission met earlier tonight

G. Introduction of New Ordinances and Resolutions

1. **Resolution No. 052-20**, a Resolution Authorizing the City Manager to Enter into an Annexation Agreement with William R. Meyers for the Annexation of 3.038 acres of land, more or less.
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H. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 043-20**, an Ordinance Accepting the Dedication of a Section of Clairmont Avenue between Briarheath Avenue and Westmoreland Avenue as a Public Street Pursuant to ORC Section 723.03
2. **Resolution No. 044-20**, a Resolution Authorizing the City Manager to Renew a Contract with Werlor Waste Control & Recycling, Inc. Without the Necessity of Public Bidding; and Declaring an Emergency.

3. **Ordinance No. 048-20**, an Ordinance Authorizing the Issuance of Revenue Bonds from Time to Time for the Purpose of Paying the Costs of Improving the City's Municipal Water System or Refunding Debt Issued by the City for that Purpose and Authorizing the Execution and Delivery of a Master Trust Agreement providing for the Rights of the Holders of the Bonds and Pledging Certain Revenues and Funds to Secure those Bonds; and Declaring an Emergency
4. **Ordinance No. 049-20**, an Ordinance Providing for the Issuance and Sale of Water System Refunding Revenue Bonds, Series 2020, under Article XVIII of the Ohio Constitution, in the Maximum Aggregate Principal Amount of \$3,165,000, for the Purpose of Paying the Costs of Refunding certain Outstanding Obligations heretofore Issued by the City to Improve the Utility, Authorizing Various Related Documents and Instruments, including a Bond Purchase Agreement, a First Supplemental Trust Agreement, an Escrow Agreement and an Official Statement; and Declaring an Emergency
5. **Ordinance No. 050-20**, an Ordinance Authorizing the Issuance of Revenue Bonds from Time to Time for the Purpose of Paying the Costs of Improving the City's Municipal Sewer System or Refunding Debt Issued by the City for that Purpose and Authorizing the Execution and Delivery of a Master Trust Agreement Providing for the Rights of the Holders of the Bonds and Pledging Certain Revenues and Funds to Secure those Bonds; and Declaring an Emergency
6. **Ordinance No. 051-20**, an Ordinance Providing for the Issuance and Sale of Sewer System Refunding Revenue Bonds, Series 2021, under Article XVIII of the Ohio Constitution, in the Maximum Aggregate Principal Amount of \$5,140,000 for the Purpose of Paying the Costs of Refunding certain Outstanding Obligations heretofore Issued by the City to Improve the Utility, Authorizing Various related Documents and Instruments, including a Bond Purchase Agreement, a First Supplemental Trust Agreement, an Escrow Agreement and an Official Statement; and Declaring an Emergency

I. Third Readings of Ordinances and Resolutions

1. **Resolution No. 042-20**, a Resolution Appointing Mayor Jason Maassel and Councilman Dan Baer to Represent the City of Napoleon, Ohio as Members of the Board of Directors of the Community Improvement Corporation of Henry County, Ohio; and Declaring an Emergency.

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

1. **Discussion/Action:** Power Supply Cost Adjustment Factor for October 2020 as 3-month averaged Factor \$0.00731 and JV2 \$0.016902
2. **Discussion/Action:** Twin Oaks Subdivision, 7th Addition Construction (Tabled)
3. **Discussion/Action:** Behind Meter Generation
4. **Discussion/Action:** Conditional Use Permit for Apartment Development in 600 Block of Trail Drive
5. **Discussion/Action:** Rates and Fees for the Napoleon Aquatic Center (direct Law Director to draft Legislation)
6. **Discussion/Action:** Corporate Membership Program for the Napoleon Aquatic Center
7. **Discussion/Action:** Investment Update by Eileen Stanic, CTP from Meeder Investment Management
8. **Discussion/Action:** MSG Investments CRA Application (direct Law Director to draft Legislation)
9. **Discussion/Action:** Supplemental No. 6 (direct Law Director to draft Legislation)
10. **Discussion/Action:** CARES Act Purchases and Reimbursements (direct Law Director to Draft Legislation)
11. **Discussion/Action:** American Road TIF District (direct Law Director to Draft Legislation)
12. **Discussion/Action:** Application for Liquor Permit Transfer from Grewal Bros Corp dba TA Napoleon Travel Center to Santokh Venture, Inc. dba Fuel King Travel Center

K. Executive Session (as may be needed)

L. Approve Payment of Bills and Financial Reports (in the absence of any objections or corrections, the Payment of Bills and the Financial Reports shall stand approved.)

M. Adjournment



Roxanne Dietrich - Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Monday, November 2, 2020 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, November 9, 2020 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for November 2020
 - b. Update on Substations
 - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, November 9, 2020 @7:00 pm)
 - a. Update on 2021 Wastewater Treatment Plant Improvements Project
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, November 9, 2020 @7:30 pm)
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, November 16, 2020 @6:00 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, October 26, 2020 @6:30 pm)
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, October 26, 2020 @7:30 pm)
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, November 9, 2020 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for November 2020
 - b. Update on Substations
 - c. Electric Department Report
 - d. Update on 2021 Wastewater Treatment Plant Improvements Project
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, November 10, 2020 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, November 10, 2020 @5:00 pm)
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, November 16, 2020 at 6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, October 27, 2020 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, October 28, 2020 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 10, 2020 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 8, 2020 @4:00 pm)
9. **Housing Council - Meets First Monday in April (meeting to be scheduled after the TIRC meeting)**
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)**
13. **Tax Incentive Review Council (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)**

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, October 5, 2020 at 7:00 pm

PRESENT

Councilmembers	Joseph D. Bialorucki-Council President, Daniel Baer-Council President Pro-Tem, Jeff Comadoll, Lori Siclair, Ken Haase, Ross Durham, Molly Knepley
Mayor	Jason P. Maassel
City Manager	Joel L. Mazur
City Law Director	Billy D. Harmon via WebEx
Finance Director	Kelly O'Boyle
City Staff	Clayton O'Brien-Fire Chief, Dave Mack-Chief of Police, Chad E. Lulfs, P.E., P.S.-Director of Public Works Shannon Fielder-Income Tax Administrator via WebEx
Others	Greg Beck, Bill Meyers
Clerk of Council	Roxanne Dietrich
Others on WebEx	News Media

ABSENT

CALL TO ORDER

Council President Bialorucki called the City Council meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.

SWEARING-IN OF PATROL OFFICER JANELL MARCHANT

The newest patrol officer for the City of Napoleon Police Department, Janell Marchant, was sworn in by Mayor Maassel.

PROCLAMATION FOR PUBLIC POWER WEEK

Mayor Maassel presented a proclamation for Public Power Week, stating Napoleon does a good job of providing reliable power for the people that we serve. Thank-you very much. The City of Napoleon's utility was created in 1894.

APPROVAL OF MINUTES

Hearing no corrections or objections, the minutes from the September 21, 2020 City Council meeting were approved as presented.

CITIZEN COMMUNICATION

None.

Council President Bialorucki moved up agenda item L.1. under GOOD OF THE CITY –

RECIPROCITY INCOME TAX CREDIT

Mazur stated after reviewing what has been discussed in public committee and council meetings plus the survey comments, staff is presenting an amended recommendation. Mazur began by giving a historical perspective on why we are talking about this issue. This dates back to when the state started pulling back on Local Government Funds (LGF), that was the beginning of city governments not bringing in and having as much revenue for providing services to the public. In last year's budget, O'Boyle put together a sheet that showed the significant drop we have seen in the Local Government Funds. The change to LGF came about during the Kasich Administration on the state level. During the Obama Administration there was the federal tax code change that resulted in a rather large income tax refund back in 2018. From that point forward, we were not realizing those revenues due to that reduction in income tax collections. That was a big change that had a very steep impact to us. On the plus side, the state's increase in the gas tax goes right into our road construction and maintenance fund on the capital

side. What we are also talking about here is the need for personnel. A number of years ago, one of the Dispatcher positions was eliminated. We have a drastic increase in the number of calls for fire and EMS services. The total number of calls in 2019 was 1,646. Right now we are trending to have another increase for our annual run volume. This has been a consistent trend, except when it was flat from 2009 to 2010. The recommendation is to reduce the reciprocity income tax reduction to 30%. That would mean the people that live in the city but work outside of the city in another jurisdiction and pay income tax there, would pay 30% of our current income tax, which is 1.5%. This would only be used for personnel expenses. The income tax split will then have to be widened a bit further every year, but we would not be losing money out of the Capital Fund. The actual dollar amount of the Capital Fund would stay the same and stay flat. The operating expenses would be up a little higher because of the additional income tax revenue that will go directly towards personnel. Every year when we do budgets, we talk about needs and wants. I think everybody here believes that the personnel side is a need and that roads are a need. We already have revenue coming in going toward the roads. That dollar amount is not going to change in this recommendation. We are addressing that need already with the increasing gas tax funds that go into the road repair and construction maintenance fund. I wanted to give Council a fair and thorough explanation of the thought process on the recommended change from a 50% credit to a 30% credit. There has been some consternation. Anytime you ask for some type of a tax there has to be a lot of thought on the options making sure this is the right decision for everybody and to help soften the blow for those that are affected by it. All the other information backs it up. Mazur asked Council if they would like to go over all the solutions that were discussed in the Finance and Budget Committee? Bialorucki replied we can go over all the solutions, that may help answer some questions or at least promote some more discussion. Mazur explained the other solutions.

- We looked at a SAFER grant. This is a grant where we can hire more employees. We actually would have to hire four full-time employees over a period of time. The grant would pay 100% for the first year and then the amount starts to dwindle off for years two and three with year four the City having to pay 100%. Without the additional revenue coming in, we would not be able to afford it.
- We talked about reductions in service levels to stay within our anticipated revenues. As pointed out, this would likely need to occur for the regular operations in 2021 due to COVID-19 and the large refund in 2019 that will continue to have an impact on our revenues going forward. Unless the Federal tax code changes again, this is going to be our new norm. If this is an option, then we would have to make further reductions in service levels.
- Revise the General Fund versus Capital Fund split. Right now, every year it reads that it is a 50%-50% split. Currently, Council voted to change the General Fund operating to 62% and 38% for Capital. To get roughly \$400,000, the split would have to be revised to 76% General Fund - 24% Capital. That is a drastic hit to the roads with this revised recommendation. We would need to do the math, maybe we could do a 72% - 28% split.
- Another option was to place an increase for the Income Tax on the ballot to generate the revenue necessary to provide the safety services. .2% generates about \$600,000 so, the increase would roughly need to be .15% to account for administrative costs reduction. This only addresses the current income tax reciprocity and right, wrong or indifferent, those that live here and work in another jurisdiction and don't pay income tax here then would pay for the services. At that point, everybody pays a little bit for the services. If we were to go with a ballot issue, then you would have to decide when would it go on the ballot, when would it take effect and when would we see that increase start coming in and generating enough revenue to hire people.
- Place a levy on the ballot for operation of the Police and Fire departments like some other jurisdictions do. That would be property tax millage. Right now the fire pension levy is at .3 mills that generates around \$45,000 and Police is at 0.6 mills. For fire, we would need nine times that at or 2.7 mills just for inside the city to generate about \$407,000.

- Reduce staffing in non-emergency services. A lot of our personnel outside of police and fire are funded out of multiple different funds. The majority is in water, sewer, electric, sanitation and the general fund. That's basically how most people are split. We would have to reduce staffing levels 3:1 or 3½:1 to fund one additional person.
- Have a phased approach to the reciprocity over a period of three years. That would be so the impact isn't as harsh for those that are impacted by it. If Council decided to implement a phased approach today, we wouldn't see revenues generated from this until the following year. That would keep pushing things further out. It's an option, the combination of reciprocity percentage.
- A combination of a levy and reciprocity percentage.

The reciprocity issue doesn't necessarily have to be a ballot issue, there are other options. The option to reduce the percentage that was originally recommended was with the thought process of adding to the capital side to keep the split the same. We still need to rebuild roads and the cost of redoing roads is not cheap as building prices keep inflating. It is a difficult task to fix the roads and the potholes. The thought process was to have the capital piece in there to address the personnel and capital needs and whatever is leftover is General Fund. Durham stated I really appreciate all the preparation. I know there's been a lot of due diligence gone into this from an array of people and want to express my appreciation for all the information gathered and conveyed to us. This is a tricky topic, talking about people's money is never easy. I think there is no doubt that there is a need here. My first question is, if we do go with the 30% and we have to adjust the splits what does that look like, do we know? Mazur replied between 65% and 35% or 66% and 34%. Siclair said with the 30%, will this be enough to get what we need the first time? Mazur said yes. The amended proposal is 30% and the estimated amount is \$230,000. We have a Rec Levy too and that would be the winner here, as that levy will get .2% off the top. Sometimes, we do fund park projects with capital funds like playground equipment or whatever else. We can always take that into consideration. There would be the administrative expenses too. The remaining amount would be approximately \$185,480.20. The \$236,000 is a moving target. For the dispatcher position, the first year net overtime savings projection is about \$50,000, for the part-time firefighter the net 24% township contract fee projection is about \$55,400 and for the full-time firefighter position that projection is about \$55,200 with a remaining projection of \$23,856. Maassel asked how is a part-time position more expensive than a full-time position? Mazur said it's a 12-hour shift for the part-time position. Chief O'Brien explained, it is a combination of all hours. The full-time individuals work every third day so they have a salary based on 2,600 hours per year. The part-time position you have to take into account every hour of everyday so it's going to be 12-hours every single day compared to the 50-hour week for the full time position. Currently, to staff the two daytime 12-hour shifts costs about \$130,000. How this would work is, if we have that ninth full-time position we will then be able to have staffing based on one person being overnight. Sometimes there may be two part-timers but at other times there may be one. How the \$55,000 comes into play is, how many times you are going to have that 12-hour shift overnight. I have wrapped my head around this many times. When you are thinking about it, you have to stick with straight hours meaning that position represents every single day where that full-time position represents every third day. Harmon said the reciprocity tax credit is expressed in a credit so currently it reads if a Napoleon resident is subject to municipal income tax in another jurisdiction and they pay it there, they are allowed a 100% tax credit. If we were to change that to 50% as was initially proposed that's easy math but, if we are making it a 30% credit, we are actually collecting 70% of what they have already paid. Mazur said no, it would be to have them pay the 30% instead of 50%. Harmon clarified it would be a 70% credit, is that correct? Mazur-correct. Bialorucki said while we are doing the math on the hours, 12 hours per day for seven days, that would be 84 hours a week. If a part-time person gets 28 hours a week, that would basically be three part-time people. Did I understand that right or how many hours is a part-time person allowed to have without them getting

Motion: Comadoll Second: Haase
to move forward with the 30% Reciprocity Tax

City Council Meeting Minutes
October 5, 2020
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wondered if there had to be some price that we were going to pay for that and I didn't see it until now. Would we be here right now? Mazur - I don't think so. You are talking \$311,000 and plus what we had to pay back. That was a big impact for all of us and especially for both Chiefs, myself and the Finance Director. It has been a real struggle to manage our accounts and keep it where it is right now. It's difficult because of that. That was a very large immediate impact that had to be addressed. Chief O'Brien and Chief Mack felt it in their budgets last year when we went through and cut \$84,000 out of their budgets. You want to be able to give them everything that they need to do their jobs, but it was also realized that we have to live within our means. That was a hard decision even leading up to now. You heard Greg Heath say when he was here, nobody could have seen this coming. Siclair asked the revenue from the non-emergency transport what does that go toward is that something we have to cut out if we don't do anything? Chief O'Brien said currently the way the 210 EMS Fund is budgeted as far as revenue is, take for example this year we estimated that we would bring in \$405,000 on the EMS fund. That takes into account the operating cost and then it reimburses the General Fund. We estimated about \$205,000 will reimburse the General Fund. First, the revenue goes to pay for staffing and personnel and then it goes to the General Fund. Now, it does leave a balance because obviously you have to have somewhere to start in the beginning of the year. Usually the 210 EMS Fund runs around \$200,000. You have to have that as far as starting the year. That is what that is used for after it is brought in and what it reimburses. The EMS revenue that we bring in from the contracts, that money is returned back to the townships that contract with us because they pay the contract. If we collect any EMS money say from a Napoleon Township resident, then that amount is returned to the actual contract. Mazur said if you recall we have been doing pretty well this year because we have been able to keep staffing levels up due to the CARES Act money and kept two different crews separated. That was a relief to have that in place. I believe the year before, revenues would have been down, because you can see the drastic decrease in the amount of staff, and we could not provide the non-emergency transport (NET). We usually like to bring in about \$100,000 and had to cut that back due to the fact that the staffing was hit or miss and the ability to be in service. If you are not in service, you cannot get the runs. Now, with our run volume up, that is when you expect the EMS will be running and money will be up as well. But, you have to have the people to be able to do the non-emergency or emergency services. They are both kind of combined together. That service was created to try to help take the impact off of having the non-inverting car then the additional personnel. We are averaging about one transport a day or actually 0.8. If you average that 0.8 per day, the revenue is going to be close to \$100,000. To staff two 12-hour individuals, it does take about \$130,000 to \$140,000. Where we would benefit on that side is, we are paying less to have part-timers at the station compared to \$60,000 to \$70,000. We would get 10 hours of being at the station work hours and have one or two hours outside the station for non-emergency transport. The NET does provide a good service to the hospital and the ability of individuals feeling comfortable to go to Henry County so they can be moved onto the next location. Baer asked for an explanation on how the Parks and Rec departments gets some of the reciprocity. Mazur said when the parks levy went through, the way it reads is basically that .2% of all income tax coming in goes directly to parks and recreation. O'Boyle said and no administration fees come off of that. Mazur continued parks first, admin second. Baer said if we would do the revised reciprocity of 30%, it is totally all personnel, right? Mazur replied that is correct the way it is proposed. That would mean every year when Council does the income tax split between operating and capital, it has to be widened enough to address that. Baer clarified that's the road issue. Mazur said so the capital dollar amount stays the same. Baer stated his main concern on it coming out of the reciprocity, and I understand the need and believe me I know we need to fix the roads but, we have had the citizens vote that down twice and that is a concern to me. I know that's important so that's what we have to do. Durham noted in the packet there was a page that shows other cities and villages structure, can you talk on that a little bit. I don't see any that have a 70% tax credit, did we think about going with a 66.67% credit like some of these

other communities? Mazur responded basically a one-third tax and two-thirds credit. It can be done any percentage that Council wants. We felt that 30% was the bare minimum of what our tolerance would have to be able to handle it. Durham added on that same sentiment, if that is the bare minimum and I think we all know the cost of business is increasing as time progresses, is 30% going to be enough for the foreseeable future? I think that was addressed when this was first proposed if this is passed, the last thing we want to do is have to go back again and ask for more so, is 30% going to suffice for the foreseeable future? Mazur said that is what we are projecting. Going back to that spreadsheet with the moving target piece, it depends on how many people live here and work in other jurisdictions. It is a moving target that is really difficult to pinpoint. Shannon Fielder put together the prior years' history and it does fluctuate. So, with the 50% I think I will ask O'Boyle to answer that question. O'Boyle said you never know. I think the tax will grow every year but like we saw with COVID-19, that is having an impact. No one can tell what the future will be. At this point, the best estimate is that and that can get us the first year. Hopefully, it would grow for the second, third and fourth year. Depending on what the health care will be, on what the raises would be amongst other things that would make it grow expensive. Hopefully we can get more companies paying more money too so the withholdings would theoretically go up as people would get cost of living increases as well. Durham had a couple more questions. With COVID, do we know if the number of citizens that will be impacted if that has decreased with unemployment rates? Or, will the citizens who are working from home be impacted if they typically work in Toledo but at this point are working at home? Mazur replied I believe right now they are paying into the jurisdiction which their office is located. But, that is in dispute right now too. Fielder confirmed, that is right. They are paying where they would originally abort. So, if they worked in Columbus they are paying Columbus even if they are living and working at their home in another town. Durham commented, when we had projected a 50% credit it was \$7.50 per \$1,000. Do we know what the numbers would add up to be at 30%? Maassel guesstimated \$55 per \$1,000 a little less than that. Durham asked do we know what the median household income is? Mazur thought around \$43,000. Siclair noted what I noticed in looking over the information was, some of the communities with a higher income tax are not some of the more attractive communities. I think we are at a good rate right now with the 1.5% that we have in place. I also noticed those that are lower than we are, do not offer a reciprocity so those people are potentially paying 2% or more depending on where they were. We are not too terribly out-of-line. Maassel asked if I understand you correctly, if we started this we would not see any revenue increase until 2022? Mazur said 2022 is when we would really collect the revenue from the withholdings in 2021. O'Boyle said the withholdings are coming in 2021 with the estimates coming in 2022. Maassel asked on the SAFER Grant, it is four new full-time firefighters with 100% paid by somebody the first year and then it tiers down in years two and three with the City paying 100% in year four. Do we have to keep those four firefighters for a certain amount of time? Mazur replied it is my understanding that we don't have to without a penalty. Chief O'Brien explained that is correct. When the SAFER grant first came out there used to be a requirement that you had to keep the firefighters for at least three years after the time they were already on the SAFER Grant. It is already hard enough to recruit and it would be very hard to recruit those individuals not knowing what the end result is. Most of the individuals that start at our place, usually within the first three years they are having kids, buying a house and establishing themselves in a new career. By that time, I think it would be detrimental. The reason why we have to the minimum of four is because you have to meet that NFPA standard before they are going to give you any sort of grant funding. Again, it is not a guarantee. They look at laid off firefighters first and try to get those individuals back to work. That is why you see a lot of the bigger cities do get the SAFER Grant for additional new firefighters but they can usually absorb them as they are coming out of a class of 50. If we tie ourselves to that, for one firefighter after they've went through all the training and with the roll-ups, I use the number around \$80,000 to \$100,000 with family benefits. You can see that would be a substantial cost difference between what we are looking at here compared

to what would be the cost be for four. The last piece I'll say about that is, I am really trying to balance the part-timers' ability to be able to work at the station with the individuals that live locally or work full-time jobs and are still able to work at the station, to balance that out as a combination department. Where, the full four time every single day would really cut down on that ability for those individuals. Bialorucki asked for any other questions and/or comments. There being none, he clarified the motion to be made by Councilman Comadoll and seconded by Councilman Haase. The motion is to direct the Law Director to draft legislation to reduce the 100% reciprocity income tax credit down to 70%. We will then have three reads on that legislation. Harmon confirmed we can change the numbers to make it a 70% credit. Also, usually at budget time legislation regarding the capital split is addressed and I will have to talk to the City Manager and Finance Director if additional language would be necessary in this legislation as well. If I could be directed on both that would be appreciated. Comadoll and Haase confirmed their motions.

Roll call vote to direct the Law Director to Draft Legislation to Reduce the Reciprocity Income Tax Credit to 70% and Incorporate Language regarding the capital split, if needed

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Twin Oaks Subdivision, 7th Addition Construction

Maassel explained normally this goes before the Planning Commission. However, due to potential conflicts of interest, that step was omitted and this item is being brought right to Council. I am going to recuse myself because this is in my neighborhood. Mazur stated there is a piece of property on Sedward where it dead ends that has almost five acres of land. Greg Beck is the developer that would like to extend Sedward to the end of his property to connect to Joliette and create roughly eleven blocks. Some of the Planning Commission members have a business relationship; therefore, it was recommended that we bring this before City Council rather than the Planning Commission. The road extension is proposed to be asphalt. All the roads in Twin Oaks right now are concrete. Beck explained we want to extend Sedward all the way to the end of the corporation limits which is about 780 feet. We would like to make the road all asphalt, the City Engineer has designed the road for both asphalt and concrete. Asphalt is about 42% cheaper is why we want to do all asphalt instead of concrete plus concrete is more difficult to maintain. After talking to the City Engineer and City Manager, I think they are both on board that it is better to have an asphalt road versus a concrete road. It will all be asphalt out there at some point and time because all the streets will have to be dug up and replaced. Mazur pointed out Lulfs said asphalt is cheaper to maintain than concrete so, from the dollars and cents perspective that is the case. We do have the original plats and restrictions for the Twin Oaks Subdivision. Beck noted the reason the roads are concrete to start with is, Richard and Ann Luzny owned Twin Oaks. When they started the subdivision, they hired Reese Companies to do the work who is a concrete contractor and pushed concrete. Plus, for whatever reason, the City let them lay 5" of concrete right on the dirt on those first streets and that design is not quite heavy enough. That is a big reason it is concrete and they wanted to keep it concrete. In 2000 when we put in our first Addition of Sedward, it was concrete because when I bought the property I bought the plans with it and they were all done in concrete and I did not want to spend the money to change it. That is the reason we stayed with concrete or we would have tried to do asphalt back then. Meanwhile, the price of asphalt has come down and the price of concrete has really come up. So, it is not even a question anymore. We ran both designs that Lulfs gave us and there was about a 40% difference with the cost of asphalt being less. Mazur said what they are proposing is the right-of-way is 60 feet except for Sedward Avenue which is 80

feet and in here there's an exception. In the past the City wanted Sedward to be a thoroughfare and Council and the Planning Commission at the time wanted this road wider because it's a thoroughfare. Beck added and they upsized the sewer to be bigger, it had to be deeper and they paid that difference too. Mazur said the City paid the difference in the widening and upsizing and debt. We will have a line item in the budget for that capital cost as part of this project. That is where we are at right. As far as the concrete to asphalt, we went through and looked if there is anything that requires concrete and the short answer is "no". What it really comes down to is a desire to keep it congruent. We certainly do not want to argue one way or the other. I speak the facts of the difference in cost and maintenance of asphalt versus concrete. Beck said in this project we are going to take Joliette and extend it over to Sedward. I really don't want to do that because it will cost us \$60,000 or better to put that street in. Mazur said it shows that Lafayette is stubbed off. Beck said it will put more traffic out on Sedward, that is what a thoroughfare is. Probably not in my lifetime, but it is proposed to have Sedward to go all the way out to County Road 16. They wanted a thoroughfare instead of having a bunch of dead-end streets that go nowhere. Siclair asked Beck if he has had any input from current residents? Beck replied "no". I did warn a couple of them what was going to happen because I thought if you do not want Joliette cut through, you better go up and speak your piece. No one has said anything and all the plans are ready to go as soon as we get the approval. Mazur shared Joliette is already in the plat and Master Plan. From a community connectivity perspective, you do not want stub streets, you want that connectivity especially for safety services. Beck added it loops and will also help the water line so there will be better water service back there. Siclair asked if asphalt been an issue for anyone that you have heard of? Beck replied not that I know of but, they are willing to come on board and pay the 42% and we will do it concrete. Bialorucki asked you said you are ready to go, when do you think this project would be completed? Beck said we are shooting to break ground in December. But, we have to get approval through the City and state yet. Harmon asked if notices were sent regarding the potential vote on this topic? Mazur said no. Normally, this would go to the Planning Commission first those rules state we have to give a proper 10-day notification. No action is needed for tonight. If we can table this, that will give us time to make the proper notifications according to code.

Motion: Knepley Second: Knepley
to table Twin Oak Subdivision 7th Addition Construction

Roll call vote on the above motion:

Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Yea-7, Nay-0. Motion Passed.

REPORTS FROM COUNCIL COMMITTEES

Finance and Budget Committee met on September 28, 2020 and recommended the third quarter budget adjustments to City Council with suspension of legislation, and; also referred Reciprocity Income Tax Credit back to City Council for further discussion, which we have already discussed.

Chairman Baer reported the **Safety and Human Resources Committee** met on September 28, 2020 and approved the changes to Policy 5.6 and Policy 6 in the Employment Policy Manual which will be discussed later.

Technology and Communication Committee did not meet earlier this evening due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Ordinance No. 043-20 – Dedication of Clairmont Avenue between Briarheath and Westmoreland

Motion: Baer Second: Comadoll
to approve First Read of Ordinance No. 043-20

Roll call vote to approve first read of Ordinance No. 43-20
Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Council President Bialorucki read by title, Resolution No. 044-20, a Resolution Authorizing the City Manager to Renew a Contract with Werlor Waste Control & Recycling, Inc. Without the Necessity of Public Bidding; and Declaring an Emergency

Mazur stated this would extend the current recycling contract with Werlors for one year while they hold their prices. Durham asked if the contract will be good through October of 2021? Mazur replied the contract expires on December 31, 2021.

Roll call vote to approve first read of Resolution No. 044-20
Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Council President Bialorucki read by title Ordinance No. 045-20, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 5) for the Year 2020; and Declaring an Emergency.

For Undefined Contingencies this is to replace unexpected grants and expenses to the Police Department, PERS for Dan Baer and the fire pension that came up, just in case we need it until the end of the year and that is \$15,700.

The next item totals about \$72,000 for the four temporary full-time firefighter positions created to help with the direct response due to the COVID. This will be reimbursed through the CARES Act Funding that we received.

There are two items under the Fire Department that they would like to purchase and submit for the PA Grant that Chief O'Brien submitted totaling about \$4,775.

The total for the General Fund is \$101,875.00.

Fund 210-EMS Transport there was an error caught in the billing from 2019 through AccuMed. The error has been corrected. We didn't owe anything more it was just what we would owe. This estimate is for the third quarter because we pay from the fourth quarter to the third quarter and that amount is about \$15,000.00.

Fund 221-Napoleon Aquatic Center, this is to encumber the portion of the contract for the building. The project cost was originally about \$3,500,000 and it is around \$3,800,000 now. The contract amount is still within the levy dollars that were passed. This appropriation is needed to cover the contract that was passed by Council.

Fund 250-the Local Coronavirus Fund. We received more money from the federal government, that's an appropriation of \$101,836.99, there will be more money coming to us. The deadline to encumber funds was extended from October 15, 2020 to November 20, 2020.

Fund 400-Capital Improvements is for American Road. The road is a fixed asset on our books so we have to run the project through our books. The original amount that we presented to the Finance and Budget Committee was \$1,650,000, we raised it to \$1,950,000 as Lulfs had a change order and we want to make sure that we had the extra appropriation in case there are more change orders and then we don't have to come back to you it will only be what it is. The city will only pay \$150,000 of that project.

Fund 520-Sewer Utility Revenue Fund is to transfer funds to the 521 Capital Improvement Fund for the volute presses. This will be reimbursed when we get the money from the state from the loan that we will have. That amount is \$563,000.

The total supplementals are \$3,152,753.73

Motion: Comadoll Second: Haase
to suspend the rule for three readings of Ordinance No. 045-20

Roll call vote to suspend the rules for Ordinance No. 045-20

Yea-Haase, Bialorucki, Siclair, Comadoll, Knepley, Durham

Nay-

Abstain-Baer

Yea-6, Nay-0, Abstain-1. Motion Passed.

Roll call vote to pass Ordinance No. 045-20 under Suspension and Emergency

Yea-Haase, Bialorucki, Siclair, Comadoll, Knepley, Durham

Nay-

Abstain-Baer

Yea-6, Nay-0, Abstain-1. Motion Passed.

Ordinance No. 046-20 – Transfer of Appropriation No. 3

Council President Bialorucki read by title, Ordinance No. 046-20, an Ordinance Authorizing the Finance Director to make Appropriation Transfers (Transfer of Appropriation 3) from One Appropriation Line Item to Another Appropriation Line Item pursuant to ORC Section 5705.40 for the Fiscal Year Ending December 31, 2020 as listed in Exhibit "A"; and Declaring an Emergency.

Motion: Durham Second: Siclair
to approve first read of Ordinance No. 46-20

O'Boyle stated this is for Fund 288 the JRIG Grant to move \$14 from the operating to the salary line item to match the grant appropriations.

Roll call vote to approve first read of Ordinance No. 048-20
Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Roll call vote to approve first read of Ordinance No. 050-20
Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Council President Bialorucki read by title Ordinance No. 051-20, an Ordinance Providing for the Issuance and Sale of Sewer System Refunding Revenue Bonds, Series 2021, under Article XVIII of the Ohio Constitution, in the Maximum Aggregate Principal Amount of \$5,140,000 for the Purpose of Paying the Costs of Refunding certain Outstanding Obligations heretofore Issued by the City to Improve the Utility, Authorizing Various related Documents and Instruments, including a Bond Purchase Agreement, a First Supplemental Trust Agreement, an Escrow Agreement and an Official Statement; and Declaring an Emergency

Roll call vote to approve first read of Ordinance No. 051-20
Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Council President Bialorucki read by title Resolution No. 042-20, a Resolution Appointing Mayor Jason Maassel and Councilman Dan Baer to Represent the City of Napoleon, Ohio as Members of the Board of Directors of the Community Improvement Corporation of Henry County, Ohio; and Declaring an Emergency.

Roll call vote to approve Second Read of Resolution No. 042-20
Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Revisions to Policy 5.6 and Policy 6 of the Employment Policy Manual

Mazur reported two policies from the Employment Policy Manual were updated. This is an ongoing project for us and we wanted to make sure everyone was aware that we are going through the Employment Policy Manual and making updates. The Safety and Human Resources Committee reviewed and approved these policy changes. While it's not absolutely necessary, we can continue to bring any changes to the Safety and Human Resources Committee and Council or we can put any changes in your Council packet when anything is revised and updated. There are a lot of things that are outdated in this policy. For instance, the Drug Free Workplace or Work Environment Policy, there was a lot of delete and replace or copy and paste of things. The use of CDB oil or legalized marijuana has come into play and we wanted to make sure we addressed some of our policies making it clear that we still have to adhere to our policies and do not allow the use of certain substances. We are not changing how we do things we are making sure the verbiage is up-to-date. The other item is the Unlawful Discrimination and Harassment Policy, not the Sexual Harassment Policy. It is now all into one policy. Before there were a lot of bullet points and those were condensed into a paragraph word version. There was also a new definition since the last time this policy was updated for transgender and that has been updated. We are making sure we are compliant and up-to-date with how we handle our harassment and discrimination policies. This is an ongoing project, it could take up to a year to go through the major points that we would like to update and then we will go from there. Mazur confirmed with Harmon there is no need for any kind of approval, this is just a discussion item and update for Council. Harmon responded that is correct. Napoleon Codified Ordinance 197.13 makes it explicit that the City Finance Director, City Manager and the City Law Director do not need Council approval to make these changes.

Approval of Plans and Specifications for the Oberhaus Interceptor I/I Reduction (L.T.C.P. Project No. 21B)

Mazur stated this in the budget to replace and upsize this sewer to accommodate for the years of additional growth that has happened in that area. We need to make sure that we can manage the flow of sanitary sewage coming from the existing and new developments that are happening. It is definitely needed. The estimated cost is \$450,000 with \$275,000 being Issue II grant money. We are requesting approval to advertise for bids.

Motion: Durham Second: Knepley
to approve the plans and specifications for the Oberhaus Interceptor I/I Reduction (L.T.C.P. Project No. 21B) and go out to bid.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Health Care Costs for 2021

Mazur reported this time of year, the Healthcare Cost Committee looks at what is our bottom line and what is the healthcare cost increase going to be. I do have some good news to report, there is still an increase but it is 3.49%. We did meet the wellness goals and received the 1% reduction. This is the first time in over a decade or more we are lower than the median average in the BORMA group. You probably remember hearing for years that our claims were among the highest in the BORMA group. I am not saying this is directly related to the Wellness Program but, it is amazing how the statistics do follow that. Since the Wellness Program has been put in place, our numbers are looking a lot better. It is really good to see that we are among the lower tier in terms of percentage increases compared to our peers. Plus, 3.49% is well below the national average that is around the 6% to 8% range. The Healthcare Cost Committee voted to eliminate Plan No. 8. There are no employees on Plan No. 8 right now. That is the HSA plan. Everyone is on either PPO2 or the PPO3 plans. By eliminating Plan No. 8 now is a cost

avoidance for the City in the future. The committee also recommended keeping the percentage split the same 87.5% - employer and 12.5% - employee. It was also recommended to continue to offer the same dental and vision plans in 2021, the dental and vision plans have no impact on the city financially.

Motion: Durham

Second: Siclair

to approve the recommendations of the Healthcare Cost Committee for Healthcare Costs in 2021

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Accept Donation of 24 Pallets of Bottled Water from the Napoleon Lions Club

Mazur reported this donation is from the Lions Club. The Lions Club donated 24 pallets of bottled water. We will be a distribution point for some of the surrounding agencies. It is very generous donation that is appreciated.

Motion: Comadoll

Second: Haase

to accept the donation from the Napoleon Lions Club

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Annexation Agreement with Napoleon Township

Mazur noted Bill Meyers is here tonight. Mr. Meyers is the owner of the property and he wants to connect to the City sewer system to help his land. His land is south of the City on the river right off of 424 past Meyerholtz Park. Meyers would like to put in a pump station for his property and connect to our City sewer. In order for him to do that, the City sewer rules state that if you connect to our sewer you have to annex in. We have been going through the process to annex and he has requested going through the expedited process. The City of Napoleon and Napoleon Township will need to enter into an agreement and adopt the agreement by ordinance to allow for the expedited version of the annexation process. Right now, we are requesting Council direct the Law Director to draft legislation and then we will hopefully work out the details of the annexation agreement. Meyers said I am looking forward to being part of the community with this property. I had planned to build on this property but, my current situation is not that plan. I have several parties that are interested. This is not marina or a big development or a boat and docking area, this is just going to be a private residence. I think it will make an excellent building site and I would like to continue to move forward with this plan. Chad Lulfs has been out there and visited the property and we have discussed the entire layout of this. There were also some other city employees that have looked over the whole project and did not feel there would be any problem with it. I was encouraged to do this annexation and have been working through the channels to get the county, township and everyone working together to be able to create this agreement. I think we are really close now and I would appreciate it if you could help me move this along. Siclair asked this is west of Meyerholtz Park, that is on the south side of the road. Is there a notice that goes to the residences along the other side of the road or does that not matter? Mazur-no. I say that with a little hesitation because we have not gone through an annexation in a while and admittedly this is the first one that I have been a part of, so I believe the short answer is no notice is required. This goes to the township and the city to review and then accept. Lulfs added we have done a few of these over the years. The only thing that would require notice is if Meyers wanted to do something outside of what was allowed in his zoning. If Myers would be granted annexation, that zoning will be determined at the time of the annexation and we would set that zoning to what he's

Motion: Knepley Second: Haase
to direct the Law Director to draft legislation entering into an annexation agreement with Napoleon Township

Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Council President Bialorucki referred Rates and Fees for the Napoleon Aquatic Center to the Parks and Rec Committee

Council President Bialorucki referred Corporate Membership Program for the Napoleon Aquatic Center to the Parks and Rec Committee

O'Boyle. The budgets have come back from the departments. We are meeting with the departments right now to review their budgets. Then, the City Manager and I will review the budget and make recommendations to Council. That will be a lot of our time in the next month.

Knepley. I was reading through the AMP newsletter, it's great to see Napoleon get so many awards and recognition. Thanks Joel.

Siclair. I want to congratulate the Electric Department and the City for all the awards and congratulate the City and Joel for keeping their seat on the board, that's very important. I would like to add to your comment about the banners, that was a little bit of a genius strategy there. I would like to congratulate Officer Marchant. Chief Mack did you say how long has it been since there's been a woman on the force? Chief Mack-a long time is my official answer.

Motion: Comadoll Second: Haase
to approve the re-appointments to the boards and commissions as presented by Mayor Maassel.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Maassel continued. Fall cleanup is starting, I know that is a lot of work and hopefully we have good weather for the rest of the week for the guys doing all the work out there.

I have a request for an Executive Session for Compensation of Personnel.

Bialorucki. It is nice to have all of us in the same room, it feels kind of normal. But, the more we think about it, the COVID pandemic is not over as we have recently seen with our President. If you noticed, the people that have tested positive around him are the people that he is meeting with. I think although we enjoy having everyone here, if someone doesn't feel comfortable coming to the meetings, you can still do WebEx. I spoke with the Law Director earlier today and we are allowed to do WebEx at least through the end of the year, as of right now. Anyone that would feel more comfortable doing WebEx, you are more than welcome to do that.

Haase. Nothing tonight.

Durham. Nothing tonight.

Baer. Nothing tonight.

Harmon. Nothing tonight.

EXECUTIVE SESSION

Motion: Comadoll

Second: Knepley

to go into Executive Session to consider Purchase of Property

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Motion: Siclair

Second: Knepley

to go into Executive Session for Compensation of Personnel

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

City Council went into Executive Session at 9:01 pm

Motion: Siclair

Second: Comadoll

to come out of Executive Session for Consideration of Purchase of Property

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Council President Bialorucki reported no action was taken.

Motion: Durham

Second: Siclair

to come out of Executive Session for Compensation of Personnel

Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Yea-7, Nay-0. Motion Passed.

Council President Bialorucki reported no action was taken.

City Council reconvened at 9:51 pm.

APPROVAL OF PAYMENT OF BILLS

Hearing no objections or corrections, the payment of bills were approved.

ADJOURNMENT

Motion: Siclair Second: Knepley
to adjourn the City Council meeting at 9:52 pm

Roll call vote on the above motion:

Yea-Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham
Nay-

Yea-7, Nay-0. Motion Passed.

Approved:

October 19, 2020

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Submitted by:

Roxanne Dietrich, Clerk of Council

RESOLUTION NO. 052-20

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN ANNEXATION AGREEMENT WITH
NAPOLEON TOWNSHIP FOR THE ANNEXATION OF 3.038
ACRES OF LAND OWNED BY WILLIAM R. MEYERS**

WHEREAS, the City of Napoleon has been approached by William R. Meyers, who states that he would like to exercise an Expedited Type I Annexation from Napoleon Township to the City of Napoleon; and,

WHEREAS, in accordance with ORC 709.022, Expedited Type I Annexation, the City of Napoleon and Napoleon Township must enter into an Annexation Agreement; and,

WHEREAS, the Council for the City now desires to enter into an Annexation Agreement with Napoleon Township regarding the above stated property; **Now Therefore**,

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

Section 1. That, the City Manager is authorized to enter into an Annexation Agreement with Napoleon Township for the annexation of 3.038 acres of land currently in Napoleon Township located along County Road 424 (Parcel No. 07270088.0000), which is owned by William R. Meyers.

Section 2. That the City Manager is authorized to execute any and all documents necessary on behalf of the City to enter said Annexation Agreement.

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

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

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

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 052-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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, Clerk of Council

ANNEXATION AGREEMENT
(hereinafter "Agreement")

This Agreement is made this ____ day of _____, 2020, by and between the City of Napoleon, Ohio (hereinafter "City") and Napoleon Township in the State of Ohio (hereinafter "Township") (collectively, hereinafter "Parties").

RECITALS

WHEREAS, William R. Meyers (hereinafter "Property Owner") is the owner of approximately 3.038 acres of land in Napoleon Township located along County Road 424 (Parcel No. 07270088.0000), being more fully described in Exhibit A attached hereto and incorporated herein (hereinafter "Property").

WHEREAS, the Property Owner desires and proposes to have the Property annexed to the City pursuant to and in accordance with R.C. 709.022, Expedited Type 1 Annexations, and this Agreement.

WHEREAS, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City.

WHEREAS, the City and the Property Owner desire to annex the Property to the City in order to obtain all customary general municipal services for the Property.

WHEREAS, the City desires to annex the Property in order to facilitate and serve the economic potential of the Property for the benefit of the City and its citizens and residents.

WHEREAS, the City and the Township, after due and careful consideration, have concluded that the annexation and zoning of the Property pursuant to and in accordance with this Agreement would further enable the City to control the development of the area and would serve the best interests of the City.

THEREFORE, the parties of this Agreement in consideration of the mutual covenants and stipulations set forth herein, agree as follows:

Section 1. Territory to be Annexed

Property Owner is the owner of one parcel of property located in the Northeast Fractional Quarter and Southeast Quarter of Section 27, Township 5 North, Range 6 East, Napoleon Township, Henry County, Ohio, more particularly described in the property description attached hereto as Exhibit A (including in the proposed property to be annexed only such real estate as is described in said Exhibit A).

Section 2. Land Use Planning Matters

Property owned by Petitioner will be annexed and zoned _____, unless otherwise determined by the City and the Property Owner.

Section 3. Provision of Services and Improvements by City

The City will provide the Property with all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the City. The governmental and utility services shall include:

- a) Water Service
- b) Sewer Service
- c) Electric Service
- d) Street Service
- e) Fire/EMS
- f) Police Service
- g) Planning and Zoning

Section 4. Provision of Services and Improvements by Township

The Township shall not provide any services to the Property upon Annexation.

Section 5. Payments

It is distinctly and particularly understood and agreed between the City and the Township that no financial compensation shall be paid by either party to the other. It is furthermore agreed that this agreement is permanent.

Section 6. Miscellaneous

- a) **Intent of Parties.** This Agreement shall be binding upon the Parties hereto and their respective successors and/or assigns, and by execution hereof, all Parties represent that they are duly authorized to sign it.
- b) **Cancellation or Termination.** This Agreement may be cancelled or otherwise terminated by mutual written agreement of the Parties hereto or

pursuant to the terms of this Agreement as to conflict in law, impracticality and/or acts of God.

- c) **Remedies.** Except as otherwise limited by Chapter 2744 of the Ohio Revised Code, the Parties hereto shall be afforded and do possess the right to seek every remedy available at law or in equity provided for under the laws of the State of Ohio as pertains to the terms and conditions, duties, obligations, privileges and rights of this Agreement and the enforcement thereof.
- d) **Enforcement.** Unless this Agreement is cancelled or otherwise terminated, this Agreement will be enforceable against any Party hereto per the laws, ordinances, resolutions, regulations or policies in effect at the time of the execution of this Agreement.
- e) **Relative Rights.** The rights and obligations of the parties hereunder shall be subject to the terms and conditions hereof, and will inure to the benefit of, and be binding on, the respective successors and assigns.
- f) **Entire Agreement Merger Clause; Statement of Incorporation.** It is agreed that the Agreement merges all of the oral negotiations, representations, discussions and understandings between the Parties, their legal counsel, agents or representatives. This Agreement contains the entire Agreement of the Parties with respect to its subject matter. All documents related to this Agreement and/or attached hereto as exhibits or addendums shall be incorporated into this Agreement by reference as if fully set out at length herein.
- g) **Severability.** If any clause, sentence, paragraph or part of this Agreement shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement and the remainder of said Agreement shall continue in full force or effect.
- h) **Cooperation.** The City and Township shall cooperate with Property Owner to obtain any required and/or necessary permit from any government or governmental agency not a party to this Agreement.
- i) **Modifications or Amendment of Agreement.** No modifications, amendments, alterations or additions shall be made to this Agreement except in a writing signed by all Parties hereto.
- j) **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.

- k) **Executed Counterparts.** This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same agreement. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.
- l) **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.
- m) **Survival of Representations and Warranties.** All representations and warranties of the City and the Township in this Agreement shall survive the execution and delivery of this Agreement.
- n) **Effective Date.** This Agreement shall be effective when signed by all the Parties hereto.
- o) **Time.** Time shall be of the essence in doing and performing all things to be done under the terms of this Agreement.

IN WITNESS WHEREOF, the parties have signed this agreement in _____, Ohio, on the day and year first mentioned above.

CITY OF NAPOLEON

By: _____
City Manager

Approved as to form:

Billy D. Harmon, Law Director

I hereby certify this to be an original and true copy.

Roxanne Dietrich, Clerk of Council, City of Napoleon

****Signatures continued on next page****

NAPOLEON TOWNSHIP

By:

By:

By:

Approved as to form:

Gwen Howe-Gebers, Prosecutor for
Henry County, Ohio

I hereby certify this to be an original and true copy.

_____, Clerk, Napoleon Township

ORDINANCE NO. 053-20

AN ORDINANCE TO AMEND CHAPTER 194, SPECIFICALLY SECTION 194.081 "CREDIT FOR TAX PAID – CITY OF NAPOLEON," OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON REGARDING MUNICIPAL INCOME TAX, AMENDING ORDINANCE NO. 053-15, AND DECLARING AN EMERGENCY

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and,

WHEREAS, Council previously adopted Ordinance No. 053-15, adopting Chapter 194 of the Codified Ordinances of the City of Napoleon regarding municipal income tax; and,

WHEREAS, the Safety and Human Resources Committee met on January 27, 2020 and unanimously recommended that this Council decrease the current rate of credit that a taxpayer who has paid municipal income tax in another taxing municipality shall be allowed against income tax due to the City of Napoleon; and,

WHEREAS, Council now desires to amend Chapter 194, Section 194.081 of the Codified Ordinances of the City of Napoleon to reflect a decrease to the current rate of tax reciprocity to take effect beginning with the commencement of tax year 2021; **Now Therefore**,

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

Section 1. That, Chapter 194, Section 194.081 of the City of Napoleon Codified Ordinances shall hereby be amended to read as follows:

"194.081 CREDIT FOR TAX PAID - CITY OF NAPOLEON.

(A) If a resident of Napoleon is subject to and has paid a municipal income tax due to the operation of a business or the receipt of compensation in another taxing municipality, such taxpayer shall be allowed a ~~100%~~ 70% credit against the Napoleon tax due, but such credit shall not exceed the amount of Napoleon tax levied on such compensation or from the profits of a business.

(B) If a resident of Napoleon operates a business or businesses in another taxing municipality and the business or businesses incur a loss, the amount of the loss is deemed primarily subject to the taxing jurisdiction of the other taxing municipality and may not be used to reduce the taxpayer's Napoleon tax base."

Section 2. That, the aforementioned amendment to Chapter 194, Section 194.081 of the City of Napoleon Codified Ordinances is scheduled to take effect beginning with the commencement of tax year 2021.

Section 2. That, Chapter 193 of the Codified Ordinances of Napoleon, Ohio remains in full force and effect for all taxable years prior to 2016.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that

resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

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

Section 5. That, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising from the City's need to effectively manage and control municipal income taxes, and therefore this Ordinance shall be effective upon passage. Further, the Emergency Clause is necessary to begin the process in a timely manner which affects the public peace, health, and safety accessible to our citizens, 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 053-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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, Clerk of Council

ORDINANCE NO. 043-20

**AN ORDINANCE ACCEPTING THE DEDICATION OF A
SECTION OF CLAIRMONT AVENUE BETWEEN BRIARHEATH
AVENUE AND WESTMORELAND AVENUE AS A PUBLIC
STREET PURSUANT TO R.C. 723.03**

WHEREAS, the City of Napoleon Planning Commission in Resolution No. PC 20-11 recommended the approval of the plat known as "Clairmont Avenue Right-of-Way Being Part of the Southwest ¼ of Section 14T5N, R6E, Lynwood Addition Dedication Plat" and the acceptance of the dedication of the street known as Clairmont Avenue between Briarheath Avenue and Westmoreland Avenue as a public street, said street having previously been used and maintained by the owner Napoleon City Schools; and,

WHEREAS, in order to make certain that the dedicated streets and alleys of the City of Napoleon have been accepted by the City as public streets and alleys, the City is desirous of following the statutory method found in R.C. 723.03; **Now Therefore**,

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

Section 1. That the section of Clairmont Avenue as identified in the above-listed dedication plat and as recorded or to be recorded in the office of the Recorder's Office of Henry County, Ohio, is dedicated for public use and is hereby accepted as a public Right of Way (street) for public use, in and for the City of Napoleon, Ohio.

Section 2. That the above-listed dedication plat is hereby approved by the City and is furthermore approved for execution and recording.

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

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

Section 5. That upon passage, this Ordinance shall take 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No.043-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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, Clerk of Council

RESOLUTION NO. 044-20

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
RENEW A CONTRACT WITH WERLOR WASTE CONTROL &
RECYCLING, INC. WITHOUT THE NECESSITY OF PUBLIC
BIDDING; AND DECLARING AN EMERGENCY**

WHEREAS, an agreement was entered into on or about December 1, 2017 with Werlor Waste Control & Recycling, Inc. for the purpose of recycling processing; and,

WHEREAS, the agreement contained a Reopening Clause which provided for an extension of the agreement, with written notice to be presented three (3) months in advance; and,

WHEREAS, the current agreement expires on December 1, 2020; and,

WHEREAS, the Company has expressed its willingness to renew the current agreement under the same terms and conditions, for a one (1) year term, thereby resulting in savings to our residents; and,

WHEREAS, the City is a chartered municipality and is desirous of exercising its Home Rule powers regarding such contracts; and,

WHEREAS, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding in this instance, as permitted in Article VI, Section 6.05 of the Charter of the City of Napoleon and Napoleon Codified Ordinance 106.04; **Now Therefore**,

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

Section 1. That, notwithstanding any provision of law, resolution, or ordinance to the contrary, pursuant to Article VI, Section 6.05 of the Charter of the City of Napoleon and Napoleon Codified Ordinance 106.04 a renewal of the contract with Werlor Waste Control & Recycling, Inc. is hereby authorized pursuant to the terms and conditions currently on file with the Clerk of Council, subject to any nonmaterial changes deemed necessary by the City Manager and approved as to form and correctness by the Law Director; moreover, the expenditure of funds is also authorized as a necessary proper public expenditure.

Section 2. That, it is the finding of this Council that it is in the best interest of the City and its inhabitants to eliminate the necessity for public bidding for the reasons stated in attached Exhibit "A" and in the preamble of this Resolution.

Section 3. That, the City Manager is authorized and directed to enter into the aforementioned contract renewal.

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 is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely processing of waste and recyclables; 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 purchasing 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 044-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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, Clerk of Council



Exhibit A Res. No. 044-20
CITY OF NAPOLEON, OHIO

OPERATIONS DEPARTMENT
PO Box 151, 1775 INDUSTRIAL DR.
NAPOLEON, OH 43545
PHONE: (419) 599-1891 FAX: (419) 592-4379

MEMORANDUM

TO: Roxanne Dietrich, Clerk of Council; Joel Mazur, City Manager; Chad Lulfs, City Engineer
FROM: Jeffery H. Rathge, Superintendent
SUBJECT: Werlor Contract
DATE: September 18, 2020
CC:

Per the attached letter from Werlor, Inc., please consider extending City Contract No. 2017-24 pursuant to Napoleon Ordinance 106.04. The recycling contract is due to expire December 31, 2020. Historically, Werlor has been the lowest and only bid and the prices could potentially be higher if the City chooses to bid. There had been an \$8.00/ton increase (\$37.00/ton to \$45.00/ton) when the 2017 bid was submitted. Werlor is the closest transfer station, so driving distance to transport recyclables is also considered. The Operations Department recommends extending the contract by (1) one year and waiving competitive bidding.

Page 11 Section 2.28 of the recycling contract states as follows:

Reopening Clause for Other Related Items:

It is further mutually agreed to by the Contractor and the City, that in the event that the terms of the Contract needs to be extended or modified for the purpose of (but not limited to) duration of the agreement, materials to be collected or the type of collection method that a written notice shall be presented three (3) months in advance; however, there shall be no extension or modification during the first year of the Contract. In the event that an impasse should occur on the above mentioned, either party must submit a written notice of termination which shall upon receipt, terminate the Contract in six (6) months.

Exhibit A Res. No. 044-20

Operations Superintendent
Jeffery H. Rathge
JRATHGE@NAPOLEONOHIO.COM

ORDINANCE NO. 048-20

AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE BONDS FROM TIME TO TIME FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S MUNICIPAL WATER SYSTEM OR REFUNDING DEBT ISSUED BY THE CITY FOR THAT PURPOSE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER TRUST AGREEMENT PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND PLEDGING CERTAIN REVENUES AND FUNDS TO SECURE THOSE BONDS; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the Article XVIII of the Ohio Constitution, the City now owns and operates, as a public utility, a municipal water system (the "*Utility*") the services of which are supplied to users within and without the City; and,

WHEREAS, pursuant to the Ohio Constitution, the City is authorized to: (a) issue its revenue bonds (the "*Bonds*") for the purpose of paying the costs of improving the Utility and for the purpose of paying the costs of refunding debt issued to pay the costs of improving the Utility, (b) refund any or all of the Bonds, (c) enter into a master trust agreement and supplemental trust agreements to secure the Bonds, and (d) provide for the pledge or assignment of revenues sufficient to pay the principal of and interest and any redemption premium on the Bonds; **Now Therefore,**

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

Section 1. Determinations, Findings and Covenants by the City.

(a) This Council finds and determines that it is necessary and in the best interest of the City to issue Bonds from time to time to provide moneys (i) for the purpose of paying the costs of improving the Utility and for the purpose of paying the costs of refunding debt issued to pay the costs of improving the Utility, (ii) to refund any or all of the Bonds, (iii) to fund a bond reserve fund (if required by the applicable proceedings), and (iv) to pay the costs of issuance of the Bonds.

(b) This Council hereby finds and determines that, pursuant to the Constitution and laws of the State, the City as necessary shall have the right to issue Bonds pursuant to the terms and conditions of the Master Trust Agreement (the "*Master Trust Agreement*") dated as of the date of delivery of the initial series of Bonds and by and between the City and the Trustee (as defined in Section 2), which provides that each series of Bonds shall be authorized by an applicable Series Bond Ordinance of this Council and any related Supplemental Trust Agreement.

(c) This Council hereby covenants that the City will observe and perform all of its agreements and obligations provided for by the Bonds, the Master Trust Agreement and this Ordinance.

(d) Except when the context indicates otherwise or unless otherwise defined herein, the terms used but not defined herein shall have the meaning ascribed to them in the Master Trust Agreement.

Section 2. Trustee; Security for the Bonds. The Finance Director is hereby authorized to designate in the certificate awarding the initial series of Bonds a bank or trust company authorized to do business in the State of Ohio to act as the initial trustee (the “*Trustee*”) under the Master Trust Agreement.

The Bonds shall be special obligations of the City and, except as otherwise provided in the Master Trust Agreement, the Bond Service Charges shall be payable equally and ratably solely from the Net Revenues and the Pledged Funds. The payment of Bond Service Charges shall be secured by the Master Trust Agreement (as such Master Trust Agreement may be amended and supplemented from time to time in accordance with its terms) by a pledge of the Net Revenues and an assignment of the Pledged Funds to the Trustee, as provided in the Act, this Ordinance and the Master Trust Agreement. However, any pledge or assignment of, lien on or security interest in any fund, account, receivables, revenues, money or other intangible property not in the custody of the Trustee shall be valid and enforceable only to the extent permitted by law.

The City covenants that it will promptly pay from such sources the Bond Service Charges on every Bond issued under the Master Trust Agreement at the places, on the dates and in the manner provided in the applicable Series Bond Ordinance authorizing each series of Bonds, the applicable Supplemental Trust Agreement relating to each series of Bonds, the Master Trust Agreement and the Bonds, according to the true intent and meaning thereof.

Nothing in this Ordinance, the Bonds or the Master Trust Agreement shall constitute a general obligation debt or tax-supported bonded indebtedness of the City; the general resources of the City shall not be required to be used, and neither the general credit nor taxing power or full faith and credit of the City are or shall be pledged, for the performance of any duty under this Ordinance, the Master Trust Agreement or the Bonds. Nothing in this Ordinance gives the holders of Bonds, and they do not have, the right to have excises or taxes levied by the City for the payment of Bond Service Charges or Operating Expenses (as defined in the Master Trust Agreement), but the Bonds are payable solely from the Net Revenues and the Pledged Funds, as provided in this Ordinance and the Master Trust Agreement, and each Bond shall contain a statement to that effect; provided, however, that nothing shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Master Trust Agreement, this Ordinance or the Bonds.

Nothing in this Ordinance, the Bonds or the Master Trust Agreement shall prevent payment of Bond Service Charges on Additional Bonds from being otherwise secured and protected from sources or by funds and instruments not applicable to the initial series of Bonds and any one or more other series of Additional Bonds, or not being secured or protected from sources or by funds or instruments applicable to the initial series of Bonds or one or more other series of Additional Bonds. Without limiting the generality of the foregoing, nothing in the Master Trust Agreement shall prevent the City from providing a Credit Support Instrument pledged or relating

to the payment of Bond Service Charges on any one or more Bonds, or series of Bonds, or two or more series of Bonds, or part of a series of Bonds, and not on other Bonds or series of Bonds.

Section 3. Master Trust Agreement. In the name and on behalf of the City, and in connection with the issuance and delivery of the initial series of Bonds, the Master Trust Agreement shall be signed by the City Manager and Finance Director in substantially the form now on file with the Clerk of Council. The Master Trust Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by those officers on behalf of the City, all of which shall be conclusively evidenced by the signing of the Master Trust Agreement or any amendments thereto.

Section 4. Continuation of Funds. The Water Construction Fund, the Water Revenue Fund, the Water Bond Service Fund (including the Interest Payment Account and the Principal Payment Account each contained therein), the Water Bond Reserve Fund, the Water Replacement and Improvement Fund, the Water Utility Reserve Fund and the Water Rebate Fund, each as defined and described in the Master Trust Agreement, and each as originally created by Ordinance No. 029-08 passed on April 21, 2008, are hereby continued as of the date of the Master Trust Agreement. Moneys in those Funds shall be applied as provided in the Master Trust Agreement. The Finance Director is hereby authorized to transfer, simultaneously with the issuance and delivery of the initial series of Bonds pursuant to the Master Trust Agreement, all monies now on deposit in those Funds and Accounts and any other existing funds and accounts relating to the operation of the Utility (including any monies maintained pursuant to the Master Trust Agreement, dated July 23, 2008, by and between the City and The Huntington National Bank, as trustee) into the Funds and accounts established by the Master Trust Agreement, the supplemental trust agreement relating to the initial series of Bonds and the Series Bond Ordinance authorizing the initial series of Bonds, in such manner as is determined by the Finance Director in the supplemental trust agreement relating to the initial series of Bonds to be in the best interest of and financial advantage to the City. The Finance Director is hereby authorized to maintain, or permit the maintenance of, such separate accounts in any of those Funds, and such separate subaccounts in any account, as is determined to be in the best interest of the City.

Section 5. Further Authorization. The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each hereby authorized to execute any agreements, certifications, financing statements, documents or other instruments, and to take such other actions which are necessary or appropriate in the judgment of such officers to consummate the transactions contemplated herein and the Master Trust Agreement, or to protect the rights and interests of the City, the Trustee or the holders of Bonds.

Section 6. Compliance with Open Meeting Law. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 7. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety in the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the initial series of Bonds, which is necessary to enable the City to take advantage of favorable interest rates and realize a savings in interest costs by refunding certain bonds heretofore issued by the City for the purpose of paying the costs of improving the Utility; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: _____, 2020

Joseph D. Bialorucki, Council President

Approved: _____, 2020

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 048-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the _____ day of _____, 2020; and 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, Clerk of Council

CERTIFICATION OF RECORDS

I, Roxanne Dietrich, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number 048-20, passed _____, 2020.

Roxanne Dietrich, Clerk of Council

Date

ORDINANCE NO. 049-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2020, UNDER ARTICLE XVIII OF THE OHIO CONSTITUTION, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$3,165,000, FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS HERETOFORE ISSUED BY THE CITY TO IMPROVE THE UTILITY, AUTHORIZING VARIOUS RELATED DOCUMENTS AND INSTRUMENTS, INCLUDING A BOND PURCHASE AGREEMENT, A FIRST SUPPLEMENTAL TRUST AGREEMENT, AN ESCROW AGREEMENT AND AN OFFICIAL STATEMENT; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Article XVIII of the Ohio Constitution, the City now owns and operates, as a public utility, a municipal water system (the “*Utility*”) the services of which are supplied to users within and without the corporate limits of the City; and,

WHEREAS, this Council has previously determined that improvements to the Utility are necessary for it to be adequate to meet the needs of the City, its inhabitants and other users, and this Council caused to be prepared by consulting engineers suitable reports, plans, specifications and estimates of cost sufficient to determine the nature, character and cost of improving the Utility; and,

WHEREAS, based upon those reports, this Council previously determined it to be necessary and took certain steps to improve the Utility; and,

WHEREAS, pursuant to Ordinance No. 065-04 passed on May 3, 2004 (the “*Series 2004 Bond Ordinance*”), bonds in the principal amount of \$1,000,000 dated as of July 15, 2004 (the “*Series 2004 Bonds*”), were issued for the purpose of paying the costs of improving the Utility; and,

WHEREAS, pursuant to Ordinances No. 029-08 and No. 030-08, each passed on April 21, 2008 (collectively, the “*Series 2008 Bond Ordinance*”) and the Master Trust Agreement, dated July 23, 2008, by and between the City and The Huntington National Bank, as trustee (the “*Prior Master Trust Agreement*”) as supplemented by the First Supplemental Trust Agreement, dated July 23, 2008, by and between the City and The Huntington National Bank, as trustee (the “*Prior First Supplemental Trust Agreement*”), bonds in the principal amount of \$3,505,000 dated July 23, 2008 (the “*Series 2008 Bonds*”), were issued for the purpose of paying the costs of improving the Utility; and,

WHEREAS, pursuant to Ordinance No. 029-08 passed on April 21, 2008 and Ordinance No. 029-10 passed on May 17, 2010 (collectively, the “*Series 2010 Bond Ordinance*” and together with the Series 2004 Bond Ordinance and the Series 2008 Bond Ordinance, the “*Refunded Bonds Ordinances*”) and the Prior Master Trust Agreement as supplemented by the Second Supplemental Trust Agreement, dated July 20, 2010, by and between the City and The Huntington National Bank, as trustee (the “*Prior Second Supplemental Trust Agreement*” and

together with the Prior Master Trust Agreement and the Prior First Supplemental Trust Agreement, the “*Prior Trust Agreement*”), bonds in the principal amount of \$845,000 dated July 20, 2010 (the “*Series 2010 Bonds*”), were issued for the purpose of paying the costs of improving the Utility; and,

WHEREAS, this Council finds and determines that it will be in the City’s best interest to issue Bonds in the maximum aggregate principal amount of \$3,165,000 (the “*Series 2020 Bonds*”) in order to refund at a lower rate of interest all or a portion of the outstanding Series 2004 Bonds, the outstanding Series 2008 Bonds and the outstanding Series 2010 Bonds (collectively, the “*Outstanding Bonds*”), which Outstanding Bonds maturing on or after December 1, 2020 are subject to prior redemption at the option of the City on any date at a redemption price of 100% of par plus any accrued interest to their redemption date, and to pay any expenses relating to that refunding and the issuance of the Series 2020 Bonds; and

WHEREAS, this Council previously determined, pursuant to Ordinance No. 048-20 passed on October 5, 2020 (the “*General Bond Ordinance*”), that it is necessary and in the best interest of the City to issue revenue bonds from time to time to provide moneys (i) for the purpose of paying the costs of improving the Utility and for the purpose of paying the costs of refunding debt issued to pay the costs of improving the Utility, (ii) to refund any or all of the Bonds, (iii) to fund a bond reserve fund (if required by the applicable proceedings), and (iv) to pay the costs of issuance of the Bonds; and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue Water System Refunding Revenue Bonds, Series 2020, to provide moneys to (i) pay the costs of refunding the Refunded Bonds (as herein defined) which were issued to pay the costs of improving the Utility, (ii) to fund the Bond Reserve Requirement for the Series 2020 Bonds to the extent it is determined to be financially advantageous to the City and (iii) to pay the costs of issuance of the Series 2020 Bonds; **Now Therefore,**

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in the General Bond Ordinance and in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“*Act*” means the Ohio Constitution, in particular Article XVIII of that Constitution, and any constitutionally applicable laws of the State.

“*Additional Bonds*” means additional obligations issued pursuant to the Master Trust Agreement subsequent to the issuance of the Series 2020 Bonds on a parity with the Series 2020 Bonds and any Additional Bonds theretofore or thereafter issued with respect to the pledge of the Net Revenues and the assignment of and, to the extent permitted by law, a security interest in the Pledged Funds for the payment of Bond Services Charges (except as otherwise provided in the Master Trust Agreement).

“*Authorized Denominations*” means, with respect to the Series 2020 Bonds, the denomination of \$5,000 or any whole multiple in excess thereof.

“*Bond Legislation*” means (a) when used with reference to the Series 2020 Bonds, the General Bond Ordinance, this Ordinance and the Certificate of Award and (b) when used with

reference to an issue of Additional Bonds, the General Bond Ordinance, the applicable Series Bond Ordinance and applicable certificate of award.

“*Bond Register*” means the books kept and maintained by the Bond Registrar pursuant to the Trust Agreement for the registration, exchange and transfer of Series 2020 Bonds.

“*Bond Reserve Requirement*” means the balance (if any) required by the Trust Agreement to be maintained in the Water Bond Reserve Fund for the Series 2020 Bonds.

“*Bond Proceedings*” means (a) when used with reference to the Series 2020 Bonds, collectively, the Bond Legislation, the Trust Agreement (including the First Supplemental Trust Agreement), the Continuing Disclosure Agreement and such other proceedings of the City, including the Series 2020 Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Series 2020 Bonds and (b) when used with reference to an issue of Additional Bonds, collectively, the Bond Legislation, the Trust Agreement (including the applicable supplemental trust agreement), the applicable continuing disclosure agreement and such other proceedings of the City, including the Additional Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Additional Bonds.

“*Bond Service Charges*” means the principal (as payable at stated maturity, or by acceleration or otherwise), interest and any redemption premium required to be paid by the City on the Bonds, and includes any Mandatory Sinking Fund Redemption Requirements. In the case of payment of Bond Service Charges by a person other than the City pursuant to a Credit Support Instrument, “*Bond Service Charges*” means the reimbursement by the City to the provider of that Credit Support Instrument of the amount so paid. In determining Bond Service Charges for a Fiscal Year or any other period, Mandatory Sinking Fund Redemption Requirements for that Fiscal Year or period shall be taken into account, and principal maturities or interest payments for which Mandatory Sinking Fund Redemption Requirements are imposed and complied with in a prior Fiscal Year or period, to that extent, shall be excluded.

“*Bonds*” means the Series 2020 Bonds and any Additional Bonds.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in the Series 2020 Bonds and the principal of and interest and any premium on the Series 2020 Bonds may be transferred only through a book entry, and (b) physical Series 2020 Bond certificates in fully registered form are issued by the City and payable only to a Depository or its nominee as registered owner, with the certificates deposited with and “immobilized” in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Series 2020 Bonds and that principal and interest.

“*Certificate of Award*” means the certificate authorized by Section 6, to be executed by the Finance Director, setting forth and determining those terms or other matters pertaining to the Series 2020 Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*City*” means the City of Napoleon, Ohio.

“*City Law Director*” means the City Law Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*City Manager*” means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

“*Clerk of Council*” means the Clerk of Council of the City or any person serving in an interim or acting capacity with respect to that office.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Series 2020 Bonds.

“*Code*” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Series 2020 Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and Finance Director, all in accordance with Section 10.

“*Council*” means the City Council of the City.

“*Credit Support Instrument*” means an insurance policy, including a policy of bond insurance, letter of credit or other credit enhancement, support or liquidity device provided pursuant to an agreement to which the City is a party and which is used to enhance the security or liquidity of the Series 2020 Bonds or part of the Series 2020 Bonds.

“*Escrow Agreement*” means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director in accordance with Section 11.

“*Escrow Fund*” means the City of Napoleon, Ohio – Series 2020 Water Refunding Escrow Fund created pursuant to Section 11 and in accordance with the Escrow Agreement.

“*Escrow Trustee*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Finance Director in the Certificate of Award pursuant to Section 11 as the initial escrow trustee for the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, “*Escrow Trustee*” shall mean the successor Escrow Trustee.

“Finance Director” means the Finance Director of the City or any person serving in an interim or acting capacity with respect to that office.

“Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“First Supplemental Trust Agreement” means the First Supplemental Trust Agreement by and between the City and the Trustee, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 4.

“General Bond Ordinance” means Ordinance No. 048-20 passed by the Council on October 5, 2020.

“Interest Payment Account” means the Interest Payment Account of the Water Bond Service Fund continued by the General Bond Ordinance and the Master Trust Agreement and to be held by the Trustee.

“Interest Payment Dates” means, unless otherwise specified in the Certificate of Award, June 1 and December 1 of each year that the Series 2020 Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).

“Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in Section 3(e)(i).

“Master Trust Agreement” means the Master Trust Agreement by and between the City and the Trustee, as it may be modified from the form on file with the Clerk of Council and heretofore authorized by the General Bond Ordinance.

“Net Revenues” shall have the meaning set forth in the Trust Agreement.

“Operating Expenses” shall have the meaning set forth in the Master Trust Agreement.

“Original Purchaser” means the purchaser of the Series 2020 Bonds specified in the Certificate of Award.

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

“Pledged Funds” shall have the meaning set forth in the Trust Agreement.

“Principal Payment Account” means the Principal Payment Account in the Water Bond Service Fund continued by the General Bond Ordinance and the Master Trust Agreement and to be held by the Trustee.

“Principal Payment Dates” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years as determined by the Finance Director in the Certificate of Award, *provided* that the first Principal Payment Date for the portion of the Series 2020 Bonds allocable to a component purpose of the Refunded Bonds shall occur no later than the earliest maturity date of the Refunded Bonds allocable to that component purpose, and *provided further* that in no case shall the final Principal Payment Date for the portion of the Series 2020 Bonds allocable to a component purpose of the Refunded Bonds exceed the original maximum permitted maturity of the Refunded Bonds allocable to that component purpose, all of which determinations shall be made by the Finance Director in the Certificate of Award.

“Purchase Agreement” means the Bond Purchase Agreement, which to the extent the execution and delivery of such Agreement is determined by the City Manager and the Finance Director to be in the best interest of and financially advantageous to the City as evidenced by the execution thereof, shall be between the City and the Original Purchaser, as it may be modified from the form on file with the Finance Director and executed by the City Manager and the Finance Director, all in accordance with Section 6.

“Redemption Date” means the date or dates designated by the Finance Director in the Certificate of Award as the earliest practicable date or dates on which the respective Refunded Bonds shall be redeemed in accordance with Section 11, *provided* that no such Redemption Date or Dates shall be later than ninety (90) days following the Closing Date.

“Refunded Bonds” means, collectively, the principal maturities of the Outstanding Bonds to be determined by the Finance Director in the Certificate of Award as the maturities the refunding of which will be in the best interest of and financially advantageous to the City.

“Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Securities Depository” or *“Depository”* means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Series 2020 Bonds or the principal of and interest and any premium on the Series 2020 Bonds, and to effect transfers of the Series 2020 Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Serial Bonds” means those Series 2020 Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to Mandatory Sinking Fund Redemption Requirements.

“*Series 2020 Bonds*” means the Water System Refunding Revenue Bonds, Series 2020, as authorized in Section 2.

“*State*” means the State of Ohio.

“*Term Bonds*” means those Series 2020 Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to Mandatory Sinking Fund Redemption Requirements.

“*Trust Agreement*” means, collectively, the Master Trust Agreement by and between the City and the Trustee, as amended and supplemented from time to time, including as supplemented by the First Supplemental Trust Agreement.

“*Trustee*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Finance Director in the Certificate of Award to act as the initial trustee under the Trust Agreement, and any successor trustee pursuant to the Trust Agreement.

“*Utility*” means the municipal water system which is owned and operated by the City.

“*Water Bond Reserve Fund*” means the Water Bond Reserve Fund continued in the Master Trust Agreement.

“*Water Bond Service Fund*” means the Water Bond Service Fund continued in the Master Trust Agreement.

“*Water Construction Fund*” means the Water Construction Fund continued in the Master Trust Agreement.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum aggregate principal amount of \$3,165,000 (the “*Series 2020 Bonds*”) for the purpose of paying the costs of refunding bonds previously issued by the City for the purpose of paying the costs of improving the municipal water system, together with all incidental work and related appurtenances thereto. The Series 2020 Bonds shall be issued pursuant to the Act, the General Bond Ordinance, the Trust Agreement, this Ordinance and the Certificate of Award.

The aggregate principal amount of Series 2020 Bonds to be issued shall not exceed the maximum aggregate principal amount specified in this Section and shall be an amount determined by the Finance Director in the Certificate of Award to be the aggregate principal amount of Series 2020 Bonds that is required to be issued at this time for the purpose stated in this Section, taking into account the costs of refunding the Refunded Bonds, other City moneys available for the purpose, the cost of funding the Bond Reserve Requirement to the extent it is

determined to be financially advantageous to the City, the estimates of the Financing Costs and the interest rates on the Series 2020 Bonds. The Refunded Bonds shall be determined by the Finance Director in the Certificate of Award as the maturities of the Outstanding Bonds the refunding of which will be in the best interest of and financially advantageous to the City.

The Purchase Agreement (if any) and the Certificate of Award may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Series 2020 Bonds to provide for the payment of Financing Costs related to the Series 2020 Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Purchase Agreement (if any) and the Certificate of Award) shall be deposited into the Escrow Fund and used to pay the costs of refunding the Refunded Bonds and/or be deposited into the Water Bond Service Fund and used to pay Bond Service Charges on the Series 2020 Bonds, with such determination being made by the Finance Director in the Certificate of Award, consistent with the Finance Director's determination of the best interest of and financial advantage to the City.

The remaining proceeds from the sale of the Series 2020 Bonds received by the City (after the withholding and/or deposits described in the preceding paragraph) and any other available moneys of the City as determined by the Finance Director in the Certificate of Award, shall be allocated and deposited as follows and in the following order:

(a) To the Escrow Fund, the remaining amount necessary, to provide for the payment of the principal of and interest on the Refunded Bonds in accordance with Section 11 and the Escrow Agreement,

(b) To the extent that it is determined by the Finance Director in the Certificate of Award to be financially advantageous to the City, to the Water Bond Reserve Fund, any amount necessary to fully fund the Bond Reserve Requirement which is not otherwise funded from other available City moneys, and

(c) To the Water Construction Fund, the balance to provide for the payment of the Financing Costs of the Series 2020 Bonds.

The proceeds of the sale of the Series 2020 Bonds are appropriated and shall be used for the purpose for which those Series 2020 Bonds are issued as provided in this Ordinance and the Trust Agreement.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Series 2020 Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Series 2020 Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Series 2020 Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day

months) as shall be determined by the Finance Director, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Series 2020 Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Series 2020 Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Series 2020 Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Finance Director, subject to subsection (c) of this Section, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the Finance Director shall specify in the Certificate of Award (i) the aggregate principal amount of Series 2020 Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Series 2020 Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Series 2020 Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Series 2020 Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a “*Mandatory Redemption Date*”) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates. The net interest cost for the Series 2020 Bonds determined by taking into account the respective principal amounts of the Series 2020 Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Series 2020 Bonds shall not exceed 6.00%.

(d) Payment of Bond Service Charges. The Bond Service Charges on the Series 2020 Bonds shall be payable in accordance with the provisions of the Trust Agreement.

(e) Redemption Provisions. The Series 2020 Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Series 2020 Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the “*Mandatory Sinking Fund Redemption Requirements*”) and the Trust Agreement.

(ii) Optional Redemption. The Series 2020 Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption in accordance with the provisions of the Trust Agreement, in whole or in part in whole multiples of \$5,000 on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Finance Director in the Certificate of Award.

Section 4. Execution and Authentication of Series 2020 Bonds; First Supplemental Trust Agreement. The Series 2020 Bonds shall be signed by the City Manager and the Finance Director, in the name of the City and in their official capacities; *provided* that either or both of those signatures may be a facsimile. The Series 2020 Bonds shall also be countersigned by the Mayor, *provided* that the signature of the Mayor may be a facsimile. The Series 2020 Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Finance Director, shall be numbered as determined by the Finance Director in order to distinguish each Series 2020 Bond from any other Series 2020 Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the Act, the General Bond Ordinance, this Ordinance, the Trust Agreement and the Certificate of Award.

In the name and on behalf of the City, the First Supplemental Trust Agreement shall be signed by the City Manager and the Finance Director in substantially the form now on file with the Clerk of Council. The First Supplemental Trust Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by those officers on behalf of the City, all of which shall be conclusively evidenced by the signing of the First Supplemental Trust Agreement or any amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Trust Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement (if any) and the Certificate of Award, from the proceeds of the Series 2020 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Series 2020 Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Series 2020 Bond is signed by the Trustee as authenticating agent. Authentication by the Trustee shall be conclusive evidence that the Series 2020 Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Trustee or by any other person acting as an agent of the Trustee and approved by the Finance Director on behalf of the City. The same person need not sign the certificate of authentication on all of the Series 2020 Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Series 2020 Bonds remain outstanding, the City will cause the Trustee to maintain and keep the Bond Register in accordance with the provisions of the Trust Agreement.

(b) Transfer and Exchange. The Series 2020 Bonds shall be exchanged and transferred in accordance with the provisions of the Trust Agreement.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Finance Director determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Series 2020 Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Series 2020 Bonds may be issued to a Securities Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Series 2020 Bonds may be issued in the form of a single, fully registered Series 2020 Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Securities Depository or its nominee, as registered owner, and immobilized in the custody of the Securities Depository or its designated agent for that purpose, which may be the Trustee; (ii) the beneficial owners of Series 2020 Bonds in book entry form shall have no right to receive Series 2020 Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Securities Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Securities Depository and its Participants; and (iv) the Series 2020 Bonds as such shall not be transferable or exchangeable, except for transfer to another Securities Depository or to another nominee of a Securities Depository, without further action by the City.

If any Securities Depository determines not to continue to act as a Securities Depository for the Series 2020 Bonds for use in a book entry system, the Finance Director and the Trustee may attempt to establish a securities depository/book entry relationship with another qualified Securities Depository. If the Finance Director and the Trustee do not or are unable to do so, the Finance Director and the Trustee, after making provision for notification of the beneficial owners by the then Securities Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 2020 Bonds from the Securities Depository, and shall cause Series 2020 Bond certificates in registered form and Authorized Denominations to be authenticated by the Trustee and delivered to the assigns of the Securities Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director and the Trustee are hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Finance Director determines to be necessary in connection with a book entry system for the Series 2020 Bonds.

Section 6. Sale of the Series 2020 Bonds. The Finance Director is authorized to sell the Series 2020 Bonds at private sale to the Original Purchaser, at a purchase price of not less than 97% of the aggregate principal amount thereof, as shall be determined by the Finance Director in the Certificate of Award, plus accrued interest (if any) on the Series 2020 Bonds from their date to the Closing Date, and shall be awarded by the Finance Director with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, and the provisions of this Ordinance and the Purchase Agreement (if any).

The Finance Director shall sign and deliver the Certificate of Award and shall cause the Series 2020 Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Series 2020 Bonds, to the Original Purchaser upon payment of the purchase price.

To the extent that the City Manager and the Finance Director determine that it would be economically advantageous to the City, the City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Series 2020 Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each hereby authorized to execute any agreements, certifications, financing statements, documents or other instruments, and to take such other actions which are necessary or appropriate in the judgment of such officers to consummate the transactions contemplated herein, or to protect the rights and interests of the City, the Trustee or the holders of Series 2020 Bonds.

Section 7. Security. The Series 2020 Bonds shall be special obligations of the City. To the extent provided in and except as otherwise permitted by the Bond Proceedings, the Bond Service Charges shall be payable equally and ratably solely from the Net Revenues and the Pledged Funds, and the payment of Bond Service Charges on the Series 2020 Bonds shall be secured (a) by the Master Trust Agreement and (b) by a pledge of the Net Revenues and an assignment of the Pledged Funds to the Trustee. However, any pledge or assignment of or lien on any fund, account, receivables, revenues, money or other intangible property not in the custody of the Trustee shall be valid and enforceable only to the extent permitted by law.

If the Finance Director determines in the Certificate of Award that it would be in the best interest of and financially advantageous to the City, moneys shall be deposited into and maintained in the Water Bond Reserve Fund for the benefit of the holders of the Series 2020 Bonds.

Nothing in the Series 2020 Bond Proceedings shall constitute a general obligation debt or tax-supported bonded indebtedness of the City; the general resources of the City shall not be required to be used, and neither the general credit nor taxing power or full faith and credit of the City are or shall be pledged, for the performance of any duty under the Series 2020 Bond Proceedings. Nothing in the Series 2020 Bond Proceedings gives the holders of the Series 2020 Bonds, and they do not have, the right to have excises or taxes levied by the City for the payment of Bond Service Charges or Operating Expenses, but the Series 2020 Bonds are payable solely from the Net Revenues and the Pledged Funds, as provided in the Series 2020 Bond Proceedings, and each Series 2020 Bond shall contain a statement to that effect; *provided, however*, that nothing shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Series 2020 Bond Proceedings.

Section 8. Covenants of the City. The City, by issuance of the Series 2020 Bonds, covenants and agrees with their registered owners to promptly pay Bond Service Charges on every Bond issued under the Trust Agreement from the sources, at the places, on the dates and in the manner provided in the applicable Bond Proceedings and Bonds, according to their true intent and meaning and to perform its applicable covenants and agreements set forth in this Ordinance, the General Bond Ordinance, the Trust Agreement and in other applicable Bond Proceedings. The City specifically covenants and agrees that it will:

(a) Operate the Utility as a public utility under the Act, including all extensions thereof and improvements thereto.

(b) Subject to applicable requirements and restrictions imposed by law, at all times prescribe and charge such rates, charges and rentals for the services and facilities of the Utility, and so restrict Operating Expenses, as shall be necessary in order to meet the earnings coverage and other requirements of the Trust Agreement.

(c) Segregate, for accounting purposes, the Revenues and the Funds (each as defined in the Trust Agreement) in its custody from all other revenues and funds of the City.

(d) At any and all times, cause to be done all such further acts and things and cause to be signed and delivered all such further document and instruments as may be necessary to carry out the purpose of the Series 2020 Bonds and any Bond Legislation or as may be required by the Act, and comply with all requirements of law applicable to the Utility and its operation.

(e) Observe and perform faithfully at all times all covenants, agreements, authority, actions, undertakings, stipulations and provisions to be observed or performed on its part under the Trust Agreement, the Continuing Disclosure Agreement, the Purchase Agreement (if any), this Ordinance, the General Bond Ordinance, the Series 2020 Bonds and any other Bond Proceedings for the Series 2020 Bonds, and under all Council proceedings pertaining thereto.

Each of those obligations is binding upon the City, and upon each City officer or employee who from time to time may have the authority under law to take any action on behalf of the City that may be necessary to perform all or any part of that obligation, as a duty of the

City and of each of those officers and employees resulting from an office, trust or station within the meaning of Section 2731.01 of the Ohio Revised Code, providing for enforcement by writ of mandamus.

Section 9. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2020 Bonds in such manner and to such extent as may be necessary so that (a) the Series 2020 Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Series 2020 Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2020 Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Series 2020 Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director, as fiscal officer of this City, or any other officer of the City having responsibility for issuance of the Series 2020 Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2020 Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Series 2020 Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Series 2020 Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Series 2020 Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Series 2020 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2020 Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2020 Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Series 2020 Bonds. The Finance Director or any other officer of the City having responsibility for issuance of the Series 2020 Bonds is specifically authorized to designate the Series 2020 Bonds as “qualified tax-exempt

obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this section with respect to the Series 2020 Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Series 2020 Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Series 2020 Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Series 2020 Bonds.

Section 10. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure – Official Statement. The City Manager and the Finance Director are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Series 2020 Bonds in substantially the form as is now on file with the Clerk of Council, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Series 2020 Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Finance Director, the filing of an application for (i) a rating on the Series 2020 Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Series 2020 Bonds, is in the best interest of and financially advantageous to this City, the Finance Director is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid by the Original Purchaser in accordance with the Purchase Agreement (if any) and the Certificate of Award, from the proceeds of the Series 2020 Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Finance Director is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Finance Director determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Series 2020 Bonds, the City agrees to provide or

cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Finance Director are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Finance Director is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Finance Director shall consult with and obtain legal advice from, as appropriate, the City Law Director and bond or other qualified independent special counsel selected by the City. The Finance Director, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Series 2020 Bonds, to the extent not paid by the Original Purchaser in accordance with the Purchase Agreement (if any) and the Certificate of Award, is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Series 2020 Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 11. Call for Redemption of Refunded Bonds. To provide for the payment of the principal of and interest on the Refunded Bonds, the Finance Director is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State to act as the Escrow Trustee. The City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is now on file with the Clerk of Council. The Escrow Fund provided for in the Escrow Agreement is hereby created. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement (if any) and the Certificate of Award, from the proceeds of the Series 2020 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Acting pursuant to the Refunded Bonds Ordinances which authorized the Refunded Bonds, respectively, the Refunded Bonds, as determined by the Finance Director in the Certificate of Award to be refunded and called for redemption, are hereby called for redemption on the earliest practicable date or dates as set forth in the Certificate of Award (each a “*Redemption Date*”) at the required redemption price of the principal amount thereof, and the Finance Director is hereby authorized and directed to cause those Refunded Bonds to be called for redemption on each applicable Redemption Date and arrange for the notices of redemption to be given in accordance with the applicable provisions of the Refunded Bonds Ordinances.

For informational purposes, a certified copy of this Ordinance shall be sent by the Finance Director to the current bond trustee for the Refunded Bonds.

In order to provide for the payment of (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through each applicable Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to each applicable Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on each applicable Redemption Date, the City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of the Escrow Agreement to carry out such payments. The City will provide from the proceeds of the Series 2020 Bonds and other available funds in accordance with this Ordinance, moneys and investments sufficient to pay in full (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through each applicable Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to each applicable Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on each applicable Redemption Date. The City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of this Ordinance, Section 133.34 of the Ohio Revised Code or the Prior Trust Agreement, as applicable, and the Escrow Agreement to carry out such payments so that the Refunded Bonds are not deemed to be outstanding.

There shall be delivered to the Escrow Trustee for the Escrow Fund proceeds to be received from the sale of the Series 2020 Bonds and other available funds which shall be held in cash, or, if and to the extent determined by the Finance Director to be financially advantageous to the City, invested in United States Treasury Obligations (“*Treasury Securities*”), State and Local Government Series (“*SLG Securities*”) or other direct obligations of, or obligations guaranteed as to both principal and interest by, the United States of America as defined in Section 133.34 of the Ohio Revised Code (direct obligations and guaranteed obligations together with the SLG Securities, collectively, the “*Securities*”).

The moneys in the Escrow Fund which shall be held in cash and Securities (if any) may, if and to the extent determined by the Finance Director to be financially advantageous to the City, be certified by an independent public accounting firm of national reputation in a written report (the “*Verification Report*”) to be of such maturities or redemption dates and interest payment dates, and to bear such interest, as will be sufficient together with any moneys in the

Escrow Fund to be held in cash as contemplated by the Verification Report, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, to cause the Refunded Bonds to be deemed to be not outstanding as provided for in Section 133.34 of the Ohio Revised Code or the Prior Trust Agreement, as applicable. The balance of the proceeds to be received from the sale of the Series 2020 Bonds, less any amount thereof contemplated by the Verification Report to be held in cash in the Escrow Fund and less any amount otherwise provided for herein, shall be used for the purposes described in this Ordinance. The Finance Director is hereby authorized to retain and designate in the Certificate of Award an independent public accounting firm of national reputation to prepare and deliver the Verification Report.

At the direction of the Finance Director, the Escrow Trustee or the Original Purchaser is authorized to apply and subscribe for SLG Securities on behalf of the City. Further, if the Finance Director determines that it would be in the best interest of and financially advantageous to the City to purchase Treasury Securities for deposit into the Escrow Fund, the Finance Director or any other officer of the City, on behalf of the City and in their official capacity, may purchase and deliver such obligations, engage the services of a municipal advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser in accordance with the Certificate of Award and the Purchase Agreement (if any), from the proceeds of the Series 2020 Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Any such moneys and Securities (if any), in addition thereto contemplated by the Verification Report to be held in cash, shall be held by the Escrow Trustee in trust and committed irrevocably to the payment of the principal of and interest on the Refunded Bonds.

Section 12. Further Authorizations and Implementation of Authorizations. The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to do all things necessary and appropriate to complete and perform the delivery of the Series 2020 Bonds to the Original Purchaser and, in accordance with the terms and provisions of the Trust Agreement, the General Bond Ordinance, this Ordinance, the Purchase Agreement (if any) and the Certificate of Award, to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of the Series 2020 Bonds to the Original Purchaser to the extent not provided for therein, and those officials, or any of them are further directed to take all steps necessary to effect due authentication, delivery and security of the Series 2020 Bonds under the terms of the Trust Agreement, the General Bond Ordinance, this Ordinance, the Purchase Agreement (if any) and the Certificate of Award, including, without limitation, the execution and delivery of such transcript certificates, financial statements and other documents and instruments as are, in the opinion of bond counsel, necessary or appropriate to consummate the transactions provided for in the Trust Agreement, the General Bond Ordinance, this Ordinance, the Purchase Agreement (if any) and the Certificate of Award.

The Finance Director is authorized to enter into necessary contracts without competitive bidding to provide services with respect to the Series 2020 Bonds by City's bond counsel, the City's municipal advisor, the rating service or services, the Trustee, the Escrow Trustee, by providers of credit support instruments, by a provider of the Verification Report, for the printing of the preliminary and final official statements and for the printing of the Series 2020 Bonds, and by other necessary service providers, all as deemed necessary by the Finance Director to be consistent with the foregoing authorization and in the best interests of the City. The costs of those services shall be paid from moneys (a) withheld by the Original Purchaser on behalf of the City from the purchase price of the Series 2020 Bonds or (b) deposited in the Water Construction Fund which is appropriated for that purpose. The actions of the Finance Director or any other officer of the City in doing any and all acts necessary in connection with the issuance and sale of the Series 2020 Bonds are hereby ratified and confirmed.

Section 13. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Series 2020 Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Series 2020 Bonds, if available, and otherwise from available moneys in the Water Revenue Fund.

Section 14. Municipal Advisor. The services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Series 2020 Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Series 2020 Bonds, if available, and otherwise from available moneys in the Water Revenue Fund.

Section 15. Other Determinations. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Series 2020 Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Series 2020 Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Series 2020 Bonds.

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

Section 17. Severability. Each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section thereof to be invalid or void shall not be deemed nor held to affect the validity of any other section or subdivision of this Ordinance.

Section 18. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Series 2020 Bonds, which is necessary to enable the City to take advantage of favorable interest rates and realize a savings in interest costs by refunding the Refunded Bonds; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: _____, 2020

Joseph D. Bialorucki, Council President

Approved: _____, 2020

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 049-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the ____ day of _____, 2020; and 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, Clerk of Council

CERTIFICATION OF RECORDS

I, Roxanne Dietrich, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number 049-20, passed _____, 2020.

Roxanne Dietrich, Clerk of Council

Date

ORDINANCE NO. 050-20

AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE BONDS FROM TIME TO TIME FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S MUNICIPAL SEWER SYSTEM OR REFUNDING DEBT ISSUED BY THE CITY FOR THAT PURPOSE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER TRUST AGREEMENT PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND PLEDGING CERTAIN REVENUES AND FUNDS TO SECURE THOSE BONDS; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the Article XVIII of the Ohio Constitution, the City now owns and operates, as a public utility, a municipal sewer system (the "*Utility*") the services of which are supplied to users within and without the City; and,

WHEREAS, pursuant to the Ohio Constitution, the City is authorized to: (a) issue its revenue bonds (the "*Bonds*") for the purpose of paying the costs of improving the Utility and for the purpose of paying the costs of refunding debt issued to pay the costs of improving the Utility, (b) refund any or all of the Bonds, (c) enter into a master trust agreement and supplemental trust agreements to secure the Bonds, and (d) provide for the pledge or assignment of revenues sufficient to pay the principal of and interest and any redemption premium on the Bonds; **Now Therefore**,

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

Section 1. Determinations, Findings and Covenants by the City.

(a) This Council finds and determines that it is necessary and in the best interest of the City to issue Bonds from time to time to provide moneys (i) for the purpose of paying the costs of improving the Utility and for the purpose of paying the costs of refunding debt issued to pay the costs of improving the Utility, (ii) to refund any or all of the Bonds, (iii) to fund a bond reserve fund (if required by the applicable proceedings), and (iv) to pay the costs of issuance of the Bonds.

(b) This Council hereby finds and determines that, pursuant to the Constitution and laws of the State, the City as necessary shall have the right to issue Bonds pursuant to the terms and conditions of the Master Trust Agreement (the "*Master Trust Agreement*") dated as of the date of delivery of the initial series of Bonds and by and between the City and the Trustee (as defined in Section 2), which provides that each series of Bonds shall be authorized by an applicable Series Bond Ordinance of this Council and any related Supplemental Trust Agreement.

(c) This Council hereby covenants that the City will observe and perform all of its agreements and obligations provided for by the Bonds, the Master Trust Agreement and this Ordinance.

(d) Except when the context indicates otherwise or unless otherwise defined herein, the terms used but not defined herein shall have the meaning ascribed to them in the Master Trust Agreement.

Section 2. Trustee; Security for the Bonds. The Finance Director is hereby authorized to designate in the certificate awarding the initial series of Bonds a bank or trust company authorized to do business in the State of Ohio to act as the initial trustee (the “*Trustee*”) under the Master Trust Agreement.

The Bonds shall be special obligations of the City and, except as otherwise provided in the Master Trust Agreement, the Bond Service Charges shall be payable equally and ratably solely from the Net Revenues and the Pledged Funds. The payment of Bond Service Charges shall be secured by the Master Trust Agreement (as such Master Trust Agreement may be amended and supplemented from time to time in accordance with its terms) by a pledge of the Net Revenues and an assignment of the Pledged Funds to the Trustee, as provided in the Act, this Ordinance and the Master Trust Agreement. However, any pledge or assignment of, lien on or security interest in any fund, account, receivables, revenues, money or other intangible property not in the custody of the Trustee shall be valid and enforceable only to the extent permitted by law.

The City covenants that it will promptly pay from such sources the Bond Service Charges on every Bond issued under the Master Trust Agreement at the places, on the dates and in the manner provided in the applicable Series Bond Ordinance authorizing each series of Bonds, the applicable Supplemental Trust Agreement relating to each series of Bonds, the Master Trust Agreement and the Bonds, according to the true intent and meaning thereof.

Nothing in this Ordinance, the Bonds or the Master Trust Agreement shall constitute a general obligation debt or tax-supported bonded indebtedness of the City; the general resources of the City shall not be required to be used, and neither the general credit nor taxing power or full faith and credit of the City are or shall be pledged, for the performance of any duty under this Ordinance, the Master Trust Agreement or the Bonds. Nothing in this Ordinance gives the holders of Bonds, and they do not have, the right to have excises or taxes levied by the City for the payment of Bond Service Charges or Operating Expenses (as defined in the Master Trust Agreement), but the Bonds are payable solely from the Net Revenues and the Pledged Funds, as provided in this Ordinance and the Master Trust Agreement, and each Bond shall contain a statement to that effect; provided, however, that nothing shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Master Trust Agreement, this Ordinance or the Bonds.

Nothing in this Ordinance, the Bonds or the Master Trust Agreement shall prevent payment of Bond Service Charges on Additional Bonds from being otherwise secured and protected from sources or by funds and instruments not applicable to the initial series of Bonds and any one or more other series of Additional Bonds, or not being secured or protected from sources or by funds or instruments applicable to the initial series of Bonds or one or more other series of Additional Bonds. Without limiting the generality of the foregoing, nothing in the Master Trust Agreement shall prevent the City from providing a Credit Support Instrument pledged or relating

to the payment of Bond Service Charges on any one or more Bonds, or series of Bonds, or two or more series of Bonds, or part of a series of Bonds, and not on other Bonds or series of Bonds.

Section 3. Master Trust Agreement. In the name and on behalf of the City, and in connection with the issuance and delivery of the initial series of Bonds, the Master Trust Agreement shall be signed by the City Manager and Finance Director in substantially the form now on file with the Clerk of Council. The Master Trust Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by those officers on behalf of the City, all of which shall be conclusively evidenced by the signing of the Master Trust Agreement or any amendments thereto.

Section 4. Continuation of Funds. The Sewer Construction Fund, the Sewer Revenue Fund, the Sewer Bond Service Fund (including the Interest Payment Account and the Principal Payment Account each contained therein), the Sewer Bond Reserve Fund, the Sewer Replacement and Improvement Fund, the Sewer Utility Reserve Fund and the Sewer Rebate Fund, each as defined and described in the Master Trust Agreement, and each as originally created by Ordinance No. 60-98 passed on June 29, 1998, and continued by Ordinance No. 027-10 passed on May 17, 2010, are hereby continued as of the date of the Master Trust Agreement. Moneys in those Funds shall be applied as provided in the Master Trust Agreement. The Finance Director is hereby authorized to transfer, simultaneously with the issuance and delivery of the initial series of Bonds pursuant to the Master Trust Agreement, all monies now on deposit in those Funds and Accounts and any other existing funds and accounts relating to the operation of the Utility (including any monies maintained pursuant to the Master Trust Agreement, dated July 20, 2010, by and between the City and U.S. Bank National Association, as trustee) into the Funds and accounts established by the Master Trust Agreement, the supplemental trust agreement relating to the initial series of Bonds and the Series Bond Ordinance authorizing the initial series of Bonds, in such manner as is determined by the Finance Director in the supplemental trust agreement relating to the initial series of Bonds to be in the best interest of and financial advantage to the City. The Finance Director is hereby authorized to maintain, or permit the maintenance of, such separate accounts in any of those Funds, and such separate subaccounts in any account, as is determined to be in the best interest of the City.

Section 5. Further Authorization. The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each hereby authorized to execute any agreements, certifications, financing statements, documents or other instruments, and to take such other actions which are necessary or appropriate in the judgment of such officers to consummate the transactions contemplated herein and the Master Trust Agreement, or to protect the rights and interests of the City, the Trustee or the holders of Bonds.

Section 6. Compliance with Open Meeting Law. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 7. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety in the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the initial series of Bonds, which is necessary to enable the City to take advantage of favorable interest rates and realize a savings in interest costs by refunding certain bonds heretofore issued by the City for the purpose of paying the costs of improving the Utility; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: _____, 2020

Joseph D. Bialorucki, Council President

Approved: _____, 2020

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 050-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the _____ day of _____, 2020; and 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, Clerk of Council

CERTIFICATION OF RECORDS

I, Roxanne Dietrich, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number 050-20, passed _____, 2020.

Roxanne Dietrich, Clerk of Council

Date

ORDINANCE NO. 051-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 2021, UNDER ARTICLE XVIII OF THE OHIO CONSTITUTION, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$5,140,000, FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS HERETOFORE ISSUED BY THE CITY TO IMPROVE THE UTILITY, AUTHORIZING VARIOUS RELATED DOCUMENTS AND INSTRUMENTS, INCLUDING A BOND PURCHASE AGREEMENT, A FIRST SUPPLEMENTAL TRUST AGREEMENT, AN ESCROW AGREEMENT AND AN OFFICIAL STATEMENT; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Article XVIII of the Ohio Constitution, the City now owns and operates, as a public utility, a municipal sewer system (the “*Utility*”) the services of which are supplied to users within and without the corporate limits of the City; and,

WHEREAS, this Council has previously determined that improvements to the Utility are necessary for it to be adequate to meet the needs of the City, its inhabitants and other users, and this Council caused to be prepared by consulting engineers suitable reports, plans, specifications and estimates of cost sufficient to determine the nature, character and cost of improving the Utility; and,

WHEREAS, based upon those reports, this Council previously determined it to be necessary and took certain steps to improve the Utility; and,

WHEREAS, pursuant to Ordinances No. 027-10 and No. 028-10, each passed on May 17, 2010 (collectively, the “*Series 2010 Bond Ordinance*”) and the Master Trust Agreement, dated July 20, 2010, by and between the City and U.S. Bank National Association, as trustee (the “*Prior Master Trust Agreement*”) as supplemented by the First Supplemental Trust Agreement, dated July 20, 2010, by and between the City and U.S. Bank National Association, as trustee (the “*Prior First Supplemental Trust Agreement*”), bonds in the principal amount of (a) \$3,850,000 dated July 20, 2010 (the “*Series 2010A Bonds*”) and (b) \$2,535,000 dated July 20, 2010 (the “*Series 2010B Bonds*”), were issued for the purpose of paying the costs of improving the Utility and refunding obligations that were issued for the purpose of paying the costs of improving the Utility; and,

WHEREAS, pursuant to Ordinance No. 027-10 passed on May 17, 2010 and Ordinance No. 030-12 passed on May 7, 2012 (collectively, the “*Series 2012 Bond Ordinance*” and together with the Series 2010 Bond Ordinance, the “*Refunded Bonds Ordinances*”) and the Prior Master Trust Agreement as supplemented by the Second Supplemental Trust Agreement, dated July 24, 2012, by and between the City and U.S. Bank National Association, as trustee (the “*Prior First Supplemental Trust Agreement*”), bonds in the principal amount of \$1,100,000 dated July 24, 2012 (the “*Series 2012 Bonds*”), were issued for the purpose of paying the costs of improving the Utility; and,

WHEREAS, this Council finds and determines that it will be in the City's best interest to issue Bonds in the maximum aggregate principal amount of \$5,140,000 (the "*Series 2021 Bonds*") in order to refund at a lower rate of interest all or a portion of the outstanding Series 2010A Bonds, the outstanding Series 2010B Bonds and the outstanding Series 2012 Bonds (collectively, the "*Outstanding Bonds*"), which (a) outstanding Series 2010A Bonds maturing on or after December 1, 2021 are subject to prior redemption at the option of the City on any date and (b) outstanding Series 2010B Bonds and outstanding Series 2012 maturing on or after December 1, 2021 are subject to prior redemption at the option of the City on or after December 1, 2020, in each case, at a redemption price of 100% of par plus any accrued interest to their redemption date, and to pay any expenses relating to that refunding and the issuance of the Series 2021 Bonds; and,

WHEREAS, this Council previously determined, pursuant to Ordinance No. 050-20 passed on October 5, 2020 (the "*General Bond Ordinance*"), that it is necessary and in the best interest of the City to issue revenue bonds from time to time to provide moneys (i) for the purpose of paying the costs of improving the Utility and for the purpose of paying the costs of refunding debt issued to pay the costs of improving the Utility, (ii) to refund any or all of the Bonds, (iii) to fund a bond reserve fund (if required by the applicable proceedings), and (iv) to pay the costs of issuance of the Bonds; and,

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue Sewer System Refunding Revenue Bonds, Series 2021, to provide moneys to (i) pay the costs of refunding the Refunded Bonds (as herein defined) which were issued to pay the costs of improving the Utility, (ii) to fund the Bond Reserve Requirement for the Series 2021 Bonds to the extent it is determined to be financially advantageous to the City and (iii) to pay the costs of issuance of the Series 2021 Bonds; **Now Therefore,**

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in the General Bond Ordinance and in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"*Act*" means the Ohio Constitution, in particular Article XVIII of that Constitution, and any constitutionally applicable laws of the State.

"*Additional Bonds*" means additional obligations issued pursuant to the Master Trust Agreement subsequent to the issuance of the Series 2021 Bonds on a parity with the Series 2021 Bonds and any Additional Bonds theretofore or thereafter issued with respect to the pledge of the Net Revenues and the assignment of and, to the extent permitted by law, a security interest in the Pledged Funds for the payment of Bond Services Charges (except as otherwise provided in the Master Trust Agreement).

"*Authorized Denominations*" means, with respect to the Series 2021 Bonds, the denomination of \$5,000 or any whole multiple in excess thereof.

"*Bond Legislation*" means (a) when used with reference to the Series 2021 Bonds, the General Bond Ordinance, this Ordinance and the Certificate of Award and (b) when used with

reference to an issue of Additional Bonds, the General Bond Ordinance, the applicable Series Bond Ordinance and applicable certificate of award.

“*Bond Register*” means the books kept and maintained by the Bond Registrar pursuant to the Trust Agreement for the registration, exchange and transfer of Series 2021 Bonds.

“*Bond Reserve Requirement*” means the balance (if any) required by the Trust Agreement to be maintained in the Sewer Bond Reserve Fund for the Series 2021 Bonds.

“*Bond Proceedings*” means (a) when used with reference to the Series 2021 Bonds, collectively, the Bond Legislation, the Trust Agreement (including the First Supplemental Trust Agreement), the Continuing Disclosure Agreement and such other proceedings of the City, including the Series 2021 Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Series 2021 Bonds and (b) when used with reference to an issue of Additional Bonds, collectively, the Bond Legislation, the Trust Agreement (including the applicable supplemental trust agreement), the applicable continuing disclosure agreement and such other proceedings of the City, including the Additional Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Additional Bonds.

“*Bond Service Charges*” means the principal (as payable at stated maturity, or by acceleration or otherwise), interest and any redemption premium required to be paid by the City on the Bonds, and includes any Mandatory Sinking Fund Redemption Requirements. In the case of payment of Bond Service Charges by a person other than the City pursuant to a Credit Support Instrument, “*Bond Service Charges*” means the reimbursement by the City to the provider of that Credit Support Instrument of the amount so paid. In determining Bond Service Charges for a Fiscal Year or any other period, Mandatory Sinking Fund Redemption Requirements for that Fiscal Year or period shall be taken into account, and principal maturities or interest payments for which Mandatory Sinking Fund Redemption Requirements are imposed and complied with in a prior Fiscal Year or period, to that extent, shall be excluded.

“*Bonds*” means the Series 2021 Bonds and any Additional Bonds.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in the Series 2021 Bonds and the principal of and interest and any premium on the Series 2021 Bonds may be transferred only through a book entry, and (b) physical Series 2021 Bond certificates in fully registered form are issued by the City and payable only to a Depository or its nominee as registered owner, with the certificates deposited with and “immobilized” in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Series 2021 Bonds and that principal and interest.

“*Certificate of Award*” means the certificate authorized by Section 6, to be executed by the Finance Director, setting forth and determining those terms or other matters pertaining to the Series 2021 Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*City*” means the City of Napoleon, Ohio.

“*City Law Director*” means the City Law Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*City Manager*” means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

“*Clerk of Council*” means the Clerk of Council of the City or any person serving in an interim or acting capacity with respect to that office.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Series 2021 Bonds.

“*Code*” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Series 2021 Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and Finance Director, all in accordance with Section 10.

“*Council*” means the City Council of the City.

“*Credit Support Instrument*” means an insurance policy, including a policy of bond insurance, letter of credit or other credit enhancement, support or liquidity device provided pursuant to an agreement to which the City is a party and which is used to enhance the security or liquidity of the Series 2021 Bonds or part of the Series 2021 Bonds.

“*Escrow Agreement*” means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director in accordance with Section 11.

“*Escrow Fund*” means the City of Napoleon, Ohio – Series 2021 Sewer Refunding Escrow Fund created pursuant to Section 11 and in accordance with the Escrow Agreement.

“*Escrow Trustee*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Finance Director in the Certificate of Award pursuant to Section 11 as the initial escrow trustee for the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, “*Escrow Trustee*” shall mean the successor Escrow Trustee.

“Finance Director” means the Finance Director of the City or any person serving in an interim or acting capacity with respect to that office.

“Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“First Supplemental Trust Agreement” means the First Supplemental Trust Agreement by and between the City and the Trustee, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 4.

“General Bond Ordinance” means Ordinance No. 050-20 passed by the Council on October 5, 2020.

“Interest Payment Account” means the Interest Payment Account of the Sewer Bond Service Fund continued by the General Bond Ordinance and the Master Trust Agreement and to be held by the Trustee.

“Interest Payment Dates” means, unless otherwise specified in the Certificate of Award, June 1 and December 1 of each year that the Series 2021 Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).

“Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in Section 3(e)(i).

“Master Trust Agreement” means the Master Trust Agreement by and between the City and the Trustee, as it may be modified from the form on file with the Clerk of Council and heretofore authorized by the General Bond Ordinance.

“Net Revenues” shall have the meaning set forth in the Trust Agreement.

“Operating Expenses” shall have the meaning set forth in the Master Trust Agreement.

“Original Purchaser” means the purchaser of the Series 2021 Bonds specified in the Certificate of Award.

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

“Pledged Funds” shall have the meaning set forth in the Trust Agreement.

“Principal Payment Account” means the Principal Payment Account in the Sewer Bond Service Fund continued by the General Bond Ordinance and the Master Trust Agreement and to be held by the Trustee.

“Principal Payment Dates” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years as determined by the Finance Director in the Certificate of Award, *provided* that the first Principal Payment Date for the portion of the Series 2021 Bonds allocable to a component purpose of the Refunded Bonds shall occur no later than the earliest maturity date of the Refunded Bonds allocable to that component purpose, and *provided further* that in no case shall the final Principal Payment Date for the portion of the Series 2021 Bonds allocable to a component purpose of the Refunded Bonds exceed the original maximum permitted maturity of the Refunded Bonds allocable to that component purpose, all of which determinations shall be made by the Finance Director in the Certificate of Award.

“Purchase Agreement” means the Bond Purchase Agreement, which to the extent the execution and delivery of such Agreement is determined by the City Manager and the Finance Director to be in the best interest of and financially advantageous to the City as evidenced by the execution thereof, shall be between the City and the Original Purchaser, as it may be modified from the form on file with the Finance Director and executed by the City Manager and the Finance Director, all in accordance with Section 6.

“Redemption Date” means the date or dates designated by the Finance Director in the Certificate of Award as the earliest practicable date or dates on which the respective Refunded Bonds shall be redeemed in accordance with Section 11, *provided* that no such Redemption Date or Dates shall be later than ninety (90) days following the Closing Date.

“Refunded Bonds” means, collectively, the principal maturities of the Outstanding Bonds to be determined by the Finance Director in the Certificate of Award as the maturities the refunding of which will be in the best interest of and financially advantageous to the City.

“Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Securities Depository” or *“Depository”* means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Series 2021 Bonds or the principal of and interest and any premium on the Series 2021 Bonds, and to effect transfers of the Series 2021 Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Serial Bonds” means those Series 2021 Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to Mandatory Sinking Fund Redemption Requirements.

“*Series 2021 Bonds*” means the Sewer System Refunding Revenue Bonds, Series 2021, as authorized in Section 2.

“*Sewer Bond Reserve Fund*” means the Sewer Bond Reserve Fund continued in the Master Trust Agreement.

“*Sewer Bond Service Fund*” means the Sewer Bond Service Fund continued in the Master Trust Agreement.

“*Sewer Construction Fund*” means the Sewer Construction Fund continued in the Master Trust Agreement.

“*State*” means the State of Ohio.

“*Term Bonds*” means those Series 2021 Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to Mandatory Sinking Fund Redemption Requirements.

“*Trust Agreement*” means, collectively, the Master Trust Agreement by and between the City and the Trustee, as amended and supplemented from time to time, including as supplemented by the First Supplemental Trust Agreement.

“*Trustee*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Finance Director in the Certificate of Award to act as the initial trustee under the Trust Agreement, and any successor trustee pursuant to the Trust Agreement.

“*Utility*” means the municipal sewer system which is owned and operated by the City.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum aggregate principal amount of \$5,140,000 (the “*Series 2021 Bonds*”) for the purpose of paying the costs of refunding bonds previously issued by the City for the purpose of paying the costs of improving the municipal sewer system, together with all incidental work and related appurtenances thereto. The Series 2021 Bonds shall be issued pursuant to the Act, the General Bond Ordinance, the Trust Agreement, this Ordinance and the Certificate of Award.

The aggregate principal amount of Series 2021 Bonds to be issued shall not exceed the maximum aggregate principal amount specified in this Section and shall be an amount determined by the Finance Director in the Certificate of Award to be the aggregate principal amount of Series 2021 Bonds that is required to be issued at this time for the purpose stated in this Section, taking into account the costs of refunding the Refunded Bonds, other City moneys available for the purpose, the cost of funding the Bond Reserve Requirement to the extent it is

determined to be financially advantageous to the City, the estimates of the Financing Costs and the interest rates on the Series 2021 Bonds. The Refunded Bonds shall be determined by the Finance Director in the Certificate of Award as the maturities of the Outstanding Bonds the refunding of which will be in the best interest of and financially advantageous to the City.

The Purchase Agreement (if any) and the Certificate of Award may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Series 2021 Bonds to provide for the payment of Financing Costs related to the Series 2021 Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Purchase Agreement (if any) and the Certificate of Award) shall be deposited into the Escrow Fund and used to pay the costs of refunding the Refunded Bonds and/or be deposited into the Sewer Bond Service Fund and used to pay Bond Service Charges on the Series 2021 Bonds, with such determination being made by the Finance Director in the Certificate of Award, consistent with the Finance Director's determination of the best interest of and financial advantage to the City.

The remaining proceeds from the sale of the Series 2021 Bonds received by the City (after the withholding and/or deposits described in the preceding paragraph) and any other available moneys of the City as determined by the Finance Director in the Certificate of Award, shall be allocated and deposited as follows and in the following order:

(a) To the Escrow Fund, the remaining amount necessary, to provide for the payment of the principal of and interest on the Refunded Bonds in accordance with Section 11 and the Escrow Agreement,

(b) To the extent that it is determined by the Finance Director in the Certificate of Award to be financially advantageous to the City, to the Sewer Bond Reserve Fund, any amount necessary to fully fund the Bond Reserve Requirement which is not otherwise funded from other available City moneys, and

(c) To the Sewer Construction Fund, the balance to provide for the payment of the Financing Costs of the Series 2021 Bonds.

The proceeds of the sale of the Series 2021 Bonds are appropriated and shall be used for the purpose for which those Series 2021 Bonds are issued as provided in this Ordinance and the Trust Agreement.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Series 2021 Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Series 2021 Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Series 2021 Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day

months) as shall be determined by the Finance Director, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Series 2021 Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Series 2021 Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Series 2021 Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Finance Director, subject to subsection (c) of this Section, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the Finance Director shall specify in the Certificate of Award (i) the aggregate principal amount of Series 2021 Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Series 2021 Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Series 2021 Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Series 2021 Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a “*Mandatory Redemption Date*”) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates. The net interest cost for the Series 2021 Bonds determined by taking into account the respective principal amounts of the Series 2021 Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Series 2021 Bonds shall not exceed 6.00%.

(d) Payment of Bond Service Charges. The Bond Service Charges on the Series 2021 Bonds shall be payable in accordance with the provisions of the Trust Agreement.

(e) Redemption Provisions. The Series 2021 Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Series 2021 Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the “*Mandatory Sinking Fund Redemption Requirements*”) and the Trust Agreement.

(ii) Optional Redemption. The Series 2021 Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption in accordance with the provisions of the Trust Agreement, in whole or in part in whole multiples of \$5,000 on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Finance Director in the Certificate of Award.

Section 4. Execution and Authentication of Series 2021 Bonds First Supplemental Trust Agreement. The Series 2021 Bonds shall be signed by the City Manager and the Finance Director, in the name of the City and in their official capacities; *provided* that either or both of those signatures may be a facsimile. The Series 2021 Bonds shall also be countersigned by the Mayor, *provided* that the signature of the Mayor may be a facsimile. The Series 2021 Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Finance Director, shall be numbered as determined by the Finance Director in order to distinguish each Series 2021 Bond from any other Series 2021 Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the Act, the General Bond Ordinance, this Ordinance, the Trust Agreement and the Certificate of Award.

In the name and on behalf of the City, the First Supplemental Trust Agreement shall be signed by the City Manager and the Finance Director in substantially the form now on file with the Clerk of Council. The First Supplemental Trust Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by those officers on behalf of the City, all of which shall be conclusively evidenced by the signing of the First Supplemental Trust Agreement or any amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Trust Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement (if any) and the Certificate of Award, from the proceeds of the Series 2021 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Series 2021 Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Series 2021 Bond is signed by the Trustee as authenticating agent. Authentication by the Trustee shall be conclusive evidence that the Series 2021 Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Trustee or by any other person acting as an agent of the Trustee and approved by the Finance Director on behalf of the City. The same person need not sign the certificate of authentication on all of the Series 2021 Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Series 2021 Bonds remain outstanding, the City will cause the Trustee to maintain and keep the Bond Register in accordance with the provisions of the Trust Agreement.

(b) Transfer and Exchange. The Series 2021 Bonds shall be exchanged and transferred in accordance with the provisions of the Trust Agreement.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Finance Director determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Series 2021 Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Series 2021 Bonds may be issued to a Securities Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Series 2021 Bonds may be issued in the form of a single, fully registered Series 2021 Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Securities Depository or its nominee, as registered owner, and immobilized in the custody of the Securities Depository or its designated agent for that purpose, which may be the Trustee; (ii) the beneficial owners of Series 2021 Bonds in book entry form shall have no right to receive Series 2021 Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Securities Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Securities Depository and its Participants; and (iv) the Series 2021 Bonds as such shall not be transferable or exchangeable, except for transfer to another Securities Depository or to another nominee of a Securities Depository, without further action by the City.

If any Securities Depository determines not to continue to act as a Securities Depository for the Series 2021 Bonds for use in a book entry system, the Finance Director and the Trustee may attempt to establish a securities depository/book entry relationship with another qualified Securities Depository. If the Finance Director and the Trustee do not or are unable to do so, the Finance Director and the Trustee, after making provision for notification of the beneficial owners by the then Securities Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 2021 Bonds from the Securities Depository, and shall cause Series 2021 Bond certificates in registered form and Authorized Denominations to be authenticated by the Trustee and delivered to the assigns of the Securities Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director and the Trustee are hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Finance Director determines to be necessary in connection with a book entry system for the Series 2021 Bonds.

Section 6. Sale of the Series 2021 Bonds. The Finance Director is authorized to sell the Series 2021 Bonds at private sale to the Original Purchaser, at a purchase price of not less than 97% of the aggregate principal amount thereof, as shall be determined by the Finance Director in the Certificate of Award, plus accrued interest (if any) on the Series 2021 Bonds from their date to the Closing Date, and shall be awarded by the Finance Director with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, and the provisions of this Ordinance and the Purchase Agreement (if any).

The Finance Director shall sign and deliver the Certificate of Award and shall cause the Series 2021 Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Series 2021 Bonds, to the Original Purchaser upon payment of the purchase price.

To the extent that the City Manager and the Finance Director determine that it would be economically advantageous to the City, the City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Series 2021 Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each hereby authorized to execute any agreements, certifications, financing statements, documents or other instruments, and to take such other actions which are necessary or appropriate in the judgment of such officers to consummate the transactions contemplated herein, or to protect the rights and interests of the City, the Trustee or the holders of Series 2021 Bonds.

Section 7. Security. The Series 2021 Bonds shall be special obligations of the City. To the extent provided in and except as otherwise permitted by the Bond Proceedings, the Bond Service Charges shall be payable equally and ratably solely from the Net Revenues and the Pledged Funds, and the payment of Bond Service Charges on the Series 2021 Bonds shall be secured (a) by the Master Trust Agreement and (b) by a pledge of the Net Revenues and an assignment of the Pledged Funds to the Trustee. However, any pledge or assignment of or lien on any fund, account, receivables, revenues, money or other intangible property not in the custody of the Trustee shall be valid and enforceable only to the extent permitted by law.

If the Finance Director determines in the Certificate of Award that it would be in the best interest of and financially advantageous to the City, moneys shall be deposited into and maintained in the Sewer Bond Reserve Fund for the benefit of the holders of the Series 2021 Bonds.

Nothing in the Series 2021 Bond Proceedings shall constitute a general obligation debt or tax-supported bonded indebtedness of the City; the general resources of the City shall not be required to be used, and neither the general credit nor taxing power or full faith and credit of the City are or shall be pledged, for the performance of any duty under the Series 2021 Bond Proceedings. Nothing in the Series 2021 Bond Proceedings gives the holders of the Series 2021 Bonds, and they do not have, the right to have excises or taxes levied by the City for the payment of Bond Service Charges or Operating Expenses, but the Series 2021 Bonds are payable solely from the Net Revenues and the Pledged Funds, as provided in the Series 2021 Bond Proceedings, and each Series 2021 Bond shall contain a statement to that effect; *provided, however*, that nothing shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Series 2021 Bond Proceedings.

Section 8. Covenants of the City. The City, by issuance of the Series 2021 Bonds, covenants and agrees with their registered owners to promptly pay Bond Service Charges on every Bond issued under the Trust Agreement from the sources, at the places, on the dates and in the manner provided in the applicable Bond Proceedings and Bonds, according to their true intent and meaning and to perform its applicable covenants and agreements set forth in this Ordinance, the General Bond Ordinance, the Trust Agreement and in other applicable Bond Proceedings. The City specifically covenants and agrees that it will:

(a) Operate the Utility as a public utility under the Act, including all extensions thereof and improvements thereto.

(b) Subject to applicable requirements and restrictions imposed by law, at all times prescribe and charge such rates, charges and rentals for the services and facilities of the Utility, and so restrict Operating Expenses, as shall be necessary in order to meet the earnings coverage and other requirements of the Trust Agreement.

(c) Segregate, for accounting purposes, the Revenues and the Funds (each as defined in the Trust Agreement) in its custody from all other revenues and funds of the City.

(d) At any and all times, cause to be done all such further acts and things and cause to be signed and delivered all such further document and instruments as may be necessary to carry out the purpose of the Series 2021 Bonds and any Bond Legislation or as may be required by the Act, and comply with all requirements of law applicable to the Utility and its operation.

(e) Observe and perform faithfully at all times all covenants, agreements, authority, actions, undertakings, stipulations and provisions to be observed or performed on its part under the Trust Agreement, the Continuing Disclosure Agreement, the Purchase Agreement (if any), this Ordinance, the General Bond Ordinance, the Series 2021 Bonds and any other Bond Proceedings for the Series 2021 Bonds, and under all Council proceedings pertaining thereto.

Each of those obligations is binding upon the City, and upon each City officer or employee who from time to time may have the authority under law to take any action on behalf of the City that may be necessary to perform all or any part of that obligation, as a duty of the

City and of each of those officers and employees resulting from an office, trust or station within the meaning of Section 2731.01 of the Ohio Revised Code, providing for enforcement by writ of mandamus.

Section 9. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2021 Bonds in such manner and to such extent as may be necessary so that (a) the Series 2021 Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Series 2021 Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2021 Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Series 2021 Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director, as fiscal officer of this City, or any other officer of the City having responsibility for issuance of the Series 2021 Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2021 Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Series 2021 Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Series 2021 Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Series 2021 Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Series 2021 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2021 Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2021 Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Series 2021 Bonds. The Finance Director or any other officer of the City having responsibility for issuance of the Series 2021 Bonds is specifically authorized to designate the Series 2021 Bonds as “qualified tax-exempt

obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this section with respect to the Series 2021 Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Series 2021 Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Series 2021 Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Series 2021 Bonds.

Section 10. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure – Official Statement. The City Manager and the Finance Director are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Series 2021 Bonds in substantially the form as is now on file with the Clerk of Council, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Series 2021 Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Finance Director, the filing of an application for (i) a rating on the Series 2021 Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Series 2021 Bonds, is in the best interest of and financially advantageous to this City, the Finance Director is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid by the Original Purchaser in accordance with the Purchase Agreement (if any) and the Certificate of Award, from the proceeds of the Series 2021 Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Finance Director is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Finance Director determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Series 2021 Bonds, the City agrees to provide or

cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Finance Director are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Finance Director is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Finance Director shall consult with and obtain legal advice from, as appropriate, the City Law Director and bond or other qualified independent special counsel selected by the City. The Finance Director, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Series 2021 Bonds, to the extent not paid by the Original Purchaser in accordance with the Purchase Agreement (if any) and the Certificate of Award, is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Series 2021 Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 11. Call for Redemption of Refunded Bonds. To provide for the payment of the principal of and interest on the Refunded Bonds, the Finance Director is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State to act as the Escrow Trustee. The City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is now on file with the Clerk of Council. The Escrow Fund provided for in the Escrow Agreement is hereby created. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement (if any) and the Certificate of Award, from the proceeds of the Series 2021 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Acting pursuant to the Refunded Bonds Ordinances which authorized the Refunded Bonds, respectively, the Refunded Bonds, as determined by the Finance Director in the Certificate of Award to be refunded and called for redemption, are hereby called for redemption on the earliest practicable date or dates as set forth in the Certificate of Award (each a “*Redemption Date*”) at the required redemption price of the principal amount thereof, and the Finance Director is hereby authorized and directed to cause those Refunded Bonds to be called for redemption on each applicable Redemption Date and arrange for the notices of redemption to be given in accordance with the applicable provisions of the Refunded Bonds Ordinances.

For informational purposes, a certified copy of this Ordinance shall be sent by the Finance Director to the current bond trustee for the Refunded Bonds.

In order to provide for the payment of (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through each applicable Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to each applicable Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on each applicable Redemption Date, the City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of the Escrow Agreement to carry out such payments. The City will provide from the proceeds of the Series 2021 Bonds and other available funds in accordance with this Ordinance, moneys and investments sufficient to pay in full (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through each applicable Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to each applicable Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on each applicable Redemption Date. The City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of this Ordinance, Section 133.34 of the Ohio Revised Code or the Prior Trust Agreement, as applicable, and the Escrow Agreement to carry out such payments so that the Refunded Bonds are not deemed to be outstanding.

There shall be delivered to the Escrow Trustee for the Escrow Fund proceeds to be received from the sale of the Series 2021 Bonds and other available funds which shall be held in cash, or, if and to the extent determined by the Finance Director to be financially advantageous to the City, invested in United States Treasury Obligations (“*Treasury Securities*”), State and Local Government Series (“*SLG Securities*”) or other direct obligations of, or obligations guaranteed as to both principal and interest by, the United States of America as defined in Section 133.34 of the Ohio Revised Code (direct obligations and guaranteed obligations together with the SLG Securities, collectively, the “*Securities*”).

The moneys in the Escrow Fund which shall be held in cash and Securities (if any) may, if and to the extent determined by the Finance Director to be financially advantageous to the City, be certified by an independent public accounting firm of national reputation in a written report (the “*Verification Report*”) to be of such maturities or redemption dates and interest payment dates, and to bear such interest, as will be sufficient together with any moneys in the

Escrow Fund to be held in cash as contemplated by the Verification Report, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, to cause the Refunded Bonds to be deemed to be not outstanding as provided for in Section 133.34 of the Ohio Revised Code or the Prior Trust Agreement, as applicable. The balance of the proceeds to be received from the sale of the Series 2021 Bonds, less any amount thereof contemplated by the Verification Report to be held in cash in the Escrow Fund and less any amount otherwise provided for herein, shall be used for the purposes described in this Ordinance. The Finance Director is hereby authorized to retain and designate in the Certificate of Award an independent public accounting firm of national reputation to prepare and deliver the Verification Report.

At the direction of the Finance Director, the Escrow Trustee or the Original Purchaser is authorized to apply and subscribe for SLG Securities on behalf of the City. Further, if the Finance Director determines that it would be in the best interest of and financially advantageous to the City to purchase Treasury Securities for deposit into the Escrow Fund, the Finance Director or any other officer of the City, on behalf of the City and in their official capacity, may purchase and deliver such obligations, engage the services of a municipal advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser in accordance with the Certificate of Award and the Purchase Agreement (if any), from the proceeds of the Series 2021 Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Any such moneys and Securities (if any), in addition thereto contemplated by the Verification Report to be held in cash, shall be held by the Escrow Trustee in trust and committed irrevocably to the payment of the principal of and interest on the Refunded Bonds.

Section 12. Further Authorizations and Implementation of Authorizations. The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to do all things necessary and appropriate to complete and perform the delivery of the Series 2021 Bonds to the Original Purchaser and, in accordance with the terms and provisions of the Trust Agreement, the General Bond Ordinance, this Ordinance, the Purchase Agreement (if any) and the Certificate of Award, to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of the Series 2021 Bonds to the Original Purchaser to the extent not provided for therein, and those officials, or any of them are further directed to take all steps necessary to effect due authentication, delivery and security of the Series 2021 Bonds under the terms of the Trust Agreement, the General Bond Ordinance, this Ordinance, the Purchase Agreement (if any) and the Certificate of Award, including, without limitation, the execution and delivery of such transcript certificates, financial statements and other documents and instruments as are, in the opinion of bond counsel, necessary or appropriate to consummate the transactions provided for in the Trust Agreement, the General Bond Ordinance, this Ordinance, the Purchase Agreement (if any) and the Certificate of Award.

The Finance Director is authorized to enter into necessary contracts without competitive bidding to provide services with respect to the Series 2021 Bonds by City's bond counsel, the City's municipal advisor, the rating service or services, the Trustee, the Escrow Trustee, by providers of credit support instruments, by a provider of the Verification Report, for the printing of the preliminary and final official statements and for the printing of the Series 2021 Bonds, and by other necessary service providers, all as deemed necessary by the Finance Director to be consistent with the foregoing authorization and in the best interests of the City. The costs of those services shall be paid from moneys (a) withheld by the Original Purchaser on behalf of the City from the purchase price of the Series 2021 Bonds or (b) deposited in the Sewer Construction Fund which is appropriated for that purpose. The actions of the Finance Director or any other officer of the City in doing any and all acts necessary in connection with the issuance and sale of the Series 2021 Bonds are hereby ratified and confirmed.

Section 13. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Series 2021 Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Series 2021 Bonds, if available, and otherwise from available moneys in the Sewer Revenue Fund.

Section 14. Municipal Advisor. The services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Series 2021 Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Series 2021 Bonds, if available, and otherwise from available moneys in the Sewer Revenue Fund.

Section 15. Other Determinations. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Series 2021 Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Series 2021 Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Series 2021 Bonds.

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

Section 17. Severability. Each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section thereof to be invalid or void shall not be deemed nor held to affect the validity of any other section or subdivision of this Ordinance.

Section 18. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Series 2021 Bonds, which is necessary to enable the City to take advantage of favorable interest rates and realize a savings in interest costs by refunding the Refunded Bonds; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: _____, 2020

Joseph D. Bialorucki, Council President

Approved: _____, 2020

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 051-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the ____ day of _____, 2020; and 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, Clerk of Council

CERTIFICATION OF RECORDS

I, Roxanne Dietrich, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number 051-20, passed _____, 2020.

Roxanne Dietrich, Clerk of Council

Date

RESOLUTION NO. 042-20

A RESOLUTION APPOINTING MAYOR JASON MAASSEL AND COUNCILMAN DAN BAER TO REPRESENT THE CITY OF NAPOLEON, OHIO AS MEMBERS OF THE BOARD OF DIRECTORS OF THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the Community Improvement Corporation of Henry County, Ohio was deemed an Agent of the City of Napoleon, Ohio for industrial, commercial, distribution, and research development by the approval and passage of Ordinance No. 106-05; and,

WHEREAS, the Community Improvement Corporation of Henry County, Ohio (CIC) exists for a public purpose, namely as an Agent of the City of Napoleon, Ohio to create and preserve jobs and employment opportunities in the City and improve the economic welfare of the residents of the City and of the State; and further encourages and causes the maintenance, location, relocation, expansion, modernization, and equipment of sites, buildings, structures, and appurtenant facilities for industrial, commercial, distribution, and research activities within the City and thereby preserves, maintains, or creates additional opportunities for employment within the City; and,

WHEREAS, the affairs of the CIC are managed by a Board of Directors ("Board"), with six (6) voting members, two (2) of which are designated for elected officials, and four (4) of which are designated for City residents; and,

WHEREAS, the City is required to formally designate two (2) elected officials to represent the City on the Board and to exercise the duties of CIC; **Now Therefore**,

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

Section 1. That, effective immediately, Jason Maassel and Dan Baer, in their capacities as Mayor of, and a Councilmember of the Municipality respectively, hereby are designated the representatives of the Municipality on the Board of the CIC to act on behalf of the Municipality and discharge duties as a voting member of said Board.

Section 2. That, the representatives so designated are authorized and empowered, acting for, in the name of and on behalf of the Municipality, and as the Municipality's agent, to exercise all the functions, powers, rights and privileges, and to fulfill the obligations, that the Municipality may have as a voting member of the Board, including, without limitation, to attend and take part in meetings of the Board and of committees of the Board, to vote on and otherwise act with respect to all matters that may properly come before the Board or any committee of the Board, and to do or cause to be done all acts, and to take all steps as may in each case be, in the opinion of such representative, necessary or desirable in order to represent the Municipality and exercise its functions, powers, rights and privileges, and to fulfill its obligations, as a Director and to carry out the full intent and purposes of this Resolution and the purposes and powers of the CIC.

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

Section 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 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 designate new representatives to the CIC Board which affects the public peace, health, and safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to allow for the proper representation in a timely manner which affects the public peace, health, and safety accessible to our citizens, 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 042-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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, Clerk of Council

CITY OF NAPOLEON, OHIO - PSCAF
POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF
COMPUTATIONS WITH CORRECTED DATA FROM JULY, 2015, THROUGH MARCH, 2017

AMP Billed Usage Month	PSCAF City Billing Month	AMP - kWh Delivered As Listed on AMP Invoices	Purchased Power Supply Costs (*=Net of Known) (+ OR - Other Cr's)	Rolling 3-Month Totals Current + Prior 2 Months		Rolling 3 Month Average Cost	Less: Fixed Base Power Supply Cost	PSCA Dollar Difference + or (-)	PSCA-Corrt'd. 3 MONTH AVG.FACTOR + Line Loss	Total Residential Cost / kWh For Month
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	
		Actual Billed	Actual Billed w/Cr's	c + prior 2 Mo	d + prior 2 Mo	f / e	\$0.07194 Fixed	g + h	i X 1.075	
Aug'18	Oct'18	15,634,242	\$ 1,275,023.19	44,681,568	\$ 3,817,675.24	\$ 0.08544	\$ (0.07194)	\$ 0.01350	\$ 0.01451	
Sep'18	Nov'18	13,195,770	\$ 1,197,316.71	44,064,061	\$ 3,784,475.03	\$ 0.08589	\$ (0.07194)	\$ 0.01395	\$ 0.01500	
Oct'18	Dec'18	12,827,093	\$ 1,201,860.98	41,657,105	\$ 3,674,200.88	\$ 0.08820	\$ (0.07194)	\$ 0.01626	\$ 0.01748	
Nov'18	Jan'19	12,694,035	\$ 1,177,330.24	38,716,898	\$ 3,576,507.93	\$ 0.09238	\$ (0.07194)	\$ 0.02044	\$ 0.02197	
Dec'18	Feb'19	12,936,598	\$ 1,175,315.11	38,457,726	\$ 3,554,506.33	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203	
Jan'19	Mar'19	13,516,644	\$ 1,157,412.90	39,147,277	\$ 3,510,058.25	\$ 0.08966	\$ (0.07194)	\$ 0.01772	\$ 0.01905	
Feb'19	Apr'19	12,112,198	\$ 1,076,627.71	38,565,440	\$ 3,409,355.72	\$ 0.08840	\$ (0.07194)	\$ 0.01646	\$ 0.01769	
Mar'19	May'19	12,476,648	\$ 1,111,471.41	38,105,490	\$ 3,345,512.02	\$ 0.08780	\$ (0.07194)	\$ 0.01586	\$ 0.01705	
Apr'19	June'19	10,913,916	\$ 1,043,515.66	35,502,762	\$ 3,231,614.78	\$ 0.09102	\$ (0.07194)	\$ 0.01908	\$ 0.02051	
May'19	July'19	11,554,553	\$ 1,074,988.04	34,945,117	\$ 3,229,975.11	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203	
June'19	Aug'19	12,448,976	\$ 1,059,406.09	34,917,445	\$ 3,177,909.79	\$ 0.09101	\$ (0.07194)	\$ 0.01907	\$ 0.02050	
July'19	Sep'19	15,467,755	\$ 1,165,669.13	39,471,284	\$ 3,300,063.26	\$ 0.08361	\$ (0.07194)	\$ 0.01167	\$ 0.01255	
Aug'19	Oct'19	14,297,705	\$ 1,123,690.94	42,214,436	\$ 3,348,766.16	\$ 0.07933	\$ (0.07194)	\$ 0.00739	\$ 0.00794	
Sep'19	Nov'19	12,810,364	\$ 1,102,711.16	42,575,824	\$ 3,392,071.23	\$ 0.07967	\$ (0.07194)	\$ 0.00773	\$ 0.00831	
Oct'19	Dec'19	12,026,480	\$ 1,080,410.22	39,134,549	\$ 3,306,812.32	\$ 0.08450	\$ (0.07194)	\$ 0.01256	\$ 0.01350	0.1230
Nov'19	Jan'20	12,466,183	\$ 1,088,822.82	37,303,027	\$ 3,271,944.20	\$ 0.08771	\$ (0.07194)	\$ 0.01577	\$ 0.01695	0.1245
Dec'19	Feb'20	12,809,184	\$ 1,098,513.89	37,301,847	\$ 3,267,746.93	\$ 0.08760	\$ (0.07194)	\$ 0.01566	\$ 0.01683	0.1239
Jan' 20	Mar' 20	12,907,445	\$ 1,152,024.27	38,182,812	\$ 3,339,360.98	\$ 0.08746	\$ (0.07194)	\$ 0.01552	\$ 0.01668	0.1238
Feb' 20	Apr' 20	12,179,274	\$ 1,114,393.10	37,895,903	\$ 3,364,931.26	\$ 0.08879	\$ (0.07194)	\$ 0.01685	\$ 0.01811	0.1262
Mar 20	May 20	11,565,546	\$ 1,098,886.88	36,652,265	\$ 3,365,304.25	\$ 0.09182	\$ (0.07194)	\$ 0.01988	\$ 0.02137	0.1299
Apr 20	June 20	9,957,773	\$ 1,056,718.07	33,702,593	\$ 3,269,998.05	\$ 0.09703	\$ (0.07194)	\$ 0.02509	\$ 0.02697	0.1371
May 20**	July 20	10,376,392	\$ 982,279.17	31,899,711	\$ 3,137,884.12	\$ 0.09837	\$ (0.07194)	\$ 0.02643	\$ 0.02841	0.1365
Jun 20	Aug 20	13,172,159	\$ 1,136,941.54	33,506,324	\$ 3,175,938.78	\$ 0.09479	\$ (0.07194)	\$ 0.02285	\$ 0.02456	0.1330
Jul 20***	Sept 20	15,755,589	\$ 1,211,781.98	39,304,140	\$ 3,331,002.69	\$ 0.08475	\$ (0.07194)	\$ 0.01281	\$ 0.01056	0.1154
Aug 20	Oct 20	14,271,168	\$ 1,182,034.49	43,198,916	\$ 3,530,758.01	\$ 0.08173	\$ (0.07194)	\$ 0.00979	\$ 0.00731	

** Reduction of \$100,000 from actual invoice from AMP to be taken from reserve as approved by Council to lessen PSCA for month due to COVID-19 Pandemic.

*** reduced PSCAF for Sept 20 from \$.01377 to \$.01056 to reflect corrected PSCAF with adjustment for Aug 20 by -.003210 to incorporate the \$100,000 with the three month rolling average

PSCAF - Preparers Signature:

Name - Lori A. Rausch, Utility Billing Administrator

PSCAF - Reviewers Signature:

Name - Kelly O'Boyle, Finance Director



9/16/2020

Signature

Date



9/16/2020

Signature

Date

BILLING SUMMARY AND CONS

2020 - OCTOBER BILLING WITH AUGUST 2020

PREVIOUS MONTH'S POWER BILLS - PU

DATA PERIOD									
AMP-Ohio Bill Month									
City-System Data Month									
City-Monthly Billing Cycle									
	=====		====WIND=====	====SOLAR====	====TRANSMISSION, SERVICE FEES & MISC. CONTRACTS====				
	NYPH	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
PURCHASED POWER-RESOURCES -> (HYDRO	HYDRO	WIND	PHASE 1	POWER PLANT	CHARGES	DISPATCH, A & B	CHARGES &	ALL
(SCHED. @ NYIS	7x24 @ ATSI	SCHED. @ ATSI	SCHED. @ ATSI	2017 - 2020	Other Charges	Other Charges	Other Charges	LEVELIZATION	RESOURCES
Delivered kWh (On Peak) ->	664,220	2,297,472	9,760	175,006	0	0	0	0	15,753,834
Delivered kWh (Off Peak) ->									246,134
Delivered kWh (Replacement/Losses/Offset) ->		33,463							33,463
Delivered kWh/Sale (Credits) ->									-1,762,263
Net Total Delivered kWh as Billed ->	664,220	2,330,935	9,760	175,006	0	0	0	0	14,271,168
Percent % of Total Power Purchased->	4.6543%	16.3332%	0.0684%	1.2263%	0.0000%	0.0000%	0.0000%	0.0000%	100.0002%
Verification Total ->									100.0000%
COST OF PURCHASED POWER:									
DEMAND CHARGES (+Debits)									
Demand Charges	\$6,757.27	\$22,942.25	\$1,025.10			\$196,600.37			\$562,434.82
Debt Services (Principal & Interest)		\$55,381.81							\$213,258.60
DEMAND CHARGES (-Credits)									
Transmission Charges (Demand-Credits)		-\$20,006.00	-\$848.31	-\$3,650.86					-\$74,409.73
Capacity Credit	-\$2,198.63	-\$7,261.35	-\$152.67	-\$1,242.12					-\$74,057.50
Sub-Total Demand Charges	\$4,558.64	\$51,056.71	\$24.12	-\$4,892.98	\$0.00	\$196,600.37	\$0.00	\$0.00	\$627,226.19
ENERGY CHARGES (+Debits):									
Energy Charges - (On Peak)	\$9,813.35	\$41,724.36		\$6,357.98		\$9,326.84			\$454,069.76
Energy Charges - (Replacement/Off Peak)									\$5,196.24
Net Congestion, Losses, FTR	\$2,057.32								\$3,575.12
Transmission Charges (Energy-Debits)									\$19,704.02
ESPP Charges					\$20,659.88				\$20,659.88
Bill Adjustments (General & Rate Levelization)									\$158.77
ENERGY CHARGES (-Credits or Adjustments):									
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$38,342.68
Net Congestion, Losses, FTR									\$3,197.51
Bill Adjustments (General & Rate Levelization)	-\$60.34								-\$13,427.41
Sub-Total Energy Charges	\$11,810.33	\$41,724.36	\$0.00	\$6,357.98	\$20,659.88	\$9,326.84	\$0.00	\$0.00	\$454,791.21
TRANSMISSION & SERVICE CHARGES, MISC.:									
RPM / PJM Charges Capacity - (+Debit)						\$88,398.60			\$88,398.60
RPM / PJM Charges Capacity - (-Credit)									\$0.00
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$532.53		\$532.53
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,764.66		\$2,764.66
Service Fees AMP-Part B - (+Debit/-Credit)							\$8,321.30		\$8,321.30
Other Charges & Bill Adjustments - (+Debit/-Credit)									\$0.00
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$88,398.60	\$11,618.49	\$0.00	\$100,017.09
TOTAL NET COST OF PURCHASED POWER	\$16,368.97	\$92,781.07	\$24.12	\$1,465.00	\$20,659.88	\$294,325.81	\$11,618.49	\$0.00	\$1,182,034.49
Percent % of Total Power Cost->	1.3848%	7.8493%	0.0020%	0.1239%	1.7478%	24.8999%	0.9829%	0.0000%	100.000%
Verification Total ->									\$1,182,034.49
Purchased Power Resources - Cost per kWh->	\$0.024644	\$0.039804	\$0.002471	\$0.008371	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.082827
(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV2 Electric Service Rate ->									\$0.016902
(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV5 Electric Service Rate ->									\$0.016902

S.A.S. Group Co.
1414 N. Scott St, Ste. 600
P.O. Box 583
Napoleon , OH 43545

September 25, 2020

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

RE: Twin Oak Phase 7

To whom it may concern:

The S.A.S. Group Company is requesting that asphalt be utilized for Jollette Drive and Sedward Avenue in the Twin Oaks, Phase 7. The decision to use asphalt is due to cost and maintenance.

Sincerely,



Gregory L. Beck
S.A.S. Group Co.
(419)592-8307
gbeck@becksconstruction.com



City of Napoleon, Ohio

Code Enforcement

Kevin Schultheis, Inspector/Zoning Administrator

255 West Riverview Avenue

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

PC-20-14

Conditional Use Permit

For a Recommended Preliminary Plat Development approval

Location: Parcel Number-412200280100, Twin Oaks Subdivision-7th Addition, Sedward Ave.

Memorandum

To: Members of the City Planning Commission

From: Kevin L. Schultheis, Zoning Administrator/Code Enforcement Officer

Subject: Preliminary Plat of Development

Meeting Date: October 13, 2020 5:00 PM

Hearing #: PC-20-14

Background:

An application for public hearing has been filed by Greg Beck, SAS Group Co. P.O Box 583 Napoleon, Ohio 43545. The applicant is requesting the approval of a Preliminary Plat of Development. The request is pursuant to Chapter 1141 of the Codified ordinances of Napoleon, Ohio. The property is in an R-1 Suburban Residential District.

Research and Findings

1. A Preliminary Plat of Development Permit is for any planned development to be located in the R-1 Suburban Residential Zoning district as per 1145.01(a) table of permissible uses.
2. The applicant is requesting to place an eleven (11) lot subdivision on the far southwest end of Sedward Ave.
3. Scope of Project: (see attached)

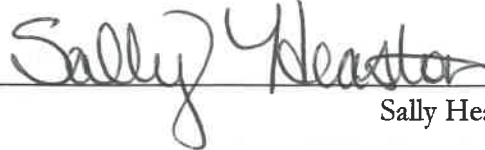
Recommended Conditions:

1. All cost of the street development shall be incurred by the developer of the project. All revisions made to plans by the City Engineer must be completed and approved before any construction begins.


Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 8th day of October, 2020.


Sally Heaston

Subscribed and sworn to before me this
8th day of October, 2020


Beverly Griteman
Notary Public,
State of Ohio
My Commission
Expires February 13, 2021

Printer's Fee: \$62.50

Notary Fee: \$3.00

NOTICE OF PUBLIC HEARING

A Public Hearing will be held by City Council in the Council Chambers of the City Building, located at 255 W. Riverview Avenue on **October 19, 2020 at 7:00 pm** to consider:

An application for public hearing that has been filed by Greg Beck, SAS Group Co., P.O. Box 583, Napoleon, Ohio 43545. The applicant is requesting the approval of a Preliminary Plat of Development. The request is pursuant to Chapter 1141 of the Codified ordinances of Napoleon, Ohio. The property is in an R-1 Suburban Residential District.

Anyone interested in this project may submit their views in writing prior to the hearing date. Complete details are available for inspection and discussion from Mr. Kevin Schultheis, Code Enforcement/Zoning Administrator, from 7:30 am to 4:00 pm Monday through Friday.



City of Napoleon, Ohio

Kevin Schultheis, Zoning Admin.

Code Enforcement

255 West Riverview

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: Member of the City Planning Commission
From: Kevin Schultheis, Zoning Administrator / Code Enforcement
Subject: Conditional Use Permit for a Planned Apartment Development
Meeting Date: October 13, 2020 @ 5:00 pm
Hearing Number: PC-20-13

Background:

An application for a public hearing has been filed by MSG, Ltd., 1045 N. Main St., 7B, Bowling Green, Ohio 43402, Michelle S. Green, MBA, JD. The applicant is requesting the approval of a Conditional Use permit to have a Planned Apartment Development Located in the 600 block of trail drive Napoleon, Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is in a C-4 Planned Commercial District.

Research and Findings:

1. A Conditional use Permit is required for any Planned Apartment Development to be located in a C-4 Planned Commercial District as per 1145.01 Table of Permissible Uses.
2. **Definition:** 1143.01(a) Planned Apartment Development. The Planned Apartment Development regulations are established to provide a safe and desirable living environment characterized by a unified building and site development plan, to preserve natural features of the site, and to provide adequate open space for recreation and other outdoor living purposes.
3. This Conditional use is being requested to permit the construction of twenty four (24) one (1) bedroom units. This would be "phase 3" of the existing Trailwinds Village complex. The units would be like those recently built ("phase 2") to the westernmost side of the complex.
4. This Conditional use would allow for the addition of much needed housing for the City of Napoleon and would complete the complex.
5. **Address of Property:** Parcel No. 411190450060, 411190450040, 411190440060, and 620 Trail Drive, Fruchey's Real Estate, Ltd. (in the process of purchasing and in agreement with Mr. Fruchey).

Recommended Conditions:

1. All plans and changes are to be submitted to Chad Lulfs, The Napoleon City Engineer for review and approval prior to starting.

Application for Public Hearing

City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

Planning Commission

(MZON 100.1700.46690)

☒ Conditional Use

\$125.00

☐ Amendment

\$125.00

☐ Subdivision in City

\$75.00 + \$5.00 each, after two

☐ Preliminary Plat of Development

\$125.00

☐ Alley Vacation

\$25.00 + publication cost

Preservation Commission

(MZON 100.1700.46690)

☐ Certificate of Appropriateness

\$25.00

Board of Zoning Appeals

(MZON 100.1700.46690)

☐ Certificate of Zoning

\$25.00

☐ Re-Zoning

\$125.00

☐ Variance

\$125.00

☐ Administrative Appeal

\$50.00

Address of property:

See Exhibit A

Description of request:

See Exhibit B

See Exhibit C

OWNER(S) NAME (PRINT)

ADDRESS- CITY, STATE, ZIP

PHONE NUMBER

SIGNATURE

***Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled. ***

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

MSG Investments Ltd.

APPLICANT NAME (PRINT)

MSG

APPLICANT SIGNATURE

1045 N. Main St., Suite 7B

ADDRESS

Bowling Green, OH 43402

CITY, STATE, ZIP

419-353-6952

PHONE

Hearing #:

Hearing Date:

Zoning District:

Office Use Only

Batch #

Check #

Date

EXHIBIT A**ADDRESS OF PROPERTY:**

0 Trail Drive Parcel No. 411190450060

0 Trail Drive Parcel No. 411190450040

0 Trail Drive Parcel No. 411190440060

620 Trail Drive Parcel No. 411190440040

EXHIBIT C**OWNERS' NAME:**MSG Investments, Ltd., 1045 N. Main Street, 7B,
Bowling Green, Ohio 43402MSG Investments, Ltd., 1045 N. Main Street, 7B,
Bowling Green, Ohio 43402MSG Investments, Ltd., 1045 N. Main Street, 7B,
Bowling Green, Ohio 43402Fruchey's Real Estate, Ltd., 620 Trail Drive, Napoleon,
Ohio 43545 (in process of being purchased by MSG
Investments, Ltd.*)**EXHIBIT B**

The above referenced parcels are currently zoned C4. This conditional use is being requested to permit the construction of 24 one (1) bedroom units. This would be "phase 3" of the existing Trailwind Village complex. The units would be like those recently built ("phase 2") to the westernmost side of the complex. This conditional use would allow for the addition of much needed housing for the City of Napoleon and would complete the complex.

*Closing conditioned upon conditional use permit being granted and ability to construct phase 3.

September 10, 2020

City of Napoleon

Re: Request for Public Hearing for a Conditional Use Permit

To Whom It May Concern:

Please be advised that I am the owner of record for the real estate located at 620 Trail Drive, Napoleon, Ohio. I hereby give my consent to, and appoint, Michelle S. Green, Esq. and/or Steven Green and/or MSG Investments, Ltd. to be my authorized representative(s) for the aforementioned parcel for the purposes of obtaining a conditional use permit.

Sincerely,



Keith A. Fruchey
Fruchey's Real Estate, Ltd.

cc: Michelle S. Green, Esq.

Michelle Green

Subject:

FW: rezone lots for Trailwinds Apartments

Michelle S. Green, MBA, JD
Law Office of Michelle S. Green
1045 North Main Street, Suite 7B
Bowling Green, Ohio 43402
419-353-6952 Office Telephone
419-353-0016 Office Facsimile
mgreen@meccabg.com

From: keith fruchey <keithafruchey@yahoo.com>
Sent: Thursday, September 10, 2020 4:33 PM
To: Michelle Green <mgreen@meccabg.com>
Subject: Fw: rezone lots for Trailwinds Apartments

----- Forwarded Message -----

From: keith fruchey <keithafruchey@yahoo.com>
To: Steve Green <sgreen@meccabg.com>
Sent: Thursday, September 10, 2020, 03:38:52 PM EDT
Subject: Re: rezone lots for Trailwinds Apartments

To whom it may concern;

I Keith A. Fruchey am in support of the new development proposed by Steve Green and associates for the following reasons;

- 1) 24 new rental units will go a long way in helping with the housing shortage in Napoleon
- 2) It will enhance the symmetry of Trail Dr. by eliminating a steal storage building with a building that matches the new construction from last years residential construction
- 3) It will increase the property tax revenue base
- 4) As the owner of Fruchey's Health & Wellness I welcome the increased pedestrian traffic to increase my customer base
- 5) Upon completion the North side of Trail Drive will look like a well planned development by eliminating an oddly placed private road and the elimination of an unsightly storage building
- 6) This new construction will enhance the entire area which studies prove will revitalize existing businesses in the area

7) As a major landlord in Napoleon I am seeing people having to live in another city because of the housing shortage even though they work here, also, I've come across individuals desiring to live in this area for the quality of life here even though they work out of town.

8) The past couple years we have had a nice variety of housing units built Napoleon and this development satisfies a need the other units have not met, such as the amenities of a new condo/home without the responsibility of ownership.

In summary I see all positives with this development and cannot see any downside, if any further questions contact Keith Fruchey 419-579-0248



The Henry County Bank

122 EAST WASHINGTON ST. • NAPOLEON, OHIO 43545

NAPOLEON OFFICE
NAPOLEON, OHIO 43545
419-599-1065

N. SCOTT STREET OFFICE
NAPOLEON, OHIO 43545
419-599-9015

S. PERRY STREET OFFICE
NAPOLEON, OHIO 43545
419-592-6700

HOLGATE OFFICE
HOLGATE, OHIO 43527
419-264-3721

LIBERTY CENTER OFFICE
LIBERTY CENTER, OHIO 43532
419-533-3271

MALINTA OFFICE
MALINTA, OHIO 43535
419-256-7202

BOWLING GREEN OFFICE
BOWLING GREEN, OHIO 43402
419-353-1213

TELECOPIER
419-599-4357

MEMBER
F.D.I.C.

September 10, 2020

Joel Mazur, City Manager
Zoning Department
PO Box 151
Napoleon, OH 43545

RE: MSG Investments, LTD
Trail Winds Phase III Development

Dear Joel and Zoning Department:

The Henry County Bank supports the above development. It brings a nice place for people to call home. The addition is much needed within the City of Napoleon. Greens do a wonderful job and keep their properties well maintained.

I hope you and the committee will approve a conditional use permit for this project.

Sincerely,

J. Kevin Yarnell
VP/Sr. Loan Officer

WORMANDY LANE, LLC
OR VOL. 320 - PG. 429.3
PK. 41-11024.0100
S.S. AC. 10" R TAX RECORD
PT. 5, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

MH #2012
TOP 681.51
FL 10" NW CORR 674.11
FL 18" S CORR 673.81

MH #1132
TOP 681.22
FL 24" N CONC 673.57
FL 24" E CONC 673.39
FL 4" S PVC 677.02
FL 6" SW PVC 676.82
FL 24" W CONC 673.30

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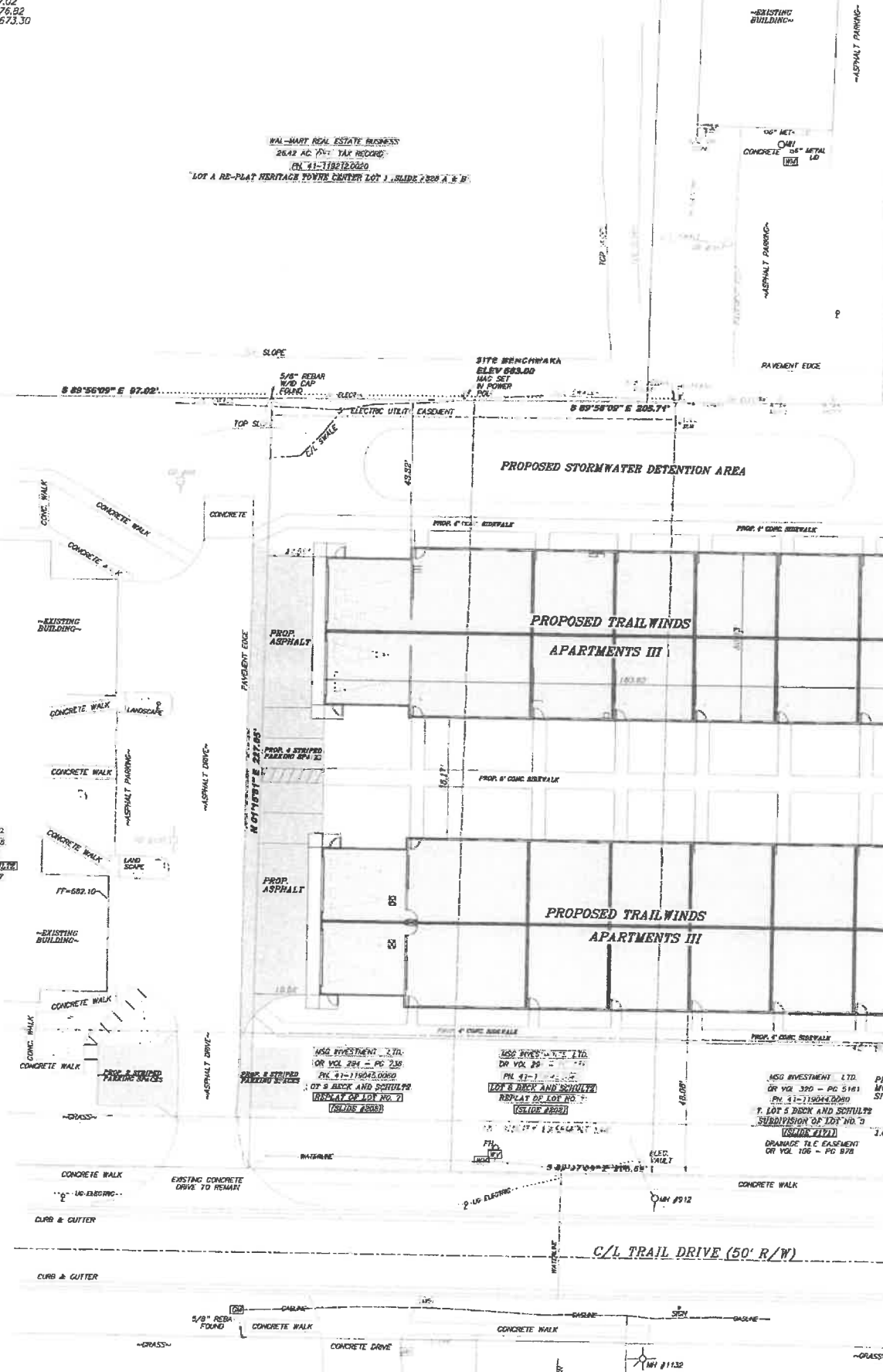
WAL-MART REAL ESTATE BUSINESS
2542 AC. 7/11 TAX RECORD
PK. 41-11024.0100
LOT A RE-PLAT HERITAGE TOWER CENTER LOT 1, SLIDE 7, 8, 9, 10, 11

ASO INVESTMENT LTD.
OR VOL. 320 - PG. 5181
PK. 41-11024.0100
LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
REPLAT OF LOT NO. 1
(SLIDE 7, 8, 9, 10, 11)

ASO INVESTMENT LTD.
OR VOL. 320 - PG. 5181
PK. 41-11024.0100
LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
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ASO INVESTMENT LTD.
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PK. 41-11024.0100
LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
REPLAT OF LOT NO. 1
(SLIDE 7, 8, 9, 10, 11)



2020 COMMUNITY REINVESTMENT AREA
AGREEMENT

between

CITY OF NAPOLEON,
OHIO

and

MSG INVESTMENTS, LTD.

Dated

as of

October 6, 2020

TABLE OF CONTENTS

Section 1.	Definitions.....	2
Section 2.	Interpretation.....	3
Section 3.	The Project.....	3
Section 4.	Enterprise’s Representation.....	4
Section 5.	City Obligations.....	4
Section 6.	Enterprise’s Covenants & Agreements.....	4
Section 7.	Exemptions.....	5
Section 8.	Annual Fee.....	5
Section 9.	Events of Default & Remedies	6
Section 10.	Notices & Payments	7
Section 11.	Miscellaneous	8

Appendix “A” – Application of the Enterprise for Exemptions

Appendix “B” – Improvements

Appendix “C” – The Real Property

This Community Reinvestment Area Agreement (the "Agreement") is made and entered into by and between the City of Napoleon, Ohio, a municipal corporation located at 255 W. Riverview Avenue, Napoleon, Ohio 43545 (the "City") and MSG Investments, Ltd., a limited liability company organized under the laws of Ohio, located at 1045 N. Main St., Suite 7B, Bowling Green, Ohio 43402 (the "Enterprise"), under the circumstances summarized under the following recitals (capitalized words and terms used in the recitals and not otherwise defined shall have the meanings assigned to such words and terms in Section I of this Agreement):

WHEREAS, the City by Resolution adopted on September 18, 2000 designated an area (CRA 6) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735; and,

WHEREAS, the Director of Development determined that the area so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development on December 23, 2000, certified the area as a community reinvestment area known as Area No. 6 (the "Area"); and,

WHEREAS, the City encourages the development of real property in the Area; and,

WHEREAS, the Enterprise desires to construct and install a Project at the Facility in the Area if incentives are available to support the economic viability of the Project; and,

WHEREAS, the City has the authority to exempt the Project from the real property taxes in accordance with Ohio Revised Code Chapter 3735; and,

WHEREAS, the Enterprise has submitted an application to the City through the City's agent for economic development, the Community Improvement Corporation of Henry County, Ohio (the "CIC"), for such tax exemptions, a copy of which is attached as Appendix "A" and is incorporated as part of this Agreement; and,

WHEREAS, the Enterprise has remitted to the City the required state application fee of \$750.00 made payable to the Ohio Department of Development to be forwarded to the Director of Development with a copy of this Agreement; and,

WHEREAS, the Housing Officer for Community Reinvestment Area No. 6 for the City has investigated the application of the Enterprise and has recommended the same to the City of Napoleon Council on the basis that the Enterprise is qualified by financial responsibility and business experience; further, that in granting the CRA Agreement, new construction or remodeling will be made in CRA No. 6 which will serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and,

WHEREAS, the determination of the tax incentive is calculated on the investment made in the construction of a multi-family leasing development. The value of the improvements being determined by the Henry County Auditor; and,

WHEREAS, the Project is located in the Napoleon Area City School District and within Four County Career Center District; and,

WHEREAS, the Board of Education of the appropriate School District(s) required to be notified has been notified in accordance with Sections 3735.671 and 5709.83 of the Ohio Revised Code and

has been given a copy of the Application with the stated percentages of the value of the real property to be exempted, an estimate of the true value of that property, and the number of years that property will be exempted; and,

WHEREAS, the School Board adopted a resolution (i) consenting to the Agreement; and, (ii) waiving the required notice period that the City may act on approval of the Agreement; and,

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained; and,

WHEREAS, the School Board has filed or will file a certified copy of its Resolution with the City; and,

NOW, THEREFORE, on the basis of the foregoing recitals and in consideration of the representations, agreements, and covenants of the City and the Enterprise contained in this Agreement, the City and the Enterprise agree as follows:

Section 1. Definitions. In addition to words and terms defined elsewhere in this Agreement:

"Application" means an Application for Real Property Tax Exemption and Remission (Form DTE 24) and any successor form to that form.

"Area" means Community Reinvestment Area 069-53550-01 Napoleon No. 6 located in the City as certified by the Director of Development.

"City" means the City of Napoleon, Ohio

"County" means Henry County, Ohio.

"County Auditor" means the Auditor of Henry County, Ohio.

"Department of Development" means the Department of Development created pursuant to Ohio Revised Code Section 121.02.

"Director of Development" means the Director of the Department of Development.

"Enterprise" means the entity named in the application seeking the CRA Agreement, including its approved assigns and transferees.

"Facility" means the Enterprise's facilities located on the Real Property.

"Four County" means the Four County Career Center, a Joint Vocational School District under Ohio law whose school district boundaries encompass the Facility. "Housing Officer" means the person or entity designated as the Housing Officer by the City for the Area.

"Improvements" means the improvements to the real property resulting from the Project, as more fully described in Appendix "B", incorporated into the Agreement by reference thereto.

"Lessee" [if applicable] means generally, the person, business, corporation, or other entity, that leases the facility from the Enterprise;

"Project" means the development of the Facility through the construction, acquisition, and

installation of the Improvements.

“Project Completion Date” means August 31, 2020, even though the actual completion date may be earlier.

“Real Property” means the real property described in Appendix "C", incorporated into the Agreement by reference thereto.

“School Board” means the Board of Education of the School District.

“School District” means the Napoleon Area City School District.

“TIRC” means the Tax Incentive Review Council created pursuant to Ohio Revised Code Section 5709.85 and Napoleon City Council Resolution Numbers 106-00 and 119-00.

Section 2. Interpretation. Any reference in this Agreement to the City, or to other public bodies or entities, or their members, officers or employees, shall include those who succeed to their functions, duties or responsibilities by operation of law and those who at the time may legally act in their place.

Any reference to a section, chapter, division, paragraph or other provision of the Ohio Revised Code shall include that section, chapter, division, paragraph or other provision as from time to time amended, modified, supplemented, revised, or superseded.

Unless the context clearly otherwise indicates, words importing the singular number shall include the plural number, and vice versa; the terms "hereof", "hereby", "herein", "hereto", "hereunder" and similar terms refer to this Agreement; and the term "hereafter" means after, and the term "heretofore" means before the date of this Agreement. Words of any gender include the correlative words of the other genders. Reference to a "Section" or an "Appendix" is a reference to a Section of or an Appendix to this Agreement. All Appendix(s) is/are part of this Agreement.

The captions and headings in this Agreement are solely for convenience of reference and in no way define, limit or describe the scope or the intent of any Section.

Section 3. The Project. The Project will involve a total capital investment in real property currently estimated at \$2,554,755.00, plus or minus 10% in development of new construction of a multi-family leasing development consisting of twenty-four (24) residential units, approximate size being 16,980 square feet, and appurtenances at the site located on parcel #'s: 41-119045.0060, 41-119045.0040, 41-119044.0060 located at Trail Drive, Napoleon, Ohio.

(a) A description of all the investments to be made at the facility including: value of new real property shall be as in Appendix(s) "A" and "B", incorporated into this Agreement by attachment hereto.

(b) The Project will commence by November 1, 2020 and all acquisition, construction, and installation of the Project will be completed by August 31, 2021.

(c) The total investment of this construction project is greater than the (10%) of market value of the facility assets already owned at the site prior to such expenditures.

Section 4. Enterprise's Representations. The Enterprise certifies that:

- (a) Enterprise currently has one (1) full-time permanent employees, no part-time permanent employees and no temporary employees within the State.
- (b) The Project will not create any new job(s) for full-time permanent employee, no new part-time permanent, no new full-time temporary employees and no new part-time temporary employee at the Facility upon completion of the Project.
- (c) The number of retained employees will result in approximately \$35,000.00, plus or minus 25% of additional payroll at the Facility following completion of the Project.
- (d) The Enterprise does not owe any delinquent real or tangible personal property taxes to any taxing authority or in the State of Ohio, and does not owe any delinquent taxes for which it is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or, if such delinquent taxes are owed, it currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against it. For purposes of this paragraph "delinquent taxes" are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 5. City Obligations.

- (a) The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
- (b) If for any reason the City revokes the designation of the Area, the City shall continue to grant the entitlements under this Agreement for the number of years specified under this Agreement, unless the Enterprise materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation pursuant to this Agreement.

Section 6. Enterprise's Covenants & Agreements. The Enterprise covenants and agrees that:

- (a) Regarding the construction, the Enterprise will make a minimum investment of \$2,554,755.00, plus or minus 10%.
- (b) The Enterprise shall use its best efforts to employ, or cause the employment of, residents of the County for any new job opportunities created at the Facility during the duration of this Agreement.
- (c) The Enterprise shall provide, or cause to be provided, to the TIRC any and all information requested by the TIRC that is reasonably necessary for the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.
- (d) The Enterprise shall pay such real and tangible personal property taxes on property located in the County that are not exempt pursuant to this Agreement, other tax abatement agreements, or by law. The Enterprise shall file all tax reports and returns required by law.

(e) The Enterprise shall file two copies of the Application with the County Auditor prior to the first year for which real property taxes on the Improvements would be taxable if the Improvements were not exempt from taxation pursuant to this Agreement. The Enterprise acknowledges that exemptions from real property taxes granted by this Agreement are not effective until an Application has been filed with the County Auditor and forwarded to the Ohio Department of Taxation.

(f) The Enterprise will perform such other acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain the exemptions granted by this Agreement, including, without limitation, executing documents and providing certifications required in connection with those exemptions.

(g) The Enterprise has made no false statements to the City, the School District, or the State of Ohio in the process of obtaining the exemptions granted by this Agreement.

Section 7. Exemptions.

(a) The City, with notification to the School District and to Four County, hereby grants the Enterprise a 50% exemption, pursuant to Section 3735.67 of the Ohio Revised Code for eligible real property, from real property taxes for a period of 10 years for the Improvements.

(b) The description of the specific real property to be exempted is as described in Appendix(s) "A", "B" and "C".

(c) The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after January 1 2022, nor shall extend beyond December 31, 2032. The maximum investment for the Improvements to qualify for the exemption granted in this paragraph is \$2,554,755.00.

(d) The Enterprise shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law.

Section 8. Annual Fee. The Enterprise shall pay an annual fee equal to the greater of ten percent of the dollar value of the incentives offered by this Agreement or \$1,500; provided, however, if the value of the incentives exceed \$250,000, the fee shall not exceed \$2,500.

The City or its agent shall calculate the amount of the fee and shall mail an invoice for the fee to the Enterprise on or before September 1st of each year within which any taxes are abated pursuant to this Agreement. The invoice shall be paid by the Enterprise to the City or its agent within the thirty (30) days immediately following the invoice date.

Section 9. Events of Default and Remedies. The occurrence of any of the following shall be considered an Event of Default by the Enterprise under this Agreement.

(a) If the Enterprise materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement; further, the City may, at its option, secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on the real property.

(b) Exemptions from taxation granted under this Agreement shall be revoked if it is determined that the Enterprise, any successor enterprise, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibitions against entering into this Agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

(c) If the Enterprise fails to pay such taxes or files such returns and reports as required by law concerning this exemption, exemptions from taxation granted under this Agreement shall be rescinded beginning with the year for which such taxes are charged or such reports are required to be filed and thereafter.

(d) If the Enterprise fails to provide information requested by the TIRC or to file copies of all Applications with the TIRC, then this Agreement may be terminated.

(e) If the Enterprise fails to create or cause to be created the number of new jobs at the Facility as stated in Section 4, or not created in the periods specified in the Section, or the amount of additional payroll resulting from those new employment opportunities is less than the amount stated in Section 4, then this Agreement may be terminated.

(f) The minimum investment for the Improvements is less than that stated in Section 6 after the Project completion date, then this Agreement may be terminated.

(g) In any three-year period during which this Agreement is in effect, the actual number of new jobs created at the Facility is not equal to or greater than 75% of the number of jobs stated in Section 4, then this Agreement may be terminated.

(h) The Enterprise made material false statements to the City in the process of obtaining the exemptions granted by this Agreement, then this Agreement may be terminated.

(i) The Enterprise fails to pay the annual fee required by Section 8, or any of the compensation payments required by Section 9, then this Agreement may be terminated.

be deemed given on the earlier of the day the notice is mailed or personally delivered.

Payments must be received by the person entitled to payment on or before the date specified in this Agreement.

All notices and applicable payments shall be delivered to the following addresses; original payments from Enterprise to the City shall be mailed to the Henry County CIC:

- | | |
|-----------------------------|---|
| (a) To the City: | City of Napoleon, Ohio
c/o City Manager
255 West Riverview
Napoleon, Ohio 43545 |
| With a Copy to: | Henry County CIC
c/o Executive Director
104 East Washington Street
Suite 301
Napoleon, Ohio 43545 |
| (b) To the Enterprise: | MSG Investments, Ltd.
Ms. Michelle Green
1045 N. Main St.,
Suite 7B
Bowling Green, OH 43402 |
| (c) To the County Auditor: | Auditor
County of Henry, Ohio
660 N. Perry Street
P.O. Box 546
Napoleon, Ohio 43545 |
| (d) To the School District: | Napoleon Area City School District
c/o Treasurer
701 Briarheath Ave.
Napoleon, Ohio 43545 |
| (e) To Four County: | Four County Career Center
c/o Superintendent
22-900 State Route 34
Archbold, Ohio 43502 |
| (f) To the TIRC: | Henry County CIC
c/o Executive Director
Suite 301
104 East Washington Street
Napoleon, Ohio 43545 |

Section 11. Miscellaneous.

(a) The Enterprise shall provide to the proper tax incentive review council any information reasonably required by the TIRC to evaluate the applicant's compliance with

the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(b) If for any reason the Area designation expires, or the Director of Development revokes the certification of the Area, or the City revokes the designation of the Area, the exemptions granted by this Agreement shall continue as provided in this Agreement.

(c) No individual shall be denied employment at the Facility on the basis of race, religion, gender, disability, color, national origin, or ancestry.

(d) This Agreement is not transferable or assignable without the written consent of the City, and the Enterprise acknowledges that the City may not give that consent if the School District objects to any transfer or assignment; however, the exemptions provided in this Agreement may be applicable and assignable (upon notice to the City) to entities that are directly and immediately related to the Enterprise that may already have indirect ownership of the property subject to the exemption, without prior written approval from the City.

(e) This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.

(f) This Agreement shall be deemed to be a contract made under the laws of the State of Ohio and for all purposes shall be governed by and in accordance with the laws of the State of Ohio.

(g) Any legal action regarding this Agreement shall be filed in the Court of Common Pleas of Henry County, Ohio, or, in case of Bankruptcy, the appropriate Bankruptcy Court.

(h) The Enterprise acknowledges that this Agreement must be approved by formal action of the City Council of Napoleon, Ohio as a condition for the Agreement to take effect. This Agreement takes effect upon such approval and upon execution by the parties.

(i) In the event that any part or provision of this Agreement is held invalid or void by a court of competent jurisdiction, only that part or provision shall be invalid or void and the parts or provisions not held invalid or void shall remain in full force.

(j) This Agreement shall be construed as mutually drafted by the parties.

(k) Time is of the essence.

(l) The Enterprise expressly agrees to waive and forego its rights to appeal the Auditor's determination on the value of the investment stated in this Agreement.

(m) The preamble of this Agreement shall be incorporated into this Agreement as part thereof.

(n) Any obligation of the City to pay money under this Agreement is subject to appropriation of funds by the City.

IN WITNESS WHEREOF, the City and the Enterprise have caused this Agreement to be executed on their behalf by their respective duly authorized officer or representative, all as of and effective upon the date printed on the cover page of this Agreement.

AGREED TO:

CITY OF NAPOLEON, OHIO

By _____
City Manager

MSG INVESTMENTS, LTD.

By: _____
Michelle Green, Owner

**CONSENTED TO:
DISTRICT**

NAPOLEON AREA CITY SCHOOL

By: _____
Superintendent

FOUR COUNTY CAREER CENTER

By: _____
Superintendent

APPROVED AS TO FORM AND CORRECTNESS:

Prosecuting Attorney

ATTACHED

Appendix "B"

THE IMPROVEMENTS

The Project will involve a total capital investment in real property of currently estimated at \$2,554,755.00, plus or minus 10%, in development of twenty-four (24) unit residential multi-family leasing building and appurtenances at the site located at parcel #'s: 41-119045.0060, 41-119045.0040, 41-119044.0060 located at Trail Drive, Napoleon, Ohio. The creation of this residential leasing development is to assist in housing availability stock.

Appendix "C"

REAL PROPERTY DESCRIPTION

Tax Parcel #'s:

- 41-119045.0060 Lot 9 Beck and Schultz, Replat of Lot No. 7 (Slide #202)
- 41-119045.0040 Lot 8 Beck and Schultz, Replat of Lot No. 7 (Slide #202)
- 41-119044.0060 PT. Lot 5 Beck and Schultz, Subdivision of Lot No. 3 (Slide #171)

Township: NAPOLEON

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the
Community Improvement Corporation of Henry County located in the County of Henry and
MSG Investments, Ltd.

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

MSG Investments, Ltd.
Enterprise Name

Michelle Green
Contact Person

1045 N. Main St., Suite 7B
Bowling Green, OH 43402
Address

419-353-6952
Telephone Number

- b. Project site:

0 Trail Drive (Address TBD)
Property is directly to the East of 760&780
Trail Drive

Steve Green
Contact Person

0 Trail Drive (Address TBD)
Address

419-353-5800
Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

Multifamily units to be leased

- b. List primary 6 digit North American Industry Classification System (NAICS) # _____

Business _____ may _____ list _____ other _____ relevant _____ SIC
numbers. _____

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: _____

N/A

d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Limited Liability Company

3. Name of principal owner(s) or officers of the business.

Steven A. and Michelle S. Green

4. a. State the enterprise's current employment level at the proposed project site:

1

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes___ No X

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

1

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

N/A

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

N/A

5. Does the Property Owner owe:

- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes ☐ No ☒
- b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes ☐ No ☒
- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
Yes ☐ No ☒
- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).
6. Project Description: New construction of 24 residential units. Two buildings, each consisting of 7,452 sq. ft. of living and 1,038 sq. ft. of garage space. Total of 14,904 sq. ft. of living and 2,076 sq. ft. of garage space. Project total – 16,980 sq. ft.
- _____
- _____
- _____
7. Project will begin asap, 2020 and be completed August, 2021 provided a tax exemption is provided.
8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):
Complex already employees 1 full time individual from completion of phase 1 & 2.
- _____
- _____
- b. State the time frame of this projected hiring: _____ yrs.
- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):
- _____
9. a. Estimate the amount of annual payroll such new employees will add \$ _____
(new annual payroll must be itemized by full and part-time and permanent and temporary new employees).
- b. Indicate separately the amount of existing annual payroll relating to any job retention

claim resulting from the project: \$35,000 full time permanent employee

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A.	Acquisition of Buildings:	\$ 410,000
B.	Additions/New Construction:	\$ 2,133,755
C.	Improvements to existing buildings:	\$ 11,000
D.	Machinery & Equipment:	\$
E.	Furniture & Fixtures:	\$
F.	Inventory:	\$
Total New Project Investment:		\$ 2,554,755

Per JA

11. a. Business requests the following tax exemption incentives: 50 % for 10 years covering real property as described above. Be specific as to the rate, and term.

- b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

1. Economic feasibility of project

2. Assisting to solve housing availability stock

3. Increased monetary collections from new investment and residents

benefiting local, regional and state agendas.

Submission of this application expressly authorizes City of Napoleon to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

MSG Investments, Ltd.
Name of Property Owner

Steve A. Green, member
MSGI, member
Signature

September 28, 2020
Date

MSG Investments, Ltd.
Steve A. & Michelle S. Green, Members
Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

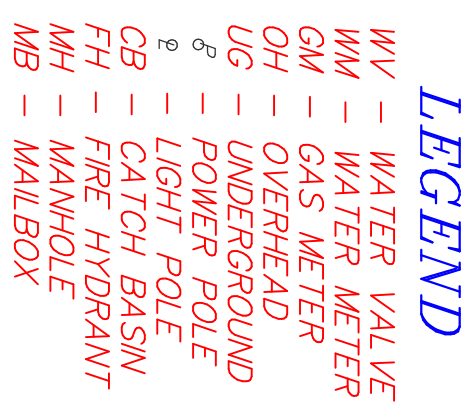
MH #932
 TOP 681.51
 FL 10" NW CORR 674.11
 F 18" S CORR 673.81
 MH #1132
 TOP 681.22
 FL 24" N CONC 673.57
 FL 24" E CONC 673.39
 FL 4" S PVC 677.02
 FL 6" SW PVC 676.82
 FL 24" W CONC 673.30

~ASPHALT~

NORMANDY LANE, LLC
OR VOL 320 - PG 4223
[PN. 41-119097.0042]
0.17 AC. (PER TAX RECORD)
PT. LOT 2 DUNN & LYTLE
SUBDIVISION (SLIDE #170)

MORMANDY LAW, LLC
OR VOL. 320 - PG 4223
PM. 41-110024.0100
0.5 AC. (PER TAX RECON.
PT. B 1/2, SE 1/4, SEC. 1

LANCE & LYTLE, LLC
 OR VOL. 194 - PG 2344
 PN. 41-119097.0040
 1.70 AC. (PER TAX RECORD
 PT. LOT 2 DUNN & LYTLE
 SUBDIVISION (SLIDE #170)



A diagram of a parking lot layout. It shows a grey rectangular area labeled "PROP. & STRIPED PARKING SPACE". To the left of this area is a dashed line labeled "CONC. WALK". To the right is a red dashed line labeled "CONC. WALK". Above the parking space is a tree with a "10' TREE" label. To the right of the parking space is another tree with an "8' TREE" label. A diagonal line runs from the bottom left towards the top right, separating the parking space from the trees.

OR VOL 294 - PG 736
 PN 41-119045.0060
 LOT 9 BACK AND SCHULTZ
 REPLAY OF LOT NO. 7
 (SLIDE #202)

OR VOL 294 - PG 736
[PU 41-119045.0040]
LOT 8 BECK AND SCHULTZ
REPLAT OF LOT NO. 7
[SLIDE #202]

MSG INVESTMENTS, L.TD.
 OR VOL 320 - PG 516
 PN. 41-119044.0060
 PT. LOT 5 BECK AND SCHU
 SUBDIVISION OF LOT NO.

24.00'

FRUCHEY'S REAL ESTATE, LTD.
OR VOL. 106 - PG. 976
PR. 41-119044.0040
P1: LOT 4 & 5 BECK AND SCHULTZ
SUBDIVISION OF LOT NO. 3
[SLIDE #171]

C/L TRAIL DRIVE (50' R/W)

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE EXAMINATION. BEYOND THE DEED DOCUMENTS CITED ON THE SURVEY DRAWING THERE MAY BE RECORDED OR UNRECORDED EASEMENTS AND/OR ENCUMBRANCES BENEFITING OR ENCUMBERING THE SURVEYED PROPERTY WHICH ARE NOT

NOTE: SURVEY BEARINGS BASED ON OHIO NORTH ZONE STATE PLANE COORDINATES OBTAINED FROM THE OHIO DOT VRS NETWORK

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES COMPRISE ALL SUCH UTILITIES IN THE AREA. EXISTING SURVEYS OF ABANDONED UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION UNLESS HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. IT IS THE RESPONSIBILITY OF THE "CONTRACTOR" TO VERIFY AND LOCATE ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK.

NAPOLEON, OHIO 43545

Bockrath &
***Associates***
Engineering and Surveying, LLC
115 S. Fair Avenue, Suite A - Ottawa - Ohio
Phone: 419.523.5789

SCALE 1" = 20'

JOB #20-239

DRAWN BY GAB/TLP
9/11/20

C101

received
10-2-2020

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7735478		TRFO		SANTOKH VENTURE INC DBA FUEL KING TRAVEL CENTER 1270 INDEPENDENCE DR NAPOLEON OHIO 43545
PERMIT NUMBER		TYPE		
06	01	2019		
ISSUE DATE				
09	28	2020		
FILING DATE				
C1		C2		
PERMIT CLASSES				
35	088	A	F24144	
TAX DISTRICT			RECEIPT NO.	

FROM 09/30/2020

3373937				GREWAL BROS CORP DBA TA NAPOLEON TRAVEL CENTER 1270 INDEPENDENCE DR PO BOX 268 NAPOLEON OHIO 43545
PERMIT NUMBER		TYPE		
06	01	2019		
ISSUE DATE				
09	28	2020		
FILING DATE				
C1		C2		
PERMIT CLASSES				
35	088			
TAX DISTRICT			RECEIPT NO.	



MAILED 09/30/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/02/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 7735478**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF NAPOLEON CITY COUNCIL
PO BOX 151
NAPOLEON OHIO 43545

2020 MAY 20 AM 11:27 Officer/Shareholder Disclosure Form

(This form must accompany all applications of a corporate business entity)

Name of Corporation: Santokh Ventures, Inc.	DBA Name: Fuel King Travel Center		
Permit Premises Address: 1270 Independence Drive	City: Napoleon	State: Ohio	Zip Code: 43545
Township, if outside city limits:	Tax Identification No. (TIN)		
Email Address:			

SECTION B.

1. Is stock publicly traded?
If YES, indicate exchange _____ and do NOT complete Section D. ☐ YES ☒ NO

2. Does any shareholder own 5% or more shares? If YES, complete SECTION D. ☒ YES ☐ NO

3. Total number of shares issued: **500**

Please be advised that any social security numbers provided to the Division of Liquor Control may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement enforcement action, or collect taxes.

SECTION C. List the top five (5) officers of the corporation.

NAME OF OFFICER: (If an office is NOT held please write "NONE")	SOCIAL SECURITY NUMBER	DATE OF BIRTH
CEO: None	n/a	n/a
President: Shamsher Singh		
Vice-President: Rajinder Singh		
Secretary: Rajinder Singh		
Treasurer/COO: Shamsher Singh		

SECTION D. Shareholders holding 5% or more of outstanding shares. If you answered question 1 YES in Section B, do not complete

1) Name Shamsher Singh	Social Security No. 111	NUMBER OF SHARES HELD (NOT PERCENTAGE) 250
Residence Address	Tax Identification No.	
City State	Telephone No.	
Zip Code	Date of Birth	
2) Name Rajinder Singh	Social Security No.	NUMBER OF SHARES HELD (NOT PERCENTAGE) 250
Residence Address	Tax Identification No.	
City State	Telephone No.	
Zip Code	Date of Birth	

See Page 2 to list additional shareholders. Individuals listed in both Sections C and D must have a background check performed by BCI and submit a Personal History Background Form. The Background check process can be found at www.com.ohio.gov/documents/liqr_FingerPrint.pdf.

CERTIFICATION OF FORM:

By signing below, I certify that I have authority to execute this document and the information provided is true, correct and complete to the best of my knowledge and belief.

/s/ **Shamsher Singh** President **03/31/2020**
(eSignature - Electronic Signature) (Position) (Date)

(Address) (City) (State) (Zip Code) (Telephone Number)



CITY OF NAPOLEON, OHIO

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

KELLY O'BOYLE, FINANCE DIRECTOR

phone (419) 599-1235

fax (419)-599-8393

Web Page: www.napoleonohio.com

Email: koboyle@napoleonohio.com

DATE: October 19, 2020
TO: Members of City Council
Jason P. Maassel, Mayor
Joel L. Mazur, City Manager
Billy D. Harmon, City Law Director
FROM: Kelly O'Boyle, Finance Director *KOB*
SUBJECT: Official Approval in Minutes of Various – 2020 Financial Reports

Listed below are General Financial Reports and Other Information currently included for your review and approval to be recorded in City Council minutes:

Reports and information for your consideration, review, and approval:

- ❖ Summary Information for the General Fund through September 2020 – the revenue was under the expenses by approximately \$153K. We will continue to monitor each month. *Our goal now and going forward needs to be to keep expenditures more in line with the realized revenue. This is more critical now than ever before as we are anticipating reduced income tax collections for 2020 and 2021 due to COVID-19. Joel is working with his Department Heads to limit expenditures to critical to operations.*
- ❖ Summary Information for the Major Funds through September 2020 -Fund 500 Electric Fund, Fund 510 Water Fund, Fund 520 Wastewater Fund and Fund 560 Sanitation Fund. This does not included information on the other funds associated with the Major Funds. Please refer to the Monthly Finance Reports for this information. Throughout the year, the approved portions of the balances in the Major Funds listed above will be transferred to the other associated funds to cover the capital projects and debt for the Utilities.
- ❖ Payroll Summary Report by Department for the following periods:
Payroll for September 25, 2020 - \$276,747.82 w/YTD - \$5,496,691.91
Payroll for October 9, 2020 - \$264,814.62 w/YTD - \$5,761,506.53

Please keep in mind that in 2021, we will have the 27th pay. This will impact the budget in all Funds.
- ❖ KWH Tax Report for Month and Payment:
Electric KWH Tax Paid for September 2020=State \$10,159.00 and City \$48,918.12
- ❖ Income Tax Revenue Report for Month Ending:
Month Ending – 9/30/20 = \$365,329.57 w/YTD - \$3,526,666.75
NOTE: Original Budget estimate for 2020 is \$4,215,000. We are 1.2% more than through September 2019. The percent collected of the estimate is 83.67%. As discussed, we will leave the 2020 Estimate at \$4,215,000 and hope for the scenario presented at \$4.5 million.
- ❖ Interest Earnings Posted by Fund Report:
Month Ending –9/30/20 = \$54,484.16 w/YTD - \$297,003.00. Of the \$54,484.16, \$18,042.15 goes to the General Fund and \$36,442.01 to the Outside General Funds. The interest will continue to be less for the foreseeable future, because of COVID-19 on the economy. We have secured two more CDARs from

F&M Bank for a total of approximately \$2.5 million. Their CDAR rates have been competitive with the other options at this time, so it is nice that we can continue to use our local bank.

❖ Other Periodic Reports for Council Review and/or Approval:

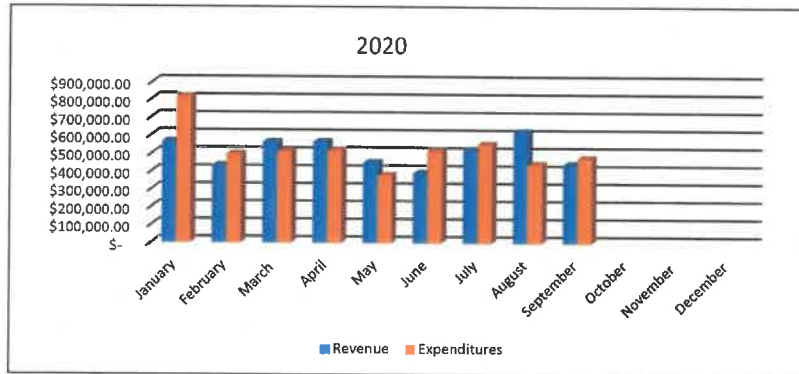
1. Meeder Monthly Investment Summary -September 2020

I respectfully request a motion for the record to accept and approve the reports as presented. Thank you for your consideration, please let me know if you have any questions.

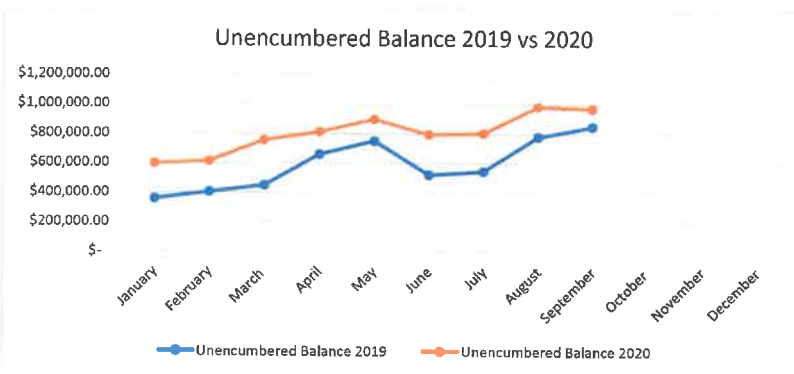
Attachments

GENERAL FUND

		2020 Actual	2020 Actual	
		Revenue	Expenditures	Over/(Under) Revenue
January	\$	569,441.53	\$ 821,116.27	\$ (251,674.74)
February	\$	433,494.72	\$ 499,613.81	\$ (66,119.09)
March	\$	566,433.93	\$ 514,291.95	\$ 52,141.98
April	\$	568,392.35	\$ 518,974.38	\$ 49,417.97
May	\$	451,311.80	\$ 380,358.57	\$ 70,953.23
June	\$	392,701.52	\$ 517,688.24	\$ (124,986.72)
July	\$	523,291.92	\$ 554,245.21	\$ (30,953.29)
August	\$	625,429.52	\$ 442,070.58	\$ 183,358.94
September	\$	443,204.90	\$ 477,851.29	\$ (34,646.39)
October				
November				
December				
	\$	4,573,702.19	\$ 4,726,210.30	\$ (152,508.11)

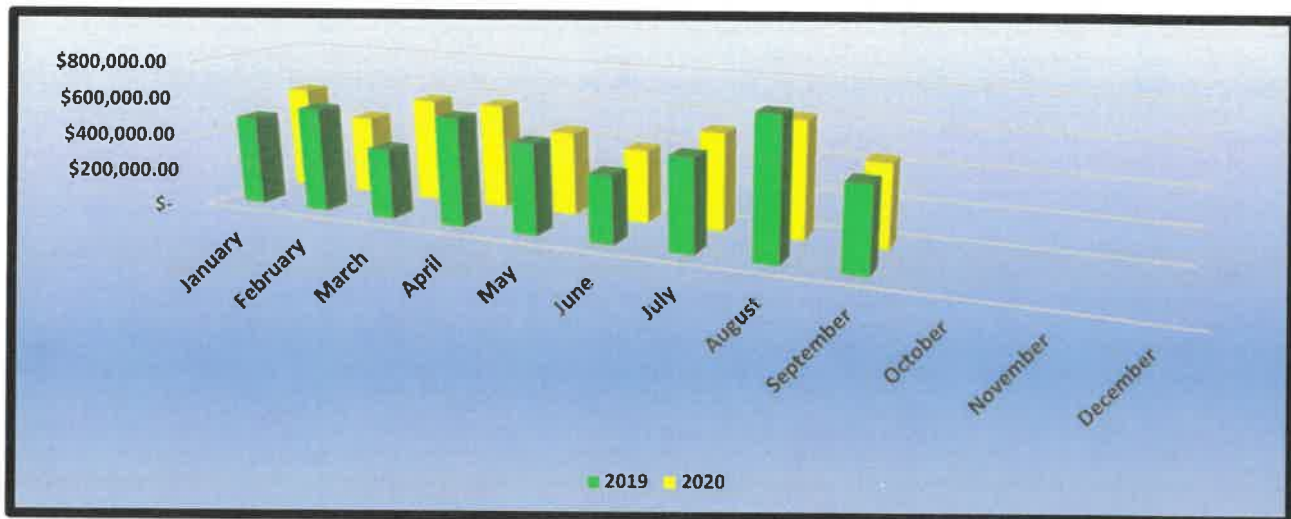


		Unencumbered Balance		
		2019	2020	Difference
January	\$	358,709.76	\$ 597,304.21	\$ 238,594.45
February	\$	403,778.41	\$ 613,305.80	\$ 209,527.39
March	\$	449,942.17	\$ 755,923.48	\$ 305,981.31
April	\$	659,086.61	\$ 812,612.35	\$ 153,525.74
May	\$	750,366.15	\$ 896,899.06	\$ 146,532.91
June	\$	521,093.66	\$ 795,709.43	\$ 274,615.77
July	\$	545,584.78	\$ 805,196.42	\$ 259,611.64
August	\$	780,011.78	\$ 986,273.71	\$ 206,261.93
September	\$	850,471.54	\$ 972,615.54	\$ 122,144.00
October				
November				
December				



GENERAL FUND REVENUE COMPARISON 2019 VS. 2020

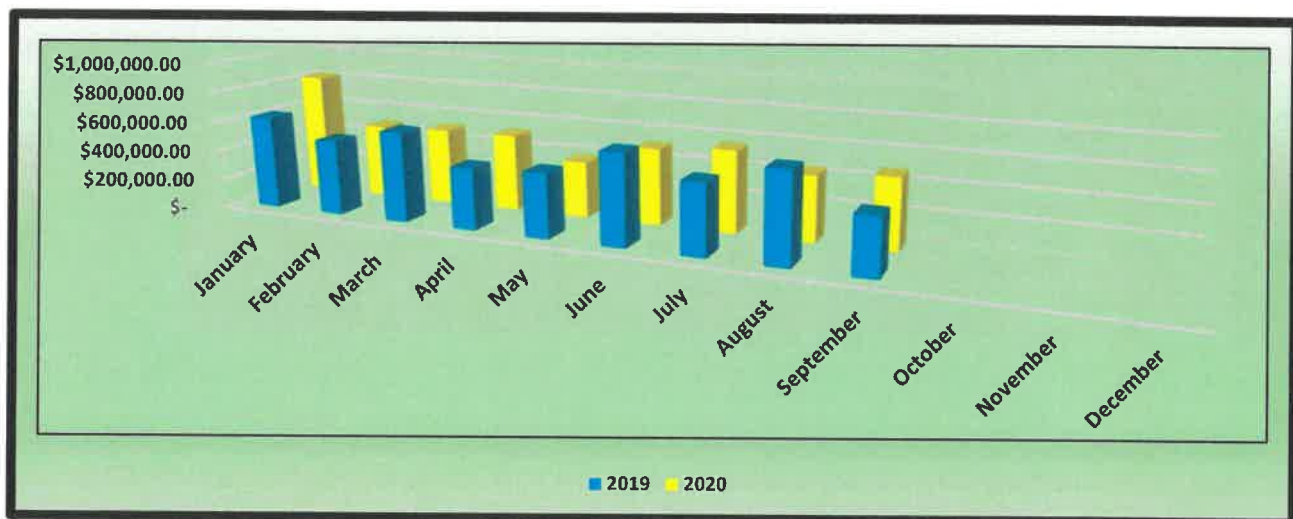
	2019	2020	Over/(Under)	Percent Change
January	\$ 484,136.88	\$ 569,441.53	\$ 85,304.65	17.62%
February	\$ 562,788.35	\$ 433,494.72	\$ (129,293.63)	-22.97%
March	\$ 377,623.60	\$ 566,433.93	\$ 188,810.33	50.00%
April	\$ 581,426.58	\$ 568,392.35	\$ (13,034.23)	-2.24%
May	\$ 482,363.70	\$ 451,311.80	\$ (31,051.90)	-6.44%
June	\$ 360,880.75	\$ 392,701.52	\$ 31,820.77	8.82%
July	\$ 492,371.83	\$ 523,291.92	\$ 30,920.09	6.28%
August	\$ 733,676.96	\$ 625,429.52	\$ (108,247.44)	-14.75%
September	\$ 443,920.34	\$ 443,204.90	\$ (715.44)	-0.16%
October				
November				
December				
TOTAL	\$ 4,519,188.99	\$ 4,573,702.19	\$ 54,513.20	1.21%



	YTD -9/30/19	YTD -9/30/20	Difference	Percent Change
Income Tax-Transfer	\$ 1,692,976.39	\$ 1,833,876.04	\$ 140,899.65	8.32%
Transfers -In (KWH Tax)	\$ 125,000.00	\$ 160,000.00	\$ 35,000.00	28.00%

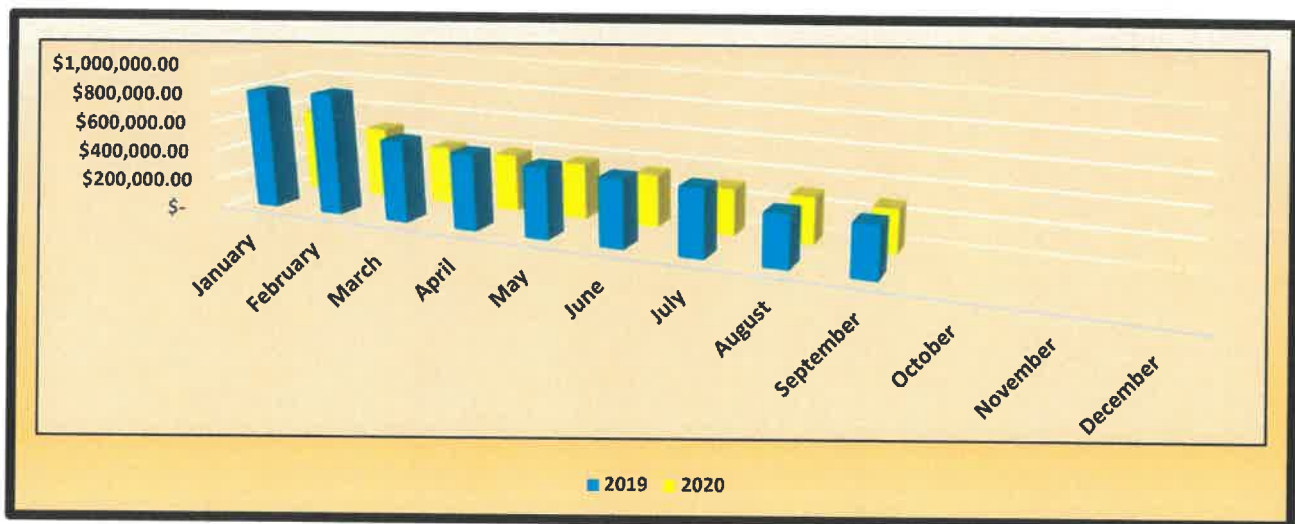
GENERAL FUND EXPENDITURE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 624,273.77	\$ 821,116.27	\$ 196,842.50	31.53%
February	\$ 502,416.23	\$ 499,613.81	\$ (2,802.42)	-0.56%
March	\$ 604,999.93	\$ 514,291.95	\$ (90,707.98)	-14.99%
April	\$ 410,460.65	\$ 518,974.38	\$ 108,513.73	26.44%
May	\$ 430,488.71	\$ 380,358.57	\$ (50,130.14)	-11.64%
June	\$ 609,995.67	\$ 517,688.24	\$ (92,307.43)	-15.13%
July	\$ 472,943.66	\$ 554,245.21	\$ 81,301.55	17.19%
August	\$ 604,119.63	\$ 442,070.58	\$ (162,049.05)	-26.82%
September	\$ 378,674.83	\$ 477,851.29	\$ 99,176.46	26.19%
October				
November				
December				
TOTAL	\$ 4,638,373.08	\$ 4,726,210.30	\$ 87,837.22	1.89%



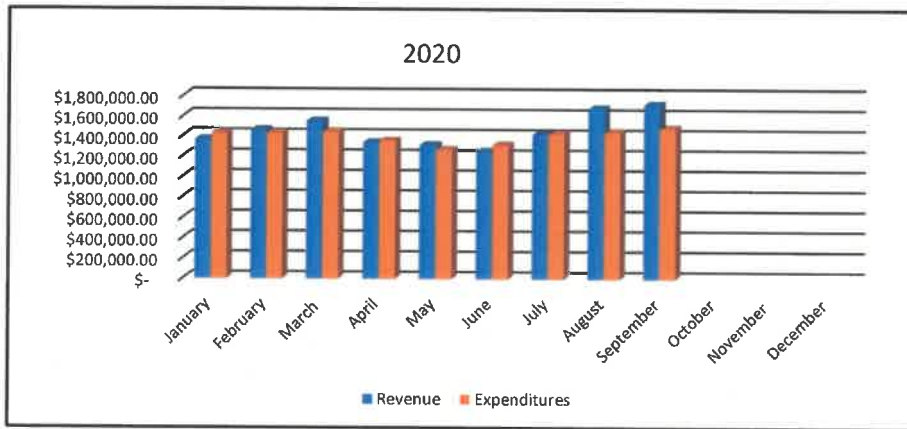
GENERAL FUND ENCUMBRANCE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 807,774.88	\$ 566,869.36	\$ (240,905.52)	-29.82%
February	\$ 823,078.35	\$ 484,748.68	\$ (338,329.67)	-41.11%
March	\$ 549,538.26	\$ 394,272.98	\$ (155,265.28)	-28.25%
April	\$ 511,359.75	\$ 387,002.08	\$ (124,357.67)	-24.32%
May	\$ 471,955.20	\$ 373,668.60	\$ (98,286.60)	-20.83%
June	\$ 452,112.77	\$ 349,871.51	\$ (102,241.26)	-22.61%
July	\$ 447,049.82	\$ 309,431.23	\$ (137,618.59)	-30.78%
August	\$ 342,180.15	\$ 311,712.88	\$ (30,467.27)	-8.90%
September	\$ 336,965.90	\$ 290,724.66	\$ (46,241.24)	-13.72%
October				
November				
December				

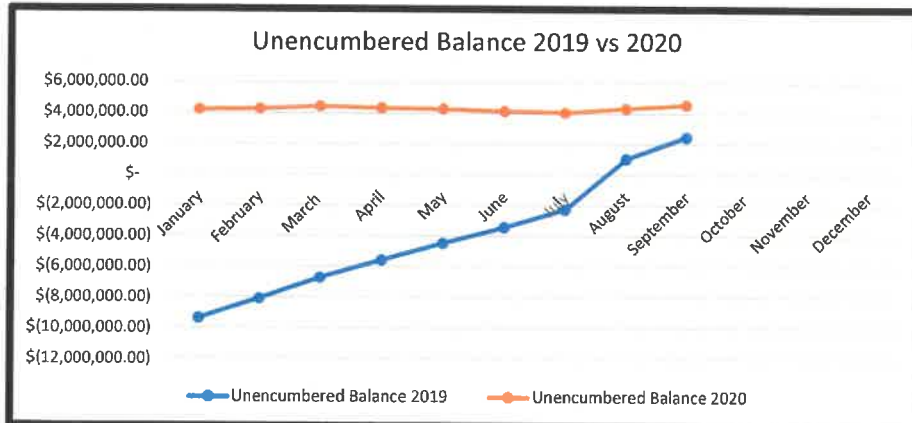


ELECTRIC FUND 500

	2020 Actual		2020 Actual	Over/(Under) Revenue	
	Revenue		Expenditures		
January	\$ 1,371,761.71	\$	1,428,952.80	\$	(57,191.09)
February	\$ 1,463,087.87	\$	1,433,372.07	\$	29,715.80
March	\$ 1,552,025.39	\$	1,446,683.11	\$	105,342.28
April	\$ 1,342,875.22	\$	1,361,116.64	\$	(18,241.42)
May	\$ 1,317,254.63	\$	1,271,637.28	\$	45,617.35
June	\$ 1,254,478.23	\$	1,317,660.54	\$	(63,182.31)
July	\$ 1,424,168.57	\$	1,429,434.94	\$	(5,266.37)
August	\$ 1,679,613.32	\$	1,445,760.13	\$	233,853.19
September	\$ 1,717,930.86	\$	1,484,028.91	\$	233,901.95
October					
November					
December					
	\$ 13,123,195.80	\$	12,618,646.42	\$	504,549.38

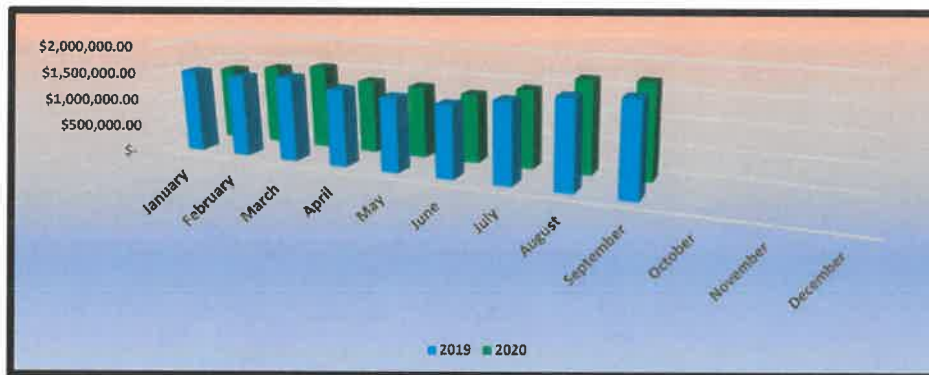


	Unencumbered Balance			Difference
	2019		2020	
January	\$ (9,369,052.12)	\$	4,246,832.18	\$ 13,615,884.30
February	\$ (8,081,444.12)	\$	4,296,386.23	\$ 12,377,830.35
March	\$ (6,714,800.86)	\$	4,443,226.73	\$ 11,158,027.59
April	\$ (5,577,079.22)	\$	4,355,578.81	\$ 9,932,658.03
May	\$ (4,478,962.77)	\$	4,288,548.64	\$ 8,767,511.41
June	\$ (3,429,189.83)	\$	4,151,555.89	\$ 7,580,745.72
July	\$ (2,249,416.67)	\$	4,079,012.75	\$ 6,328,429.42
August	\$ 1,048,471.20	\$	4,343,131.48	\$ 3,294,660.28
September	\$ 2,471,688.47	\$	4,570,345.88	\$ 2,098,657.41
October				
November				
December				



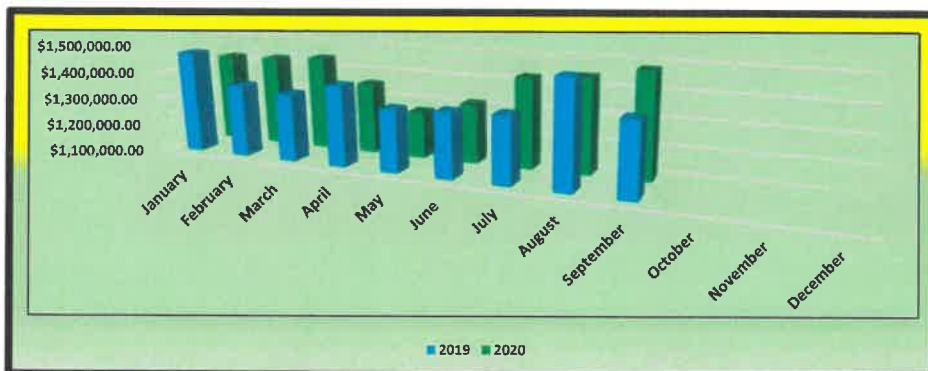
ELECTRIC FUND (500) REVENUE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 1,510,392.56	\$ 1,371,761.71	\$ (138,630.85)	-9.18%
February	\$ 1,483,277.64	\$ 1,463,087.87	\$ (20,189.77)	-1.36%
March	\$ 1,538,880.27	\$ 1,552,025.39	\$ 13,145.12	0.85%
April	\$ 1,398,933.37	\$ 1,342,875.22	\$ (56,058.15)	-4.01%
May	\$ 1,337,713.06	\$ 1,317,254.63	\$ (20,458.43)	-1.53%
June	\$ 1,293,615.96	\$ 1,254,478.23	\$ (39,137.73)	-3.03%
July	\$ 1,445,011.41	\$ 1,424,168.57	\$ (20,842.84)	-1.44%
August	\$ 1,588,593.85	\$ 1,679,613.32	\$ 91,019.47	5.73%
September	\$ 1,652,183.06	\$ 1,717,930.86	\$ 65,747.80	3.98%
October				
November				
December				
TOTAL	\$ 13,248,601.18	\$ 13,123,195.80	\$ (125,405.38)	-0.95%



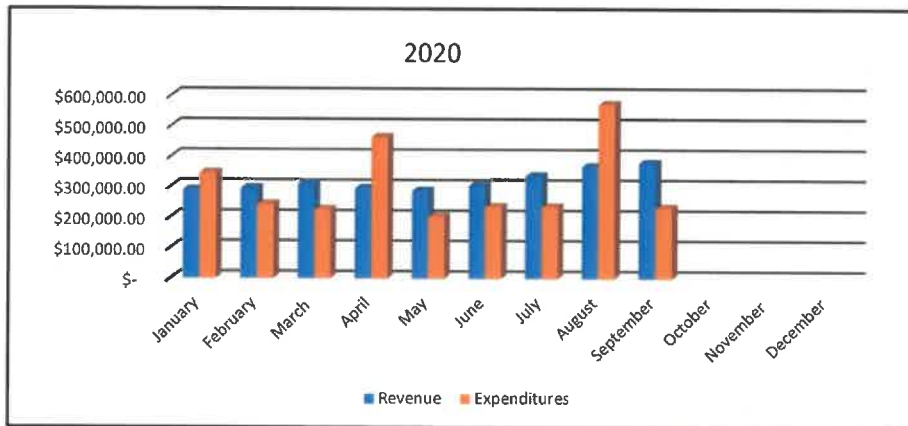
ELECTRIC FUND (500) EXPENDITURE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 1,474,119.34	\$ 1,428,952.80	\$ (45,166.54)	-3.06%
February	\$ 1,364,928.70	\$ 1,433,372.07	\$ 68,443.37	5.01%
March	\$ 1,348,019.42	\$ 1,446,683.11	\$ 98,663.69	7.32%
April	\$ 1,394,586.87	\$ 1,361,116.64	\$ (33,470.23)	-2.40%
May	\$ 1,326,681.52	\$ 1,271,637.28	\$ (55,044.24)	-4.15%
June	\$ 1,335,489.36	\$ 1,317,660.54	\$ (17,828.82)	-1.34%
July	\$ 1,342,984.06	\$ 1,429,434.94	\$ 86,450.88	6.44%
August	\$ 1,485,768.02	\$ 1,445,760.13	\$ (40,007.89)	-2.69%
September	\$ 1,366,611.72	\$ 1,484,028.91	\$ 117,417.19	8.59%
October				
November				
December				
TOTAL	\$ 12,439,189.01	\$ 12,618,646.42	\$ 179,457.41	1.44%

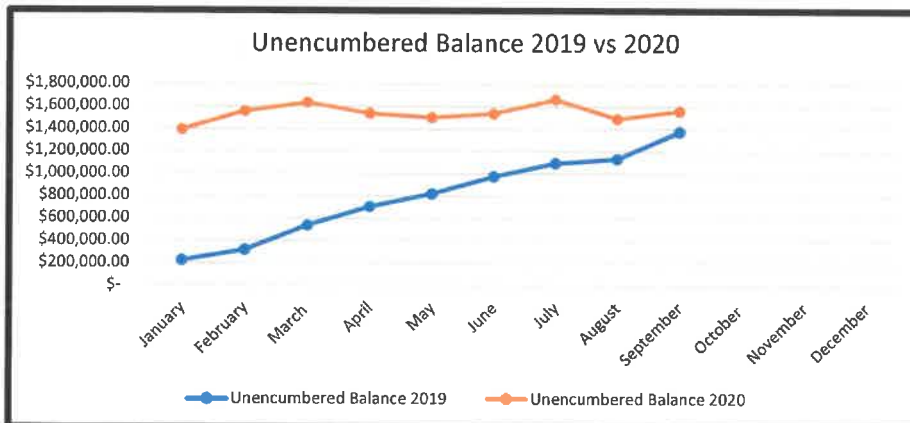


WATER FUND (510)

	2020 Actual Revenue	2020 Actual Expenditures	Over/(Under) Revenue
January	\$ 290,958.31	\$ 346,683.45	\$ (55,725.14)
February	\$ 297,006.42	\$ 244,132.48	\$ 52,873.94
March	\$ 311,073.57	\$ 226,488.04	\$ 84,585.53
April	\$ 296,745.87	\$ 464,210.27	\$ (167,464.40)
May	\$ 288,389.46	\$ 204,056.93	\$ 84,332.53
June	\$ 305,811.00	\$ 235,933.24	\$ 69,877.76
July	\$ 337,329.93	\$ 235,553.99	\$ 101,775.94
August	\$ 368,165.20	\$ 572,350.38	\$ (204,185.18)
September	\$ 380,542.08	\$ 232,539.42	\$ 148,002.66
October			
November			
December			
	\$ 2,876,021.84	\$ 2,761,948.20	\$ 114,073.64

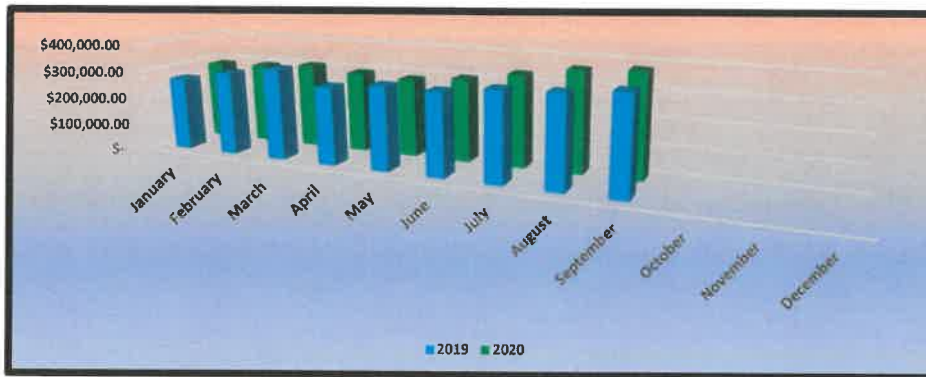


	Unencumbered Balance 2019	2020	Difference
January	\$ 224,847.12	\$ 1,395,416.45	\$ 1,170,569.33
February	\$ 318,525.40	\$ 1,558,886.11	\$ 1,240,360.71
March	\$ 536,289.74	\$ 1,637,031.55	\$ 1,100,741.81
April	\$ 704,608.58	\$ 1,539,576.09	\$ 834,967.51
May	\$ 821,259.17	\$ 1,503,363.53	\$ 682,104.36
June	\$ 976,771.53	\$ 1,538,219.39	\$ 561,447.86
July	\$ 1,096,978.76	\$ 1,666,196.69	\$ 569,217.93
August	\$ 1,135,273.22	\$ 1,492,774.45	\$ 357,501.23
September	\$ 1,378,591.81	\$ 1,563,990.01	\$ 185,398.20
October			
November			
December			



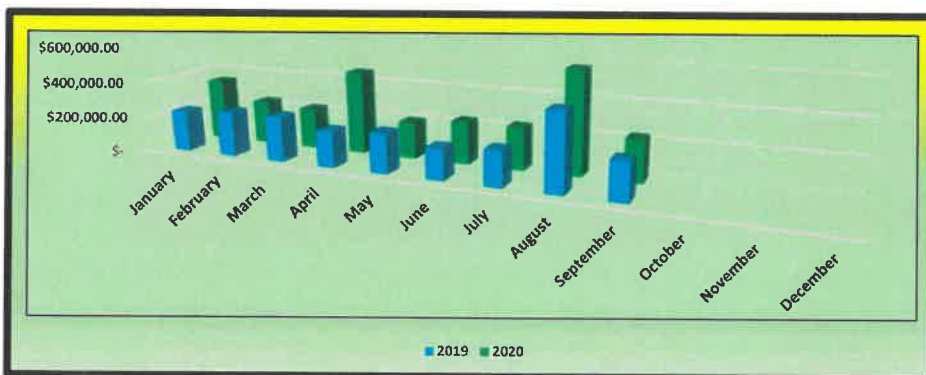
WATER FUND (510) REVENUE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 267,898.89	\$ 290,958.31	\$ 23,059.42	8.61%
February	\$ 304,788.69	\$ 297,006.42	\$ (7,782.27)	-2.55%
March	\$ 334,573.82	\$ 311,073.57	\$ (23,500.25)	-7.02%
April	\$ 284,383.58	\$ 296,745.87	\$ 12,362.29	4.35%
May	\$ 304,966.42	\$ 288,389.46	\$ (16,576.96)	-5.44%
June	\$ 302,196.74	\$ 305,811.00	\$ 3,614.26	1.20%
July	\$ 325,369.80	\$ 337,329.93	\$ 11,960.13	3.68%
August	\$ 332,116.66	\$ 368,165.20	\$ 36,048.54	10.85%
September	\$ 351,374.59	\$ 380,542.08	\$ 29,167.49	8.30%
October				
November				
December				
TOTAL	\$ 2,807,669.19	\$ 2,876,021.84	\$ 68,352.65	2.43%



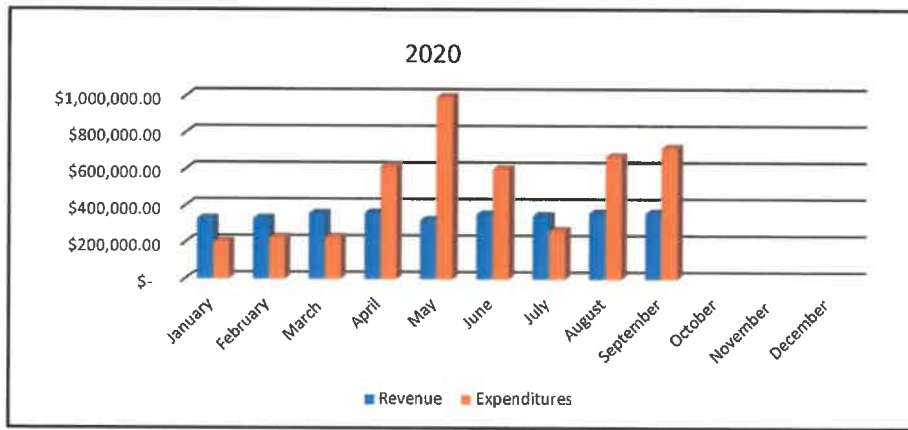
WATER FUND (510) EXPENDITURE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 228,842.16	\$ 346,683.45	\$ 117,841.29	51.49%
February	\$ 249,310.41	\$ 244,132.48	\$ (5,177.93)	-2.08%
March	\$ 252,513.45	\$ 226,488.04	\$ (26,025.41)	-10.31%
April	\$ 201,921.54	\$ 464,210.27	\$ 262,288.73	129.90%
May	\$ 222,282.24	\$ 204,056.93	\$ (18,225.31)	-8.20%
June	\$ 172,164.86	\$ 235,933.24	\$ 63,768.38	37.04%
July	\$ 195,009.40	\$ 235,553.99	\$ 40,544.59	20.79%
August	\$ 426,771.64	\$ 572,350.38	\$ 145,578.74	34.11%
September	\$ 209,642.12	\$ 232,539.42	\$ 22,897.30	10.92%
October				
November				
December				
TOTAL	\$ 2,158,457.82	\$ 2,761,948.20	\$ 603,490.38	27.96%

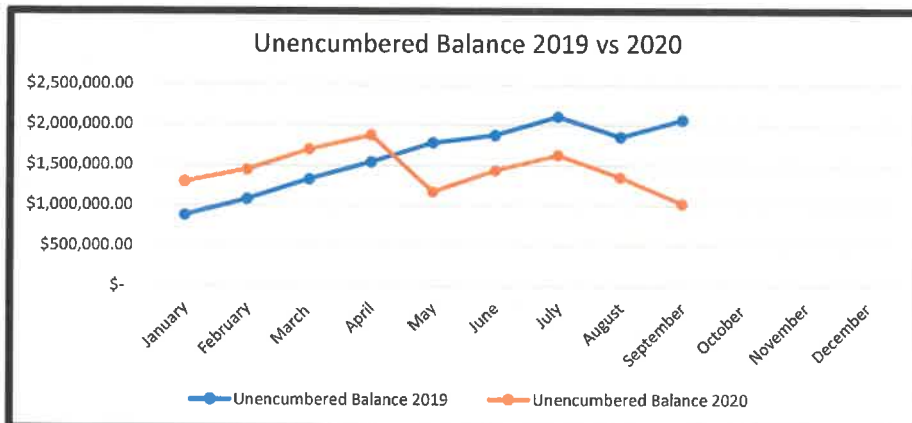


WASTEWATER FUND 520

	2020 Actual		2020 Actual	Over/(Under) Revenue	
	Revenue		Expenditures		
January	\$ 330,919.06	\$	206,239.06	\$	124,680.00
February	\$ 331,406.68	\$	228,483.78	\$	102,922.90
March	\$ 359,047.22	\$	229,463.42	\$	129,583.80
April	\$ 363,232.49	\$	618,870.03	\$	(255,637.54)
May	\$ 323,103.82	\$	998,092.52	\$	(674,988.70)
June	\$ 354,095.20	\$	603,757.37	\$	(249,662.17)
July	\$ 347,883.77	\$	267,392.53	\$	80,491.24
August	\$ 362,183.13	\$	671,347.61	\$	(309,164.48)
September	\$ 361,711.32	\$	718,461.24	\$	(356,749.92)
October					
November					
December					
	\$ 3,133,582.69	\$	4,542,107.56	\$	(1,408,524.87)

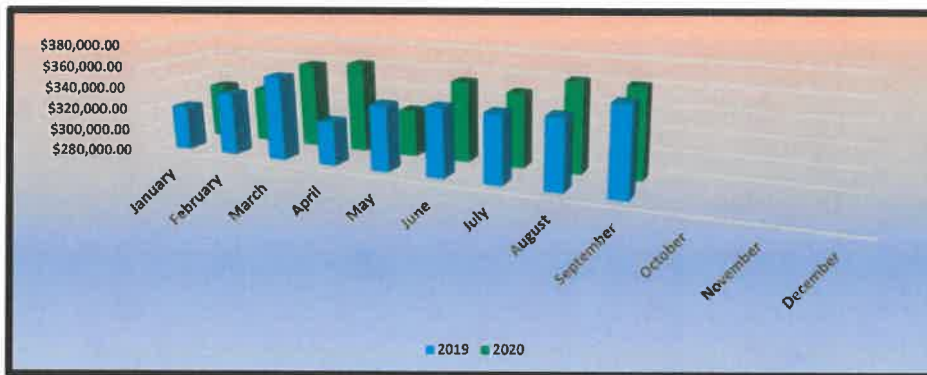


	Unencumbered Balance			Difference
	2019	2020		
January	\$ 886,341.35	\$ 1,298,112.16	\$	411,770.81
February	\$ 1,083,733.64	\$ 1,448,292.49	\$	364,558.85
March	\$ 1,329,841.84	\$ 1,700,910.28	\$	371,068.44
April	\$ 1,544,312.21	\$ 1,879,053.73	\$	334,741.52
May	\$ 1,784,397.32	\$ 1,173,532.23	\$	(610,865.09)
June	\$ 1,875,299.90	\$ 1,438,091.69	\$	(437,208.21)
July	\$ 2,106,036.32	\$ 1,628,738.20	\$	(477,298.12)
August	\$ 1,853,821.18	\$ 1,350,944.61	\$	(502,876.57)
September	\$ 2,065,192.12	\$ 1,022,998.00	\$	(1,042,194.12)
October				
November				
December				



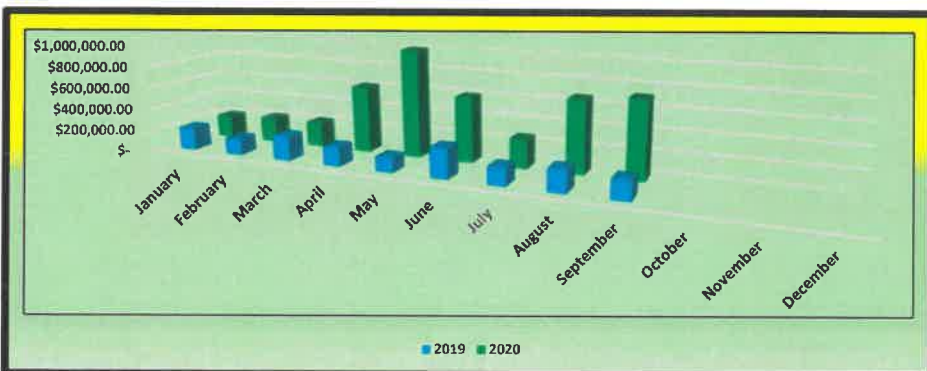
WASTEWATER FUND (520) REVENUE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 320,842.90	\$ 330,919.06	\$ 10,076.16	3.14%
February	\$ 337,536.72	\$ 331,406.68	\$ (6,130.04)	-1.82%
March	\$ 356,881.39	\$ 359,047.22	\$ 2,165.83	0.61%
April	\$ 319,906.58	\$ 363,232.49	\$ 43,325.91	13.54%
May	\$ 339,586.92	\$ 323,103.82	\$ (16,483.10)	-4.85%
June	\$ 342,154.46	\$ 354,095.20	\$ 11,940.74	3.49%
July	\$ 341,594.35	\$ 347,883.77	\$ 6,289.42	1.84%
August	\$ 343,468.64	\$ 362,183.13	\$ 18,714.49	5.45%
September	\$ 358,488.88	\$ 361,711.32	\$ 3,222.44	0.90%
October				
November				
December				
TOTAL	\$ 3,060,460.84	\$ 3,133,582.69	\$ 73,121.85	2.39%



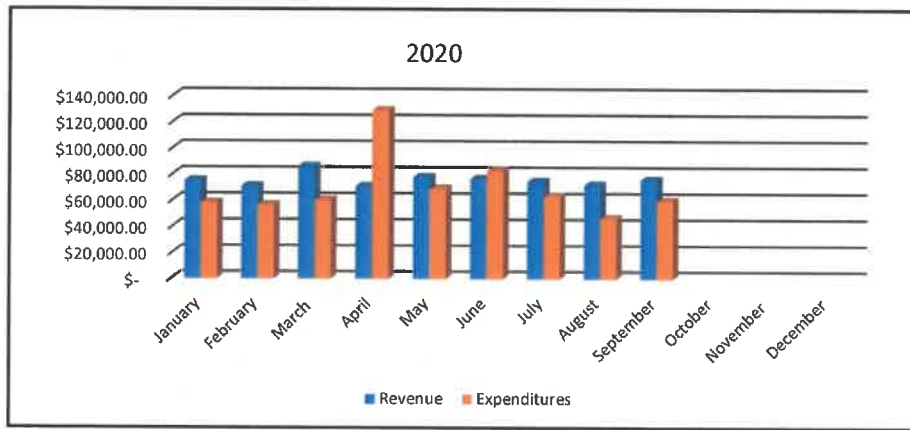
WASTEWATER FUND (520) EXPENDITURE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 207,905.27	\$ 206,239.06	\$ (1,666.21)	-0.80%
February	\$ 152,478.07	\$ 228,483.78	\$ 76,005.71	49.85%
March	\$ 226,755.41	\$ 229,463.42	\$ 2,708.01	1.19%
April	\$ 176,703.38	\$ 618,870.03	\$ 442,166.65	250.23%
May	\$ 135,978.97	\$ 998,092.52	\$ 862,113.55	634.01%
June	\$ 276,007.69	\$ 603,757.37	\$ 327,749.68	118.75%
July	\$ 162,015.76	\$ 267,392.53	\$ 105,376.77	65.04%
August	\$ 204,698.12	\$ 671,347.61	\$ 466,649.49	227.97%
September	\$ 176,560.58	\$ 718,461.24	\$ 541,900.66	306.92%
October				
November				
December				
TOTAL	\$ 1,719,103.25	\$ 4,542,107.56	\$ 2,823,004.31	164.21%

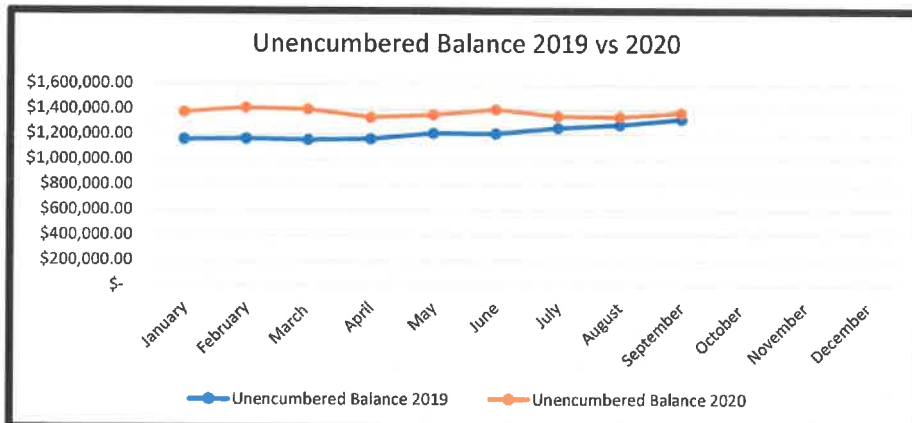


SANITATION FUND 560

	2020 Actual		2020 Actual		
	Revenue		Expenditures		Over/(Under) Revenue
January	\$	75,421.52	\$	58,513.14	\$ 16,908.38
February	\$	71,075.06	\$	56,733.25	\$ 14,341.81
March	\$	86,293.91	\$	60,445.31	\$ 25,848.60
April	\$	71,015.32	\$	129,197.60	\$ (58,182.28)
May	\$	78,070.40	\$	69,174.40	\$ 8,896.00
June	\$	76,831.51	\$	82,844.50	\$ (6,012.99)
July	\$	74,764.19	\$	63,294.10	\$ 11,470.09
August	\$	72,125.66	\$	46,564.49	\$ 25,561.17
September	\$	76,130.17	\$	59,908.41	\$ 16,221.76
October					
November					
December					
	\$	681,727.74	\$	626,675.20	\$ 55,052.54

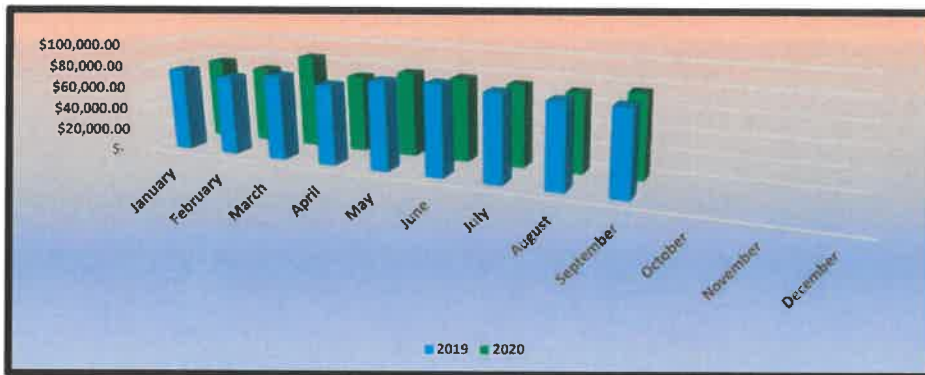


	Unencumbered Balance		Difference	
	2019	2020		
January	\$ 1,165,254.16	\$ 1,383,527.81	\$	218,273.65
February	\$ 1,169,085.93	\$ 1,417,087.35	\$	248,001.42
March	\$ 1,160,806.74	\$ 1,404,426.02	\$	243,619.28
April	\$ 1,168,263.14	\$ 1,341,180.47	\$	172,917.33
May	\$ 1,213,994.88	\$ 1,362,426.47	\$	148,431.59
June	\$ 1,211,255.40	\$ 1,402,689.62	\$	191,434.22
July	\$ 1,257,707.37	\$ 1,349,830.09	\$	92,122.72
August	\$ 1,282,765.48	\$ 1,347,117.46	\$	64,351.98
September	\$ 1,328,523.37	\$ 1,379,349.54	\$	50,826.17
October				
November				
December				



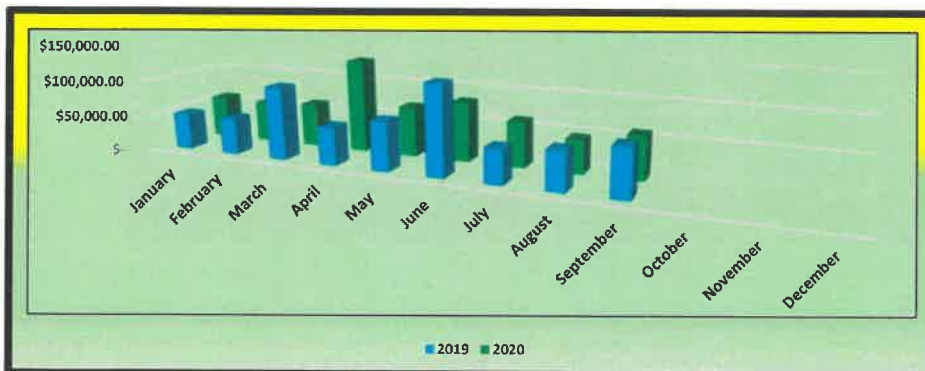
SANITATION FUND (560) REVENUE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 75,910.21	\$ 75,421.52	\$ (488.69)	-0.64%
February	\$ 72,584.47	\$ 71,075.06	\$ (1,509.41)	-2.08%
March	\$ 77,762.36	\$ 86,293.91	\$ 8,531.55	10.97%
April	\$ 72,910.08	\$ 71,015.32	\$ (1,894.76)	-2.60%
May	\$ 80,477.84	\$ 78,070.40	\$ (2,407.44)	-2.99%
June	\$ 82,130.55	\$ 76,831.51	\$ (5,299.04)	-6.45%
July	\$ 78,654.36	\$ 74,764.19	\$ (3,890.17)	-4.95%
August	\$ 75,985.94	\$ 72,125.66	\$ (3,860.28)	-5.08%
September	\$ 75,714.85	\$ 76,130.17	\$ 415.32	0.55%
October				
November				
December				
TOTAL	\$ 692,130.66	\$ 681,727.74	\$ (10,402.92)	-1.50%

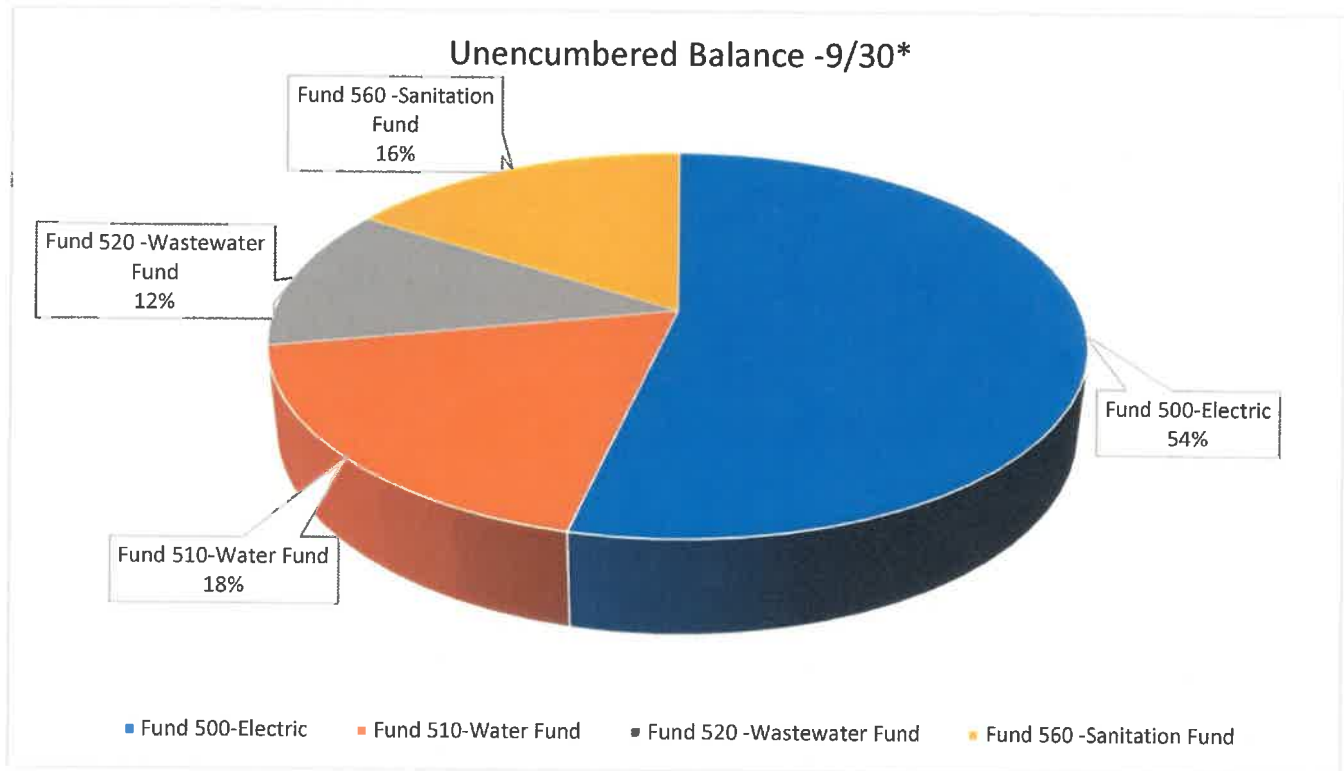


SANITATION FUND (560) EXPENDITURE COMPARISON 2019 VS. 2020

	2019	2020	Over/(Under)	Percent Change
January	\$ 50,241.85	\$ 58,513.14	\$ 8,271.29	16.46%
February	\$ 50,830.60	\$ 56,733.25	\$ 5,902.65	11.61%
March	\$ 101,057.08	\$ 60,445.31	\$ (40,611.77)	-40.19%
April	\$ 52,943.00	\$ 129,197.60	\$ 76,254.60	144.03%
May	\$ 68,195.97	\$ 69,174.40	\$ 978.43	1.43%
June	\$ 124,500.89	\$ 82,844.50	\$ (41,656.39)	-33.46%
July	\$ 47,758.07	\$ 63,294.10	\$ 15,536.03	32.53%
August	\$ 53,896.54	\$ 46,564.49	\$ (7,332.05)	-13.60%
September	\$ 66,782.97	\$ 59,908.41	\$ (6,874.56)	-10.29%
October				
November				
December				
TOTAL	\$ 616,206.97	\$ 626,675.20	\$ 10,468.23	1.70%



	Unencumbered Balance -9/30*	
Fund 500-Electric	\$	4,570,345.88
Fund 510-Water Fund	\$	1,563,990.01
Fund 520 -Wastewater Fund	\$	1,022,998.00
Fund 560 -Sanitation Fund	\$	1,379,349.54
TOTAL	\$	8,536,683.43



*** Does not include unencumbered balances of other Funds associated with the Major Funds**

	PAYROLL SEPTEMBER 25, 2020					
	<u>Current Pay</u>	<u>Current Pay</u>	<u>Current Pay</u>	<u>YTD</u>	<u>YTD</u>	<u>YTD</u>
<u>Department</u>	<u>Regular</u>	<u>Overtime</u>	<u>Gross Pay</u>	<u>Regular</u>	<u>Overtime</u>	<u>Gross Pay</u>
City Council/Legislative	\$3,064.39	\$0.00	\$3,064.39	\$27,054.13	\$0.00	\$27,054.13
Mayor/Executive	\$576.86	\$0.00	\$576.86	\$11,537.20	\$0.00	\$11,537.20
City Manager/Administration	\$9,395.34	\$0.00	\$9,395.34	\$187,049.76	\$165.75	\$187,215.51
Human Resource	\$2,701.64	\$0.00	\$2,701.64	\$54,032.78	\$0.00	\$54,032.78
Law Director/Administration	\$6,353.76	\$0.00	\$6,353.76	\$134,263.07	\$0.00	\$134,263.07
Finance/Administration	\$8,165.15	\$0.00	\$8,165.15	\$209,867.92	\$72.36	\$209,940.28
Finance/Income Tax Department	\$3,259.21	\$0.00	\$3,259.21	\$65,172.53	\$152.19	\$65,324.72
Finance/Utility Billing Collection	\$3,785.00	\$0.00	\$3,785.00	\$75,368.03	\$145.20	\$75,513.23
Management Information System	\$4,158.56	\$0.00	\$4,158.56	\$81,690.52	\$467.87	\$82,158.39
Engineering/City Engineer	\$6,316.22	\$637.65	\$6,953.87	\$141,055.57	\$3,929.26	\$144,984.83
Municipal Court/Judicial	\$15,273.68	\$0.00	\$15,273.68	\$303,666.97	\$0.00	\$303,666.97
Police Safety Services	\$49,653.57	\$2,178.33	\$51,831.90	\$951,330.18	\$32,237.29	\$983,567.47
Fire/Safety Services	\$36,449.69	\$629.18	\$37,078.87	\$604,657.23	\$7,117.07	\$611,774.30
Parks/Administration	\$3,242.32	\$0.00	\$3,242.32	\$64,083.89	\$0.00	\$64,083.89
Recreation/Golf Operating	\$6,208.54	\$0.00	\$6,208.54	\$93,486.86	\$161.39	\$93,648.25
New Pool Operating	\$0.00	\$0.00	\$0.00	\$8,453.89	\$0.00	\$8,453.89
Recreation/Pool Operating	\$0.00	\$0.00	\$0.00	\$1,495.38	\$0.00	\$1,495.38
Recreation/ Programs	\$6,931.05	\$617.25	\$7,548.30	\$130,984.11	\$7,063.78	\$138,047.89
Cemetery/Grounds	\$2,652.15	\$0.00	\$2,652.15	\$60,771.39	\$474.43	\$61,245.82
Streets Maintenance	\$5,913.18	\$0.00	\$5,913.18	\$108,782.85	\$585.72	\$109,368.57
Ice & Snow Removal	\$0.00	\$0.00	\$0.00	\$6,608.61	\$4,728.72	\$11,337.33
Service Storm	\$320.76	\$0.00	\$320.76	\$3,328.47	\$0.00	\$3,328.47
Service/Buildings, Properties	\$2,283.50	\$0.00	\$2,283.50	\$46,101.21	\$94.38	\$46,195.59
Service/Central Garage	\$4,675.32	\$658.92	\$5,334.24	\$88,419.71	\$3,266.00	\$91,685.71
Electric/Distribution	\$33,395.33	\$862.61	\$34,257.94	\$823,035.44	\$25,111.29	\$848,146.73
Water Treatment Plant	\$14,557.69	\$0.00	\$14,557.69	\$286,129.20	\$1,060.51	\$287,189.71
Water Distribution System	\$11,812.30	\$442.31	\$12,254.61	\$247,504.91	\$4,038.74	\$251,543.65
Sewer WWT Plant Operations	\$14,375.30	\$251.11	\$14,626.41	\$288,274.10	\$5,660.08	\$293,934.18
Sewer (WWT) Collection System	\$1,964.21	\$0.00	\$1,964.21	\$39,240.97	\$0.00	\$39,240.97
Sewer Cleaning & Improvement	\$4,354.17	\$0.00	\$4,354.17	\$88,848.07	\$934.52	\$89,782.59
Sanitation Collection & Disposal	\$5,167.91	\$0.00	\$5,167.91	\$102,725.38	\$576.79	\$103,302.17
Sanitation Special Refuse Service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sanitation Recycling Programs	\$3,294.37	\$169.29	\$3,463.66	\$62,881.16	\$747.08	\$63,628.24
TOTAL GROSS PAY	\$270,301.17	\$6,446.65	\$276,747.82	\$5,397,901.49	\$98,790.42	\$5,496,691.91
TOTAL GROSS PAY 9-27-19	\$259,830.54	\$6,155.35	\$265,985.89	\$5,148,835.72	\$176,720.01	\$5,325,555.73

	PAYROLL October 9, 2020					
	<u>Current Pay</u>	<u>Current Pay</u>	<u>Current Pay</u>		<u>YTD</u>	<u>YTD</u>
<u>Department</u>	<u>Regular</u>	<u>Overtime</u>	<u>Gross Pay</u>		<u>Regular</u>	<u>Overtime</u>
City Council/Legislative	\$0.00	\$0.00	\$0.00		\$27,054.13	\$0.00
Mayor/Executive	\$576.86	\$0.00	\$576.86		\$12,114.06	\$0.00
City Manager/Administration	\$9,485.26	\$0.00	\$9,485.26		\$196,535.02	\$165.75
Human Resource	\$2,701.64	\$0.00	\$2,701.64		\$56,734.42	\$0.00
Law Director/Administration	\$6,353.76	\$0.00	\$6,353.76		\$140,616.83	\$0.00
Finance/Administration	\$8,165.16	\$0.00	\$8,165.16		\$218,033.08	\$72.36
Finance/Income Tax Department	\$3,259.20	\$0.00	\$3,259.20		\$68,431.73	\$152.19
Finance/Utility Billing Collection	\$3,759.00	\$0.00	\$3,759.00		\$79,127.03	\$145.20
Management Information System	\$4,236.56	\$0.00	\$4,236.56		\$85,927.08	\$467.87
Engineering/City Engineer	\$6,316.22	\$1,937.48	\$8,253.70		\$147,371.79	\$5,866.74
Municipal Court/Judicial	\$14,017.28	\$0.00	\$14,017.28		\$317,684.25	\$0.00
Police Safety Services	\$46,981.92	\$1,726.42	\$48,708.34		\$998,312.10	\$33,963.71
Fire/Safety Services	\$31,947.58	\$1,339.02	\$33,286.60		\$636,604.81	\$8,456.09
Parks/Administration	\$3,242.31	\$0.00	\$3,242.31		\$67,326.20	\$0.00
Recreation/Golf Operating	\$5,892.51	\$0.00	\$5,892.51		\$99,379.37	\$161.39
New Pool Operating	\$0.00	\$0.00	\$0.00		\$8,453.89	\$0.00
Recreation/Pool Operating	\$0.00	\$0.00	\$0.00		\$1,495.38	\$0.00
Recreation/ Programs	\$6,410.86	\$715.92	\$7,126.78		\$137,394.97	\$7,779.70
Cemetery/Grounds	\$1,999.85	\$0.00	\$1,999.85		\$62,771.24	\$474.43
Streets Maintenance	\$5,555.92	\$0.00	\$5,555.92		\$114,338.77	\$585.72
Ice & Snow Removal	\$0.00	\$0.00	\$0.00		\$6,608.61	\$4,728.72
Service Storm	\$0.00	\$0.00	\$0.00		\$3,328.47	\$0.00
Service/Buildings, Properties	\$2,386.66	\$0.00	\$2,386.66		\$48,487.87	\$94.38
Service/Central Garage	\$4,563.80	\$77.86	\$4,641.66		\$92,983.51	\$3,343.86
Electric/Distribution	\$33,332.24	\$726.05	\$34,058.29		\$856,367.68	\$25,837.34
Water Treatment Plant	\$14,521.55	\$0.00	\$14,521.55		\$300,650.75	\$1,060.51
Water Distribution System	\$11,952.97	\$572.77	\$12,525.74		\$259,457.88	\$4,611.51
Sewer WWT Plant Operations	\$14,981.67	\$132.03	\$15,113.70		\$303,255.77	\$5,792.11
Sewer (WWT) Collection System	\$1,982.21	\$0.00	\$1,982.21		\$41,223.18	\$0.00
Sewer Cleaning & Improvement	\$4,939.17	\$338.46	\$5,277.63		\$93,787.24	\$1,272.98
Sanitation Collection & Disposal	\$5,262.48	\$0.00	\$5,262.48		\$107,987.86	\$576.79
Sanitation Special Refuse Service	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
Sanitation Recycling Programs	\$2,423.97	\$0.00	\$2,423.97		\$65,305.13	\$747.08
TOTAL GROSS PAY	\$257,248.61	\$7,566.01	\$264,814.62		\$5,655,150.10	\$106,356.43
TOTAL GROSS PAY	\$256,485.78	\$7,318.67	\$263,804.45		\$5,405,321.50	\$184,038.68

Account	Name	Total KWH	Code	Amount	KWH	Unm KWH	Days
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PERIOD ENDING:

** Grand Totals Ct 6024

Code	Tax	KWH	Unmeter KWH	Total KWH
CITY!T1	21,893.12	4,675,663	32,510	4,708,173
CITY!T2	6,388.68	1,504,269	20,491	1,524,760
CITY!T3	20,636.32	5,684,939	0	5,684,939
CITY TOTAL	48,918.12	11,864,871	53,001	11,917,872
CITY OFFSET	0.00			
CITY NONOFFSET	48,918.12			
OHIO!S1	6,893.44	1,476,346	6,364	1,482,710
OHIO!S2	1,274.43	304,169	0	304,169
OHIO!S3	1,989.89	548,180	0	548,180
OHIO TOTAL	10,157.76	2,328,695	6,364	2,335,059
OHIO OFFSET	0.00			
OHIO NONOFFSET	10,157.76			

<- Inside City Tax

<- Outside City Tax

TAX TOTAL	59,075.88
OFFSET TOTAL	0.00
NONOFFSET TOTAL	59,075.88
TOTAL METERED	14,193,566
TOTAL UNMETERED	59,365
TOTAL KWH TAXED	14,252,931

SEPTEMBER 2020
RG200541

CITY OF NAPOLEON, OHIO 912000063

STATE KWH FILING VIA OHIO GATEWAY (ROUNDED)

1,482,710 X \$0.00465 / kWH = \$ 6,895

304,169 X \$0.00419 / kWH = \$ 1,274

548,180 X \$0.00363 / kWH = \$ 1,990

\$ 10,159
 =====

(a) Computed and paid is higher than kWh tax listed on the printed report.

Inside City Tax – Tax on kWh

500-9900-59480 Transfer – to 180 kWh (GF) Tax Fund \$ 48,918.12

Outside City Tax – Tax on kWh (Sent to State of Ohio)

500-6110-56200 kWh Tax – Treasurer of State \$ 10,159.00

(State Total Rounded to Nearest Whole Dollar)

CITY OF NAPOLEON
INCOME TAX RECEIPT SUMMARY
30 SEP 2020

	2016 Year-to-date	2017 Year-to-date	2018 Year-to-date	2019 Year-to-date	2020 Month-to-date	2020 Year-to-date	2020 vs 2019 Year change	2020 vs 2019 Year percent
July								
Resident	542,093.97	534,180.25	493,700.24	515,010.32	177,409.57	485,423.52	-29,586.80	-5.7
Business	530,416.02	417,331.61	234,385.81	244,197.32	56,269.38	220,441.29	-23,756.03	-9.7
Withholding	2,293,888.12	1,990,856.33	1,944,006.85	2,004,933.98	352,148.73	2,141,378.88	136,444.90	6.8
	3,366,398.11	2,942,368.19	2,672,092.90	2,764,141.62	585,827.68	2,847,243.69	83,102.07	3.0
August								
Resident	563,614.19	560,308.24	524,970.72	544,327.92	23,604.34	509,027.86	-35,300.06	-6.4
Business	538,272.02	425,186.55	266,966.30	256,324.38	16,470.25	236,911.54	-19,412.84	-7.5
Withholding	2,456,579.02	2,163,943.87	2,203,850.44	2,278,705.90	274,018.90	2,415,397.78	136,691.88	5.9
	3,558,465.23	3,149,438.66	2,995,787.46	3,079,358.20	314,093.49	3,161,337.18	81,978.98	2.6
September								
Resident	615,332.90	608,012.27	572,107.67	611,502.93	54,364.65	563,392.51	-48,110.42	-7.8
Business	663,684.10	555,301.09	316,044.74	315,106.28	32,674.82	269,586.36	-45,519.92	-14.4
Withholding	2,637,900.15	2,349,275.27	2,432,508.73	2,555,117.22	278,290.10	2,693,687.88	138,570.66	5.4
	3,916,917.15	3,512,588.63	3,320,661.14	3,481,726.43	365,329.57	3,526,666.75	44,940.32	1.2
October								
Resident	662,688.58	641,153.11	607,968.87	643,243.99		563,392.51	-79,851.48	-12.4
Business	671,197.91	567,571.63	325,084.95	323,227.37		269,586.36	-53,641.01	-16.5
Withholding	3,051,625.01	2,725,115.89	2,733,373.60	2,834,388.37		2,693,687.88	-140,700.49	-4.9
	4,385,511.50	3,933,840.63	3,666,427.42	3,800,859.73	0.00	3,526,666.75	-274,192.98	-7.2
November								
Resident	683,216.50	678,248.63	627,834.42	673,939.50		563,392.51	-110,546.99	-16.4
Business	673,915.18	571,030.78	337,301.17	386,673.65		269,586.36	-117,087.29	-30.2
Withholding	3,229,196.45	2,957,604.98	3,012,096.94	3,128,637.37		2,693,687.88	-434,949.49	-13.9
	4,586,328.13	4,206,884.39	3,977,232.53	4,189,250.52	0.00	3,526,666.75	-662,583.77	-15.8
December								
Resident	726,443.17	727,043.20	667,356.50	718,151.74		563,392.51	-154,759.23	-21.5
Business	807,937.69	727,124.68	390,875.33	460,411.09		269,586.36	-190,824.73	-41.4
Withholding	3,372,316.95	3,162,577.79	3,242,456.59	3,337,831.65		2,693,687.88	-644,143.77	-19.2
	4,906,697.81	4,616,745.67	4,300,688.42	4,516,394.48	0.00	3,526,666.75	-989,727.73	-21.9

CITY OF NAPOLEON
INCOME TAX RECEIPT SUMMARY
30 SEP 2020

	2016 Year-to-date	2017 Year-to-date	2018 Year-to-date	2019 Year-to-date	2020 Month-to-date	2020 Year-to-date	2020 vs 2019 Year change	2020 vs 2019 Year percent
January								
Resident	31,601.64	39,127.65	25,821.11	38,911.67	49,175.52	49,175.52	10,263.85	26.3
Business	132,701.91	4,782.00	22,878.31	18,615.00	31,005.54	31,005.54	12,390.54	66.5
Withholding	425,215.62	427,792.03	400,965.53	346,292.37	453,329.34	453,329.34	107,036.97	30.9
	589,519.17	471,701.68	449,664.95	403,819.04	533,510.40	533,510.40	129,691.36	32.1
February								
Resident	93,834.93	85,094.51	61,539.97	72,896.83	41,985.77	91,161.29	18,264.46	25.0
Business	149,498.00	29,952.97	33,045.16	30,748.08	12,977.12	43,982.66	13,234.58	43.0
Withholding	897,731.18	634,610.69	619,339.34	626,872.32	296,908.73	750,238.07	123,365.75	19.6
	1,141,064.11	749,658.17	713,924.47	730,517.23	351,871.62	885,382.02	154,864.79	21.1
March								
Resident	189,314.61	156,746.30	127,618.59	157,355.44	50,668.73	141,830.02	-15,525.42	-9.8
Business	210,878.50	88,932.65	85,689.97	67,157.79	24,204.83	68,187.49	1,029.70	1.5
Withholding	1,118,092.49	815,570.95	852,505.34	828,109.17	198,676.32	948,914.39	120,805.22	14.5
	1,518,285.60	1,061,249.90	1,065,813.90	1,052,622.40	273,549.88	1,158,931.90	106,309.50	10.0
April								
Resident	436,276.42	419,563.59	393,245.89	411,734.51	64,583.61	206,413.63	-205,320.88	-49.8
Business	359,253.96	271,055.38	178,928.95	173,320.89	29,080.11	97,267.60	-76,053.29	-43.8
Withholding	1,493,145.76	1,182,283.32	1,161,734.13	1,162,277.47	370,462.92	1,319,377.31	157,099.84	13.5
	2,288,676.14	1,872,902.29	1,733,908.97	1,747,332.87	464,126.64	1,623,058.54	-124,274.33	-7.1
May								
Resident	470,363.26	456,542.65	421,073.86	445,117.66	41,499.00	247,912.63	-197,205.03	-44.3
Business	372,583.46	277,806.11	180,319.04	187,380.10	19,564.14	116,831.74	-70,548.36	-37.6
Withholding	1,689,857.28	1,389,824.95	1,394,867.98	1,422,929.08	231,611.79	1,550,989.10	128,060.02	8.9
	2,532,804.00	2,124,173.71	1,996,260.88	2,055,426.84	292,674.93	1,915,733.47	-139,693.37	-6.7
June								
Resident	518,196.47	512,653.31	470,668.68	492,892.92	60,101.32	308,013.95	-184,878.97	-37.5
Business	417,286.61	406,534.65	216,804.28	231,324.16	47,340.17	164,171.91	-67,152.25	-29.0
Withholding	1,839,257.34	1,577,909.54	1,605,443.26	1,623,445.66	238,241.05	1,789,230.15	165,784.49	10.2
	2,774,740.42	2,497,097.50	2,292,916.22	2,347,662.74	345,682.54	2,261,416.01	-86,246.73	-3.6

2020 - FISCAL POSTING YEAR -> ===== SEPTEMBER =====					
FUND NO.	INTEREST ALLOCATION - BY FUND		BOOK	PERCENT (%)	TOTAL
	Ordinance 116-97, Passed 12/29/97		BALANCE	OF FUND	INTEREST
	FUND DESCRIPTION		BY FUND	BALANCE "+"	RECEIVED IN
	INTEREST EARNED FOR MONTH LISTED ->		1ST OF MONTH	GREATER > "0"	MONTH
					\$54,484.16
					\$297,003.00
					=====
FUNDS ALLOCATING INTEREST TO - 100 GENERAL FUND:					
100	General Fund		\$1,297,986.59	4.4673%	\$2,433.97
101	General Reserve Balance Fund		\$250,000.00	0.8604%	\$468.78
123	Special Events Fund		\$190.08	0.0007%	\$0.38
130	Economic Development Fund		\$18,230.00	0.0627%	\$34.16
147	Unclaimed Monies Fund		\$6,898.27	0.0237%	\$12.91
170	Municipal Income Tax Fund		\$12,771.37	0.0440%	\$23.97
180	KWH Tax Collection Fund		\$50,659.07	0.1744%	\$95.02
195	Law Library Fund		\$0.00	0.0000%	\$0.00
210	EMS Transport Service Fund		\$359,141.76	1.2361%	\$673.48
227	Napoleon Cemetery Trust Fund		\$69,222.52	0.2382%	\$129.78
240	Hotel/Motel (Lodge) Tax Fund		\$8,657.43	0.0298%	\$16.24
243	Fire Loss Claims Fund		\$76,000.00	0.2616%	\$142.53
261	CDBG Program Income Fund		\$93,975.40	0.3234%	\$176.20
277	Probation Officer Grant Fund		\$9,154.08	0.0315%	\$17.16
278	Court Special Projects Fund		\$247,509.23	0.8519%	\$464.15
279	Handicap Parking Fines Fund		\$1,100.00	0.0038%	\$2.07
280	Certified Police Training Fund		\$19,003.76	0.0654%	\$35.63
281	Indigent Drivers Interlock/Alcohol Rehab. Fund		\$64,401.12	0.2216%	\$120.74
287	Probation Improvement & Incentive Grant Fund		\$0.00	0.0000%	\$0.00
288	Justice Reinv. Incentive Grant Fund		\$18,544.28	0.0638%	\$34.76
290	Police Pension Fund		\$33,525.00	0.1154%	\$62.87
291	Fire Pension Fund		\$16,762.52	0.0577%	\$31.44
300	General Bond Retirement Fund		\$96,859.95	0.3334%	\$181.65
400	Capital Improvement Fund		\$1,137,710.35	3.9157%	\$2,133.44
401	Capital Improvement Funding Reserve Fund		\$72,436.90	0.2493%	\$135.83
410	Fire Facility Training Grant Fund		\$0.00	0.0000%	\$0.00
500	Electric Revenue Fund		\$5,031,555.10	17.3171%	\$9,435.08
580	Meter Deposit Fund		\$589,863.31	2.0301%	\$1,106.08
600	Central Garage Rotary Fund		\$39,358.34	0.1355%	\$73.83
	Sub Total - Funds - Interest to 100 General Fd.		\$9,621,516.43	33.1145%	\$18,042.15
					\$95,911.96
ALLOCATING INTEREST DIRECTLY TO FUNDS AS LISTED:					
200	Street (SCM&R) Fund		\$502,739.32	1.7303%	\$942.74
201	State Highway Fund		\$31,016.20	0.1067%	\$58.13
202	Municipal (50%) MV License Tax Fund		\$89,064.83	0.3065%	\$166.99
203	Municipal(100%) MV License Tax Fund		\$222,989.51	0.7675%	\$418.17
204	County MV License Tax Permissive Tax Fund		\$47,114.26	0.1622%	\$88.37
220	Recreation Fund		\$447,642.41	1.5407%	\$839.44
221	Napoleon Aquatic Center		\$3,394,538.30	11.6830%	\$6,365.38
224	Shelter House Facility Repair		\$1,092.91	0.0038%	\$2.07
242	Fire Equipment Fund		\$519,285.34	1.7872%	\$973.74
250	Local Coronavirus Relief Fund		\$203,776.48	0.7013%	\$382.10
270	Indigent Drivers Alcohol Treatment Fund		\$82,664.77	0.2845%	\$155.01
271	Law Enforcement & Education Fund		\$3,593.24	0.0124%	\$6.76
272	Court Computerization Fund		\$156,046.63	0.5371%	\$292.63
273	Law Enforcement Trust Fund		\$1,164.92	0.0040%	\$2.18
274	Mandatory Drug Fine Fund		\$18,507.03	0.0637%	\$34.71
275	Municipal Probation Service Fund		\$140,319.03	0.4829%	\$263.10
310	SA Bond Retirement Fund		\$614,072.92	2.1135%	\$1,151.52
503	Electric Development Fund		\$3,602,768.52	12.3997%	\$6,755.87
510	Water Revenue Fund		\$1,860,935.71	6.4048%	\$3,489.60
511	Water Depreciation and Reserve Fund		\$826,338.27	2.8440%	\$1,549.53
512	Water Debt Reserve Fund		\$313,347.27	1.0784%	\$587.56
513	Water OWDA Bond Retirement Fund		\$49,940.07	0.1719%	\$93.66
519	Water Plant Improvement & Renovation Fund		\$81,195.24	0.2795%	\$152.28
520	Sewer (WWT) Revenue Fund		\$1,693,107.58	5.8272%	\$3,174.90
521	Sewer (WWT) Depreciation and Reserve Fund		\$2,316,208.07	7.9717%	\$4,343.31
522	Sewer (WWT) Debt Reserve Fund		\$297,952.28	1.0255%	\$558.74
523	OWDA SA Debt Retirement Fund		\$144,282.51	0.4966%	\$270.57
532	OWDA SA Debt Retirement Fund		\$67,440.42	0.2321%	\$126.46
560	Sanitation (Refuse) Revenue Fund		\$1,518,677.16	5.2268%	\$2,847.78
561	Sanitation (Refuse) Depreciation and Reserve Fund		\$186,004.54	0.6402%	\$348.71
	Sub Total - Funds - Interest Credited to Listed Funds		\$19,433,825.74	66.8857%	\$36,442.01
					\$201,091.04
	NET TOTAL - ALL INCLUDED FUNDS		\$29,055,342.17	100.0002%	\$54,484.16
					\$297,003.00
					=====
	FUND BALANCE > "0"		\$29,055,342.17		
	FUND BALANCE < "0"		\$0.00		
FUNDS EXCLUDED FROM INTEREST ALLOCATION:					
276	Law Enforcement OT Grant Fund		\$0.00		
295	IRS 125 Employee Benefits Fund		\$3,363.39		
	NET TOTAL - ALL EXCLUDED FUNDS		\$3,363.39		
					=====
	GRAND TOTAL - ALL FUNDS		\$29,058,705.56		
					=====

For the Account of: *CITY OF NAPOLEON*

Account Number: *56 00 0069 0 00*

Date: *SEPTEMBER 30, 2020*



WE ENCOURAGE YOU TO REVIEW THIS STATEMENT WITH THE STATEMENT YOU RECEIVE FROM THE QUALIFIED CUSTODIAN. ADVISORY SERVICES PROVIDED BY MEEDER PUBLIC FUNDS, REGISTERED INVESTMENT ADVISER.

KELLY O'BOYLE
CITY OF NAPOLEON
P.O. BOX 151
NAPOLEON OH 43545

For the Account of: *CITY OF NAPOLEON*

Account Number: 56 00 0069 0 00

Date: SEPTEMBER 1, 2020 – SEPTEMBER 30, 2020



Portfolio Assets Detail

CASH AND EQUIVALENTS

Description	Shares	Date Acquired	Total Cost	Current Share Price	Current Mkt Value	% of Portfolio	Unrealized Gain/Loss	Est. Ann Income	Yield at Cost
CASH AND EQUIVALENTS									
PAIXX – PNC ADVANTAGE TREASURY OBLIGATIONS (999839244)	147.63	09/30/2020	147.63	1.000	147.63	.00	.00	2.10	1.42
STAR OHIO (00001CASH)	7,995,198.12	09/30/2020	7,995,198.12	1.000	7,995,198.12	31.91	.00	15,990.40	0.20
TOIXX – FEDERATED TREASURY OBLIGATIONS FUND (60934N500)	835,023.41	09/30/2020	835,023.41	1.000	835,023.41	3.33	.00	83.50	0.01
TOTAL CASH AND EQUIVALENTS			8,830,369.16		8,830,369.16		.00	16,076.00	.18
TOTAL CASH AND EQUIVALENTS			8,830,369.16		8,830,369.16		.00	16,076.00	.18

SECURITIES

Description	Shares	Date Acquired	Total Cost	Current Share Price	Current Mkt Value	% of Portfolio	Unrealized Gain/Loss	Est. Ann Income	Yield at Cost
MATURITY (0–5 YRS)									
CIT BANK NA 1.85% 3/29/21 (12556LBH8)	247,000.00	09/25/2019	246,938.25	100.890	249,198.30	.99	2,260.05	4,569.50	1.87
BMO HARRIS 1.80% 3/30/21 (05581W2J3)	247,000.00	09/25/2019	246,708.54	100.869	249,146.43	.99	2,437.89	4,446.00	1.88
BANK CHAMPAIGN NA 0.70% 05/07/21 (06607ABU4)	248,000.00	04/28/2020	248,000.00	100.381	248,944.88	.99	944.88	1,736.00	0.70
CAP ONE, USA 2.25% 05/17/21 (1404202U3)	247,000.00	05/12/2017	247,000.00	101.377	250,401.19	1.00	3,401.19	5,557.50	2.25

For the Account of: **CITY OF NAPOLEON**



Account Number: 56 00 0069 0 00

Date: SEPTEMBER 1, 2020 – SEPTEMBER 30, 2020

Portfolio Assets Detail

SECURITIES

Description	Shares	Date Acquired	Total Cost	Current Share Price	Current Mkt Value	% of Portfolio	Unrealized Gain/Loss	Est. Ann Income	Yield at Cost
FARMERS & MERCHANTS BANK 0.41% 09/02/21 (00979CDAR)	743,000.00	09/03/2020	743,000.00	100.000	743,000.00	2.97	.00	3,046.30	0.41
BARCLAYS 2.15% 10/25/21 (06740KLH8)	247,000.00	10/17/2017	246,135.50	102.201	252,436.47	1.01	6,300.97	5,310.50	2.24
JOHN MARSHALL 0.30% 11/22/21 (47804GFJ7)	100,000.00	05/08/2020	99,975.00	100.235	100,235.00	.40	260.00	300.00	0.32
BANK OZK 0.55% 1/6/22 (06417NVR1)	249,000.00	04/28/2020	248,850.60	100.567	250,411.83	1.00	1,561.23	1,369.50	0.59
ALLY BANK 0.85% 3/14/22 (02007GMX8)	248,000.00	03/18/2020	245,341.44	101.074	250,663.52	1.00	5,322.08	2,108.00	1.40
PREFERRED BANK 0.35% 03/22/22 (740367LG0)	249,000.00	05/07/2020	248,937.75	100.349	249,869.01	1.00	931.26	871.50	0.36
LAKELAND BANK 1.10% 3/30/22 (511640BB9)	150,000.00	03/20/2020	149,850.00	101.604	152,406.00	.61	2,556.00	1,650.00	1.15
CELTIC BANK 1.05% 03/31/22 (15118RUP0)	100,000.00	03/18/2020	99,900.00	101.403	101,403.00	.40	1,503.00	1,050.00	1.10
INVESTORS BANK/SHORT HILLS 1.25% 04/01/22 (46176PMY8)	248,000.00	03/20/2020	247,690.00	101.703	252,223.44	1.01	4,533.44	3,100.00	1.31
ENCORE BANK 0.85% 4/29/22 (29260MBC8)	249,000.00	04/27/2020	249,000.00	101.155	251,875.95	1.01	2,875.95	2,116.50	0.85
MERRICK BANK 0.50% 05/16/22 (59013KHP4)	249,000.00	05/06/2020	248,813.25	100.613	250,526.37	1.00	1,713.12	1,245.00	0.54
AMEX BANK FSB 2.40% 05/17/22 (02587CEZ9)	247,000.00	05/12/2017	247,000.00	103.557	255,785.79	1.02	8,785.79	5,928.00	2.40

For the Account of: *CITY OF NAPOLEON*

Account Number: 56 00 0069 0 00

Date: SEPTEMBER 1, 2020 – SEPTEMBER 30, 2020



Portfolio Assets Detail

SECURITIES

Description	Shares	Date Acquired	Total Cost	Current Share Price	Current Mkt Value	% of Portfolio	Unrealized Gain/Loss	Est. Ann Income	Yield at Cost
AMEX CENT BK 2.40% 05/17/22 (02587DT32)	247,000.00	05/12/2017	247,000.00	103.557	255,785.79	1.02	8,785.79	5,928.00	2.40
PIONEER BANK 0.35% 5/19/22 (723605BV2)	244,000.00	05/08/2020	243,756.00	100.371	244,905.24	.98	1,149.24	854.00	0.40
SYNCHRONY 2.40% 05/19/22 (87165EL96)	247,000.00	05/12/2017	247,000.00	103.726	256,203.22	1.02	9,203.22	5,928.00	2.40
AMER NATL BK/FOX 0.40% 05/20/22 (02772JBT6)	249,000.00	05/07/2020	248,800.80	100.453	250,127.97	1.00	1,327.17	996.00	0.44
GRASSHOPPER BANK NA 0.35% 05/20/22 (38882LAB2)	249,000.00	05/05/2020	248,875.50	100.371	249,923.79	1.00	1,048.29	871.50	0.38
FIRST NATL BK MOOSE LK 0.30% 5/23/22 (32117LAJ5)	249,000.00	05/08/2020	248,937.75	100.290	249,722.10	1.00	784.35	747.00	0.31
LUANA SAVINGS BANK 0.35% 05/23/22 (549104PS0)	249,000.00	05/07/2020	248,937.75	100.372	249,926.28	1.00	988.53	871.50	0.36
MIZRAHI TEFAHOT BANK 0.50% 06/30/22 (60685BGT2)	249,000.00	05/05/2020	248,751.00	100.648	250,613.52	1.00	1,862.52	1,245.00	0.55
TIAA FSB 2.20% 09/14/22 (87270LAT0)	247,000.00	09/05/2017	245,765.00	104.045	256,991.15	1.03	11,226.15	5,434.00	2.31
AMERANT BANK 1.85% 12/20/22 (02357QAF4)	249,000.00	12/12/2019	248,626.50	103.759	258,359.91	1.03	9,733.41	4,606.50	1.90
GOLDMAN SACHS 1.85% 12/27/22 (38149MLY7)	77,000.00	12/19/2019	76,846.00	103.793	79,920.61	.32	3,074.61	1,424.50	1.92

For the Account of: **CITY OF NAPOLEON**



Account Number: **56 00 0069 0 00**

Date: **SEPTEMBER 1, 2020 – SEPTEMBER 30, 2020**

Portfolio Assets Detail

SECURITIES

Description	Shares	Date Acquired	Total Cost	Current Share Price	Current Mkt Value	% of Portfolio	Unrealized Gain/Loss	Est. Ann Income	Yield at Cost
WELLS FARGO 1.85% 12/30/22 (949495AF2)	249,000.00	12/12/2019	248,626.50	103.802	258,466.98	1.03	9,840.48	4,606.50	1.90
MRGN STANLEY 2.65% 01/11/23 (61747MF63)	246,000.00	01/09/2018	245,754.00	105.683	259,980.18	1.04	14,226.18	6,519.00	2.67
CONNECTONE BK 0.75% 5/8/23 (20786ADD4)	249,000.00	04/27/2020	248,427.30	101.498	252,730.02	1.01	4,302.72	1,867.50	0.83
PINNACLE BANK 0.83% 05/08/23 (72345SKU4)	249,000.00	04/27/2020	248,066.25	101.368	252,406.32	1.01	4,340.07	1,743.00	0.83
FIRST INTERNET BK OF IN 0.70% 5/11/23 (32056GDK3)	249,000.00	04/28/2020	248,751.00	101.371	252,413.79	1.01	3,662.79	1,743.00	0.73
M1 BANK 0.75% 5/15/23 (55316CBA3)	249,000.00	04/28/2020	248,439.75	101.507	252,752.43	1.01	4,312.68	1,867.50	0.83
FARMERS AND MERCHANTS BK 0.82% 6/1/23 (00936CDAR)	925,000.00	06/04/2020	925,000.00	100.000	925,000.00	3.69	.00	7,585.00	0.82
FARMERS & MERCHANTS BANK 0.82% 06/15/2023 (00939CDAR)	325,000.00	06/18/2020	325,000.00	100.000	325,000.00	1.30	.00	2,665.00	0.73
FHLMC 0.375% 07/14/23 (3134GV5F1) CALLABLE 01/14/2022	120,000.00	07/06/2020	120,000.00	100.026	120,031.20	.48	31.20	450.00	0.38
BANKWELL BANK 0.40% 07/28/23 (06654BCL3)	249,000.00	07/01/2020	248,850.60	100.609	250,516.41	1.00	1,665.81	996.00	0.42
FARMERS & MERCHANTS BK 0.60% 08/24/23 (00969CDAR)	530,000.00	08/27/2020	530,000.00	100.000	530,000.00	2.12	.00	3,180.00	0.60

For the Account of: *CITY OF NAPOLEON*

Account Number: 56 00 0069 0 00

Date: SEPTEMBER 1, 2020 – SEPTEMBER 30, 2020



Portfolio Assets Detail

SECURITIES

Description	Shares	Date Acquired	Total Cost	Current Share Price	Current Mkt Value	% of Portfolio	Unrealized Gain/Loss	Est. Ann Income	Yield at Cost
MARLIN BUSINESS 1.70% 12/4/23 (57116ATG3)	249,000.00	11/26/2019	248,128.50	104.707	260,720.43	1.04	12,591.93	4,233.00	1.79
CAPITAL ONE 2.65% 05/22/24 (14042RLP4)	246,000.00	05/14/2019	244,770.00	108.641	267,256.86	1.07	22,486.86	6,519.00	2.76
WELLS FARGO 2.65% 05/24/24 (949763B96)	249,000.00	05/14/2019	248,004.00	108.038	269,014.62	1.07	21,010.62	6,598.50	2.74
MEDALLION BK 2.50% 6/10/24 (58404DEG2)	246,000.00	05/29/2019	244,966.80	108.185	266,135.10	1.06	21,168.30	6,150.00	2.59
VERUS BANK 2.4% 6/14/24 (92535LCF9)	249,000.00	05/30/2019	247,941.75	107.834	268,506.66	1.07	20,564.91	5,976.00	2.49
FIRST KEYSTONE 0.60% 6/28/24 CALLABLE 09/30/2020 (32065RAK1)	249,000.00	06/18/2020	248,253.00	100.045	249,112.05	.99	859.05	1,494.00	0.68
TOYOTA FINANCIAL SAVINGS BK 0.65% 07/01/24 (89235MJU6)	249,000.00	06/17/2020	248,481.53	101.381	252,438.69	1.01	3,957.16	1,618.50	0.70
FHLMC 0.63% 07/08/24 (3134GV2S6) CALLABLE 01/08/2021	170,000.00	07/01/2020	170,000.00	100.050	170,085.00	.68	85.00	1,071.00	0.63
FHLMC 0.55% 07/22/24 (3134GWAS5) CALLABLE 01/22/2021	250,000.00	07/24/2020	249,894.10	99.679	249,197.50	.99	-696.60	1,375.00	0.56
FHLMC 0.60% 07/29/24 (3134GWEF9) CALLABLE 01/29/2021	250,000.00	07/22/2020	250,000.00	100.069	250,172.50	1.00	172.50	1,500.00	0.60
FNMA 0.40% 09/16/24 (3136G43H4) CALLABLE 09/16/2022	250,000.00	09/08/2020	250,000.00	99.884	249,710.00	1.00	-290.00	1,000.00	0.40

For the Account of: **CITY OF NAPOLEON**



Account Number: **56 00 0069 0 00**

Date: **SEPTEMBER 1, 2020 – SEPTEMBER 30, 2020**

Portfolio Assets Detail

SECURITIES

Description	Shares	Date Acquired	Total Cost	Current Share Price	Current Mkt Value	% of Portfolio	Unrealized Gain/Loss	Est. Ann Income	Yield at Cost
FFCB 1.60% 09/17/24 (3133EKP75)	300,000.00	09/26/2019	299,496.00	105.130	315,390.00	1.26	15,894.00	4,800.00	1.65
FNMA 1.625% 10/15/24 (3135G0W66)	295,000.00	10/22/2019	293,743.12	105.325	310,708.75	1.24	16,965.63	4,793.75	1.69
	125,000.00	12/24/2019	124,376.18	105.325	131,656.25	.53	7,280.07	2,031.25	1.80
TAX LOT TOTAL	420,000.00		418,119.30		442,365.00	1.77	24,245.70	6,825.00	1.72
HSBC BANK 2.125% 11/04/24 CALLABLE 11/04/20 (44329MBF9)	247,000.00	10/21/2019	245,765.00	100.201	247,496.47	.99	1,731.47	5,248.75	2.23
FFCB 1.625% 11/08/24 (3133EK6J0)	325,000.00	11/22/2019	323,963.25	105.324	342,303.00	1.37	18,339.75	5,281.25	1.69
STATE BANK OF INDIA 2.00% 1/22/25 (856285SK8)	247,000.00	01/22/2020	246,506.00	107.183	264,742.01	1.06	18,236.01	4,940.00	2.04
ENERBANK USA 1.80% 01/29/25 (29278TMR8)	249,000.00	01/24/2020	248,502.00	106.351	264,813.99	1.06	16,311.99	4,482.00	1.84
MORGAN STANLEY PVT BANK 1.90% 1/30/25 (61760A6T1)	247,000.00	01/22/2020	246,012.00	106.785	263,758.95	1.04	17,746.95	4,693.00	1.98
FNMA 0.60% 08/26/25 (3136G4X40) CALLABLE 08/26/2021	625,000.00	09/10/2020	625,156.25	100.030	625,187.50	2.49	31.25	3,750.00	0.60
FNMA 0.60% 08/27/25 (3136G4H89) CALLABLE 08/27/2021	150,000.00	08/20/2020	149,895.00	99.815	149,722.50	.59	-172.50	900.00	0.61
FFCB 0.55% 09/16/25 (3133EL7K4) CALLABLE 09/16/2021	165,000.00	09/16/2020	165,002.52	99.852	164,755.80	.65	-246.72	907.50	0.55

For the Account of: *CITY OF NAPOLEON*

Account Number: 56 00 0069 0 00

Date: *SEPTEMBER 1, 2020 – SEPTEMBER 30, 2020*



Portfolio Assets Detail

SECURITIES

Description	Shares	Date Acquired	Total Cost	Current Share Price	Current Mkt Value	% of Portfolio	Unrealized Gain/Loss	Est. Ann Income	Yield at Cost
TOTAL MATURITY (0-5 YRS)			15,872,209.03		16,223,188.72		350,979.69	185,895.30	1.21
TOTAL SECURITIES			15,872,209.03		16,223,188.72		350,979.69	185,895.30	1.21
TOTAL ASSETS			24,702,578.19		25,053,557.88		350,979.69	201,971.30	.85

For the Account of: **CITY OF NAPOLEON**



Account Number: **56 00 0069 0 00**

Date: *From SEPTEMBER 01, 2020 through SEPTEMBER 30, 2020*

Statement of Transactions

Date		Total Cash	Investment Cost Basis
	CONTRIBUTIONS		
09/03/2020	CLIENT DEPOSIT	743,000.00	
	TOTAL CONTRIBUTIONS	743,000.00	0.00
	INTEREST		
09/02/2020	INTEREST RECEIVED MARLIN BUSINESS 1.70% 12/4/23	359.52	
09/03/2020	INTEREST RECEIVED FFCB 2.00% 09/03/24	6,250.00	
09/08/2020	INTEREST RECEIVED CONNECTONE BK 0.75% 5/8/23	158.18	
09/08/2020	INTEREST RECEIVED BANK OZK 0.55% 1/6/22	116.00	
09/11/2020	INTEREST RECEIVED FIRST INTERNET BK OF IN 0.70% 5/11/23	147.63	
09/14/2020	INTEREST RECEIVED VERUS BANK 2.4% 6/14/24	507.55	
09/14/2020	INTEREST RECEIVED ALLY BANK 0.85% 3/14/22	1,062.66	
09/15/2020	INTEREST RECEIVED MERRICK BANK 0.50% 05/16/22	105.45	
09/17/2020	INTEREST RECEIVED FFCB 1.60% 09/17/24	2,400.00	

For the Account of: *CITY OF NAPOLEON*

Account Number: 56 00 0069 0 00

Date: From SEPTEMBER 01, 2020 through SEPTEMBER 30, 2020



Statement of Transactions

Date		Total Cash	Investment Cost Basis
09/17/2020	INTEREST RECEIVED FFCB 0.71% 06/17/24	284.00	
09/18/2020	INTEREST RECEIVED TIAA FSB 2.20% 09/14/22	2,739.33	
09/21/2020	INTEREST RECEIVED AMERANT BANK 1.85% 12/20/22	391.24	
09/21/2020	INTEREST RECEIVED AMER NATL BK/FOX 0.40% 05/20/22	84.36	
09/22/2020	INTEREST RECEIVED PREFERRED BANK 0.35% 03/22/22	73.82	
09/22/2020	INTEREST RECEIVED FIRST NATL BK MOOSE LK 0.30% 5/23/22	63.27	
09/22/2020	INTEREST RECEIVED JOHN MARSHALL 0.30% 11/22/21	25.41	
09/24/2020	INTEREST RECEIVED WELLS FARGO 2.65% 05/24/24	560.42	
09/28/2020	INTEREST RECEIVED CIT BANK NA 1.85% 3/29/21	2,303.53	
09/29/2020	INTEREST RECEIVED ENERBANK USA 1.80% 01/29/25	380.66	
09/30/2020	INTEREST RECEIVED T 1.375% 09/30/20	4,812.50	
09/30/2020	INTEREST RECEIVED WELLS FARGO 1.85% 12/30/22	391.24	

For the Account of: *CITY OF NAPOLEON*



Account Number: 56 00 0069 0 00

Date: From *SEPTEMBER 01, 2020* through *SEPTEMBER 30, 2020*

Statement of Transactions

Date		Total Cash	Investment Cost Basis
09/30/2020	INTEREST RECEIVED FIRST KEYSTONE 0.60% 6/28/24 CALLABLE 09/30/2020	126.54	
09/30/2020	INTEREST RECEIVED ENCORE BANK 0.85% 4/29/22	179.27	
09/30/2020	INTEREST RECEIVED BMO HARRIS 1.80% 3/30/21	2,241.27	
09/30/2020	INTEREST RECEIVED LAKELAND BANK 1.10% 3/30/22	831.78	
09/30/2020	INTEREST RECEIVED CELTIC BANK 1.05% 03/31/22	86.30	
	TOTAL INTEREST	26,681.93	0.00
	ORDINARY DIVIDENDS		
09/02/2020	DIVIDEND RECEIVED TOIXX - FEDERATED TREASURY OBLIGATIONS FUND	48.28	
09/30/2020	DIVIDEND RECEIVED STAR OHIO	1,489.42	
	TOTAL ORDINARY DIVIDENDS	1,537.70	0.00
	NET PURCHASES AND SALES OF ASSETS		
09/03/2020	CALL \$625000 PAR FFCB 2.00% 09/03/24	625,000.00	-625,000.00
09/03/2020	PURCHASE \$743000 PAR FARMERS & MERCHANTS BANK 0.41% 09/02/21	-743,000.00	743,000.00

For the Account of: **CITY OF NAPOLEON**

Account Number: **56 00 0069 0 00**

Date: *From SEPTEMBER 01, 2020 through SEPTEMBER 30, 2020*



Statement of Transactions

Date		Total Cash	Investment Cost Basis
09/08/2020	MATURITY \$1000000 PAR TOYOTA MOTOR CP 9/8/20	1,000,000.00	-986,275.00
09/11/2020	PURCHASE FNMA 0.60% 08/26/25	-625,156.25	625,156.25
09/16/2020	PURCHASE FNMA 0.40% 09/16/24	-250,000.00	250,000.00
09/17/2020	PURCHASE FFCB 0.55% 09/16/25	-165,002.52	165,002.52
09/17/2020	CALL \$160000 PAR FFCB 0.71% 06/17/24	160,000.00	-159,975.78
09/21/2020	MATURITY \$850000 PAR BANK OF MONTREAL CP 9/21/20	850,000.00	-838,726.28
09/30/2020	MATURITY \$700000 PAR T 1.375% 09/30/20	700,000.00	-698,277.34
09/30/2020	DIVIDEND REINVESTMENT STAR OHIO	-1,489.42	1,489.42
09/30/2020	NET OF DEPOSITS & WITHDRAWALS TOIXX - FEDERATED TREASURY OBLIGATIONS FUND	298,151.66	-298,151.66
TOTAL PURCHASES		-1,784,648.19	1,784,648.19
TOTAL SALES		3,633,151.66	-3,606,406.06
TOTAL NET PURCHASES AND SALES OF ASSETS		1,848,503.47	-1,821,757.87
GAIN (LOSS) REALIZED ON SALES		26745.60	

For the Account of: **CITY OF NAPOLEON**

Account Number: **56 00 0069 0 00**

Date: **From SEPTEMBER 01, 2020 through SEPTEMBER 30, 2020**



Statement of Transactions

Date		Total Cash	Investment Cost Basis
DISBURSEMENTS TO OR FOR BENEFICIARIES			
09/03/2020	CLIENT WITHDRAWAL	-743,000.00	
09/24/2020	CLIENT WITHDRAWAL	-1,825,001.00	
09/30/2020	CLIENT WITHDRAWAL	-51,722.10	
	TOTAL DISBURSEMENTS TO OR FOR BENEFICIARIES	-2,619,723.10	0.00
NON CASH ENTRIES			
ADJUSTMENTS TO SECURITIES			
09/12/2020	TAX LOT ADJUSTMENT FOR ACCRUED INT ALLY BANK 0.85% 3/14/22		-46.20
	TOTAL ADJUSTMENTS TO SECURITIES	0.00	-46.20

City of Napoleon, Ohio

TREE COMMISSION

Monday, October 19, 2020 at 6:00 pm

MEETING AGENDA

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

1. Call to Order
2. Approval of Minutes: September 21, 2020 Regular Meeting Minutes (In the absence of any objections or corrections, the Minutes shall stand approved.)
3. Review Tree Call Reports
4. Fall Contracts Update
5. Review 2021 Spring Plantings List
6. Review 2021 Spring Trimming List
7. Next Year's Budget
8. Any Other Matters to Come Before the Commission.
9. Adjournment.



Roxanne Dietrich - Clerk of Council

City of Napoleon, Ohio

Committee Members	Larr Etzler-Chair, Kyle Moore, Gary Haase
City Council Representative	Molly Knepley
City Staff	Aron Deblin, Mayor Maassel
Clerk of Council	Roxanne Dietrich

Commission Members Dave Volkman, Ed Clausing

REVIEW NEXT YEAR'S BUDGET PLANS

Deblin stated he will have a better update at the next meeting. Lulfs is still compounding numbers.

OTHER MATTERS

Etzler said regarding the dieback of maples in the area, I went out today and did not see it as widespread. I saw some on Avon south of Washington, that was not a city tree it was more like willow tree than a maple. The maple trees do seem to have sparser foliage. Deblin said the trees are not as full as they normally are probably due to the dry summer.

Etzler asked about planning for an Arbor Day celebration on Saturday, October 17, 2020. Deblin commented as far as public involvement that has been pushed back to the spring of 2021 for a tree planting so people can be present. We could pursue an article in the newspaper, we cannot do anything in person. Etzler said he has photos from last year's Arbor Day celebration. Moore noted Clausing emailed pictures to the Commission today. Etzler thought to put some pictures on poster board and put in different offices in the area. Mayor Maassel asked what is the Tree City USA requirement? Deblin replied that requirement has been waived this year due to COVID. Etzler said he wants a proclamation and would like to have Knepley as the Council Representative there when the Mayor presents the proclamation. After a brief discussion, it was decided to have Arbor Day recognition on Saturday, October 17, 2020 at 9:00 am at the arboretum. Mayor Maassel noted if the weather is not nice on that day, we can present the proclamation at City Hall.

ADJOURNMENT

Motion: Haase
to adjourn the Tree Commission meeting at 6:20 pm.

Second: Knepley

Roll call vote on the above motion:

Yea- Knepley, Moore, Haase, Etzler

Nay-

Yea-4 Nay-0. Motion Passed.

Approved

October 19, 2020

Larr Etzler, Chairman

AMP Update for Oct. 9, 2020

American Municipal Power, Inc. <webmaster@ampppartners.org>

Fri 10/9/2020 3:46 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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



AMP and member communities celebrate Public Power Week

By Zachary Hoffman - communications and public relations specialist



This week, AMP joined the more than 2,000 public power communities across the U.S. in celebrating Public Power Week. Throughout the week, AMP member communities have celebrated the importance of public power in their community.

AMP marked the week by hoisting its Public Power Week banner. Additionally, a virtual lunch and learn event was held for staff, during which, Jeff Brediger, director of Orrville Utilities and AMP Board of Trustees chair, and Steve Dupee, Wellington village manager and AMP Board of Trustees member, spoke about their electric utilities, community and the benefits of public power, followed by a short Q&A.

AMP wants to know how you celebrated Public Power Week this year. Please send any information or photos you would like to share to me at zhoffman@ampppartners.org.





DEMEC celebrated Public Power Week by creating new billboards for themselves and their member communities.



The Town of Front Royal used Public Power Week as an opportunity to educate their customer-owners about the value of public power.



As a Public Power Provider, we strive to have local employees like linemen Corey Brewer, Glenn Raymond, Sean Guzy, and Brent Somerlott. Born and raised in Coldwater, their roots run deep!

[#PublicPower](#) [#CommunityPowered](#) [#PublicPowerWeek](#)
[#WeArePublicPower](#) [@amppublicpower](#)



The City of Coldwater took the time to acknowledge their excellent employees during Public Power Week.

Customer Appreciation Day!

Free food, drinks, educational displays, give-a-ways and more!
Infrastructure staff will be grilling out hamburgers & hot dogs.
Chips and cookies will also be available

Wednesday, October 7, 2020 11:30am - 1:30pm

Government Services Center Plaza at 345 High Street

*Please note: proper safety measures will be in place; 6' social distancing, participants required to wear facial coverings, no lingering, gloves will be worn by all food handlers.



The City of Hamilton celebrated Public Power Week with their annual slate of events, including a Customer Appreciation Day event.



Paducah Power System celebrated Public Power Week with their annual e-Scrap Collection event, taking in old computers, televisions and more.



The City of Orrville marked Public Power Week with an official proclamation from the Office of Mayor David Handwerk.

AMP IT Department undergoes re-organization

By Brannndon Kelley - senior vice president of technology and CIO

Recently, AMP's IT Department underwent a re-organization. This effort focused on three areas and has resulted in the following individuals assuming new roles within the department:

SCADA and real-time operations

Joseph Morris is now the interim manager of SCADA and real-time operations technology. In this role, Morris will focus on ensuring the uptime and support of AMP's real-time systems including SCADA, PI and field site telemetry and controls.

Tony Phan is now the senior system administrator, SCADA. In this role, Phan will manage and support AMP's enterprise and plant PI systems and data infrastructure. This includes interfaces, analytics tools and web dashboards in the PI system.

Reporting and data/revenue metering

Tom Voitovich is now the manager of reporting systems. In this role, Voitovich will oversee management and support of AMP's business reporting and Primeread revenue metering system, as well as quality and accuracy of the data contained therein.

IT project management

Charles Dobbins is now the IT project manager. In this role, Dobbins will help the IT department with project portfolio and demand management, along with continuing to manage the SCADA system upgrade project.

The re-organization was undertaken for four main reasons:

1. To better align responsibilities and areas of focus. Specifically, to re-focus the SCADA team on real-time systems, field devices and historian systems/data that support operations.
2. To ensure a laser focus on data quality for reporting (both internal and for our members) and future analytics use cases.
3. To ensure completeness of Primeread revenue metering data, which is critical for accurate billing to our members.
4. To better tackle demand on IT Department resources and improve project delivery.

Please join us in congratulating the above individuals on their new roles.



AMP hosting *Coping with Financial Challenges During Periods of Declining Sales* webinar on Oct. 16

By Alexis Fitzsimmons - director of economic and business development

The current economic conditions have reduced electric sales and created a number of financial and rate design challenges for utilities. In response, AMP will host the *Coping with Financial Challenges During Periods of Declining Sales* webinar on Oct. 16, 10-11 a.m.

Mark Beauchamp, president of Utility Financial Solutions, LLC, and Don Gruenemeyer, president of Sawvel and Associates, Inc., will discuss policies that assist in dealing with these challenges. Specific areas include the following:

- Rate policies/structures that promote financial stability and those that need to be closely monitored;
- What other utilities are doing to get through these difficult times; and
- Increasing load through beneficial electrification and targeted economic development efforts.

The webinar is free and open to all AMP members. To register, please contact me at 614.540.0994 or afitzsimmons@amppartners.org.

AMP TECHNICAL AND SAFETY TRAINING WEBINAR SCHEDULE

In an effort to continue providing members with high-quality training opportunities, AMP has temporarily transitioned trainings to a webinar format. Please see the below schedule — we will continue to update the schedule as needed. We are in this together.

Oct. 13, 9 a.m.
Backing & Spotting
Instructor: Jim Eberly

Nov. 5, 9 a.m.
Holiday Stress Management
Instructor: Kyle Weygandt



For more information on the AMP Training Program or to access the virtual training webinars, please contact Jennifer Flockertzie, AMP's manager of technical services logistics, at jflockertzie@amppartners.org.



DEED 2020 Energy Innovator Awards webinar is Oct. 20

By Erin Miller - assistant vice president of energy policy and sustainability

The American Public Power Association (APPA) will be hosting the *DEED Webinar: 2020 Energy Innovator Awards* webinar on Oct. 20, 2-3:30 p.m. The webinar will showcase the innovations of three utilities that won DEED Energy Innovator Awards this year:



- American Municipal Power and the Smart Electric Power Alliance teamed up to create a DEED Public Power Electric Vehicle (EV) Planning Toolkit and Guidebook (the "EV Toolkit"). The EV Toolkit is a user-friendly, intuitive resource for APPA members to obtain insight into the preliminary economic impacts of electrification efforts with their internal fleet vehicles, and increased loading on residential distribution system service transformers under various EV charging scenarios. The toolkit can be found on the [EV page](#) of the [Member Extranet](#) (login required).
- Lakeland Electric designed a Damage Assessment Restoration Toolset, an easy mobile solution for all facets of damage assessment and data collection. Using GIS data, the toolset does not require Wi-Fi or wireless networks and allows workers and field crews to input real-time damage assessment information.
- Heartland Consumers Power District developed a solar calculator to help utilities and retail customers determine the annual cost and benefit of installing solar panels. Designed to be an accessible, user-friendly resource, the calculator provides assumed average inputs custom to the user's location to assist in the calculation and is functional within Microsoft Excel.

Learn more and register [here](#).



DO YOUR PART.
#BECYBERSMART



National Cybersecurity Awareness Month: Five ways to be cyber secure at work

From the Cybersecurity and Infrastructure Security Agency

Businesses face significant financial loss when a cyberattack occurs. In 2019, the U.S. business sector had an increase of 17 percent in data breaches. Cybercriminals often rely on human error - employees failing to install software patches or clicking on malicious links - to gain access to systems. From the top leadership to the newest employee, cybersecurity requires the vigilance of everyone to keep data, customers and capital safe and secure.

Simple tips:

1. **Treat business information as personal information.** Business information typically includes a mix of personal and proprietary data. While you may think of trade secrets and company credit accounts, it also includes employee personally identifiable information (PII) through tax forms and payroll accounts. Do not share PII with unknown parties or over unsecured networks.
2. **Don't make passwords easy to guess.** As "smart" or data-driven technology evolves, it is important to remember that security measures only work if used correctly by employees. Smart technology runs on data, meaning devices such as smartphones, laptop computers, wireless printers and other devices are constantly exchanging data to complete tasks. Take proper security precautions and ensure correct configuration to wireless devices in order to prevent data breaches.
3. **Be up to date.** Keep your software updated to the latest version available. Maintain your security settings to keeping your information safe by turning on automatic updates so you don't have to think about it and set your security software to run regular scans.
4. **Social media is part of the fraud toolset.** By searching Google and scanning your organization's social media sites, cybercriminals can gather information about your partners and vendors, as well as human resources and financial departments. Employees should avoid oversharing on social media and should not conduct official business, exchange payment or share PII on social media platforms.
5. **It only takes one time.** Data breaches do not typically happen when a cybercriminal has hacked into an organization's infrastructure. Many data breaches can be traced back to a single security vulnerability, phishing attempt or instance of accidental exposure. Be wary of unusual sources, do not click on unknown links, and delete suspicious messages immediately.

SEPTEMBER OPERATIONS DATA		
	September 2020	September 2019
Fremont Capacity Factor	60%	68%
Prairie State Capacity Factor	58%	56%
Meldahl Capacity Factor	55%	34%
Cannelton Capacity Factor	71%	37%
Smithland Capacity Factor	82%	44%
Greenup Capacity Factor	44%	47%
Willow Island Capacity Factor	37%	41%
Belleville Capacity Factor	42%	51%
Blue Creek Wind Capacity Factor	22%	19%
JV6 Wind Capacity Factor	9%	13%
Front Royal Solar Capacity Factor	22%	24%
Bowling Green Solar Capacity Factor	22%	26%
Avg. A/D Hub On-Peak Rate	\$24/MWh	\$33/MWh
* Fremont capacity factor based on 675 MW rating. * PS capacity factor based on 1,582 MW rating. * Meldahl capacity factor based on 105 MW rating. * Cannelton capacity factor based on 87.6 MW rating. * Smithland capacity factor based on 76.2 MW rating. * Greenup capacity factor based on 70 MW rating. * Willow Island capacity factor based on 44.2 MW rating. * Belleville capacity factor based on 42 MW rating. * Front Royal Solar capacity factor based on 2.5 MW rating. * BG Solar capacity factor based on 20 MW rating.		

Energy market update

By Jerry Willman - assistant vice president of energy marketing

The November 2020 natural gas contract increased \$0.021/MMBTU to close at \$2.627 yesterday. The EIA reported an injection of 75 Bcf for the week ending Oct. 2, which was slightly above market expectations. The year-ago build was 102 Bcf and the five-year average was 86 Bcf. Storage is now 3,831 Bcf, 13.1 percent above a year ago and 11.5 percent above the five-year average. The natural gas seasonal injection running total is +1,845 Bcf versus the five-year average of +1,743 Bcf.

On-peak power prices for 2021 at AD Hub closed yesterday at \$33.31/MWh, which increased \$0.39/MWh for the week.

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

Week ending Oct. 9

MON	TUE	WED	THU	FRI
\$22.10	\$20.43	\$24.40	\$23.34	\$20.89

Week ending Oct. 2

MON	TUE	WED	THU	FRI
\$21.94	\$21.35	\$17.69	\$19.65	\$19.40

AEP/Dayton 2021 5x16 price as of Oct. 8 — \$33.31

AEP/Dayton 2021 5x16 price as of Oct. 1 — \$32.92

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) plant was offline for the week. CT unit 1 was removed from service unscheduled last week and then moved into its scheduled outage. CT unit 2 remained offline for its scheduled fall outage.

Security tip - New social media phishing scam

By Jared Price - vice president of information technology and CTO



Last week, President Donald Trump, announced that he and the first lady tested positive for coronavirus. This announcement and the status of President Trump's health is currently dominating the media, both in the U.S. and around the world.

Cybercriminals use high-profile news stories like this to catch your attention and manipulate your emotions. In the coming weeks, we expect to see cybercriminals referencing President Trump's health in their phishing attacks and in their social media disinformation campaigns.

Here are some tips to stay safe:

- Be suspicious of emails, texts and social media posts that contain shocking developments to the story. This could be false information designed to intentionally mislead you - a tactic known as disinformation.
- No matter how shocking the news, always think before you click. Cyberattacks are designed to catch you off guard and trigger you to click impulsively.
- Stay informed by following trusted news sources and do some research to check the accuracy of sensational headlines.

Efficiency Smart celebrates Energy Efficiency Day with energy saving tips

By Steven Nyeste - senior marketing project manager, Efficiency Smart

Oct. 7 marked the fifth annual national Energy Efficiency Day, a collaborative effort between regional and national organizations, businesses, utilities and individuals working to promote energy efficiency. To mark

the day, Efficiency Smart offered the following energy efficiency tips to save energy and money at home:



- **Light your home efficiently:** Spending more time at home means keeping lights on longer, which can increase your electric costs. Replacing your most frequently used lightbulbs with ENERGY STAR® certified LEDs can save you \$15 annually per lightbulb.
- **Keep warm air in:** Now is a great time to get your home ready for the upcoming winter season. Caulk around windows and door frames, use weather stripping on exterior doors and consider having a professional seal gaps where air can travel between the attic and your living space. This will help you save on heating costs and make you feel more comfortable during the cold winter months.
- **Check temperature settings:** Set the temperature as low as is comfortable when you are home to save on heating costs. Consider installing an advanced thermostat to automatically lower your thermostat based on your occupancy and sleep schedule. If your home uses a heat pump, set the thermostat at a moderate temperature and leave it there. Heat pumps are most efficient at a consistent temperature.
- **Limit the use of space heaters:** Reduce or eliminate the use of electric space heaters, as they are one of the least efficient ways to heat your home. Electric space heaters are less efficient than HVAC systems, and only heat a small portion of a home. If you are using a space heater, make sure it is designed to heat the size of room it's used in, and look for one with thermostat and timer settings to save energy and prevent overheating.
- **Maintain your HVAC system:** Clean or change your furnace filters regularly. A dirty furnace filter will slow down air flow and make the system work harder to keep your home warm, which will cost you more money. If it has been a few years since a technician last looked at your system, consider calling a professional to service or tune-up your unit to keep it running as efficiently as possible.
- **Look for the Energy Star® label:** Available across more than 70 product categories, the ENERGY STAR label makes it easy to find products that have been independently certified to use less energy. Save even more with Efficiency Smart's rebates on eligible products.
- **Take advantage of the sun:** Open curtains on your south-facing windows during the day to allow sunlight to naturally heat your home. Close the curtains at night to reduce the chill you may feel from cold windows.
- **Reduce hot water use:** Water heating typically accounts for the largest portion of a home's utility costs after heating and cooling. Installing low-flow showerheads and washing your clothes in cold water can help you reduce your hot water use. If your water heater's thermostat lists temperatures, set the temperature between 120 and 125 degrees for safety and efficiency.
- **Use a smart power strip:** Many electronics continue to use power when they are turned off. Plug electronics such as your television, video game systems and computers into a smart power strip. They can detect when a device is in standby mode and cut off power to prevent wasting energy.
- **Take a free Online Home Energy Assessment:** Efficiency Smart's free Online Home Energy Assessment helps you learn how much energy and money you can save in your home. Visit www.energysmart.org/online-home-energy-assessment or call 877.889.3777 to learn more.

Efficiency Smart offers business and residential energy efficiency services to customers of participating municipal electric systems. More information about the services and financial incentives available through Efficiency Smart can be found at www.energysmart.org or by calling 877.889.3777.

To learn more about Energy Efficiency Day, visit www.energyefficiencyday.org.

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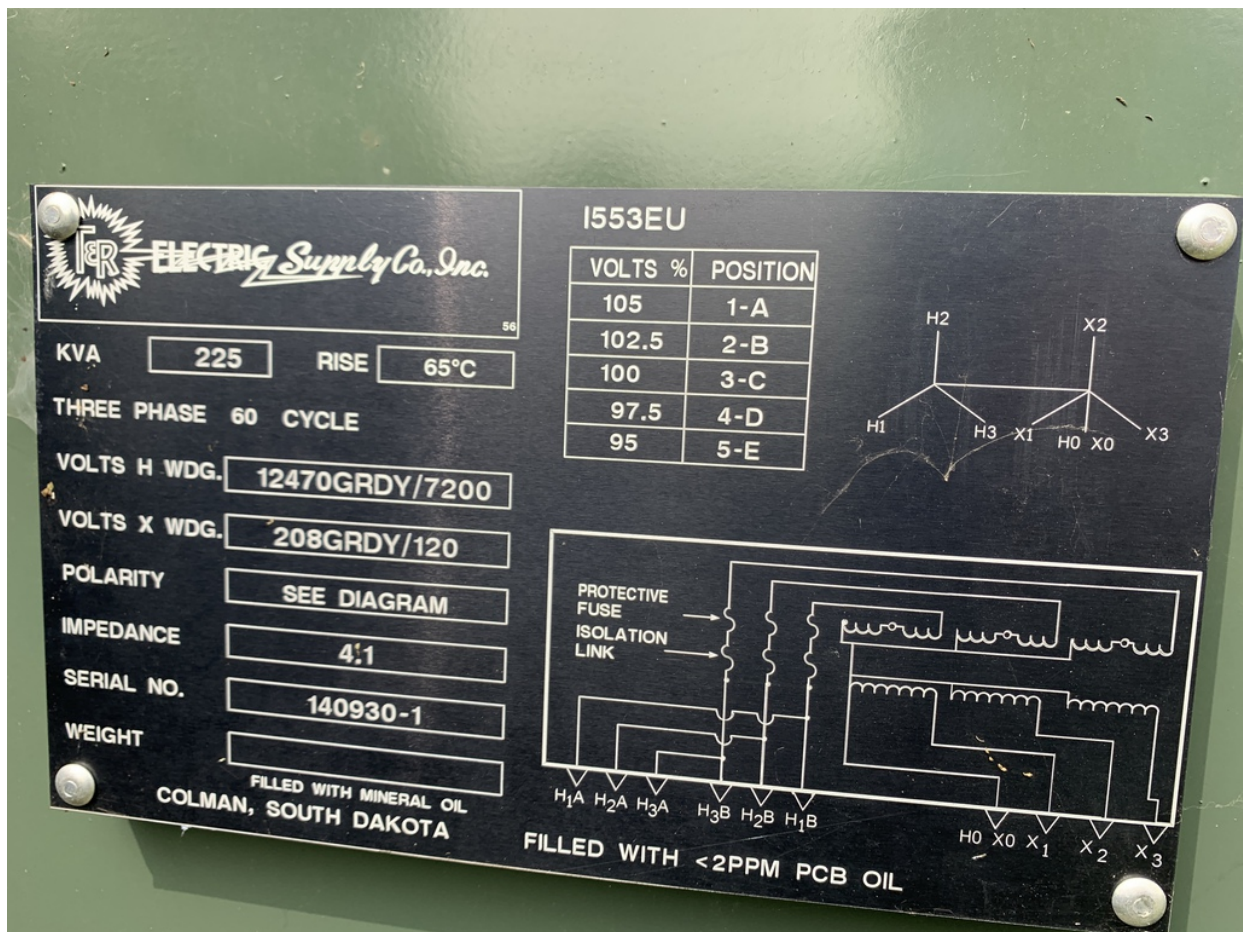


Classifieds

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

Village of Edgerton holding auction for 3-phase pad mount transformer

The Village of Edgerton is holding an auction for a 3-phase pad mount transformer. Originally purchased from T&R Electric in 2014, the unit has never been used. Bidding will end on Oct. 20. See unit specs and submit bids [here](#). If you have questions, call 419.298.1069.



Village of Bradner seeks applicants for electric line utility worker

The Village of Bradner is seeking a qualified full-time electrical line utility worker; responsible for operation and routine maintenance of the village electrical distribution system.

Must possess a high school diploma or GED and a valid class B, CDL license with air brake, or obtain six months after hire date. Knowledge of overhead distribution lines and underground primary distribution lines required - water and wastewater experience helpful. May require pole climbing and operation and use of bucket truck. Position requires response within 30-minute time period to call-out emergencies, and

24/7 carry of village-issued cell phone for troubleshooting and emergencies, including holidays and weekends.

Position requires various duties to include but not limited to: water distribution repairs, assist in wastewater treatment plant, tree trimming power lines, road maintenance and snow removal, park and pool maintenance, lawn care and other general maintenance as required. Above duties will require working in all weather conditions. Twice monthly Board meeting attendance is also required.

Applications may be obtained at the Town Hall (located at 130 N. Main St., Bradner, OH 43406) on weekdays from 8:30 a.m. - 5 p.m. or at www.bradnerohio.org. Candidates should return applications with resume and supporting documentation that would be helpful for consideration of employment to the attention of James Smith, Board of Public Affairs President. They can also be mailed to P.O. Box 599, Bradner, OH, 43406, or emailed to kenriquez@bradnerohio.org.

Village of Milan seeks applicants for electric lineworker

The Village of Milan is seeking applicants for the position of electric line maintenance worker. Under general supervision of the Electric Department superintendent; performs skilled and unskilled maintenance and installation of high voltage secondary electric lines; maintains and installs street lighting and traffic signal systems; operates auger truck to install poles, guy wires, anchors and transformers. Performs any other duties as required, including working with and for other Milan departments such as street, water and waste water.

Applicants may have any combinations of training and work experience which indicates possession of the skills, knowledge and abilities listed below. An example of an acceptable qualification for this position is: possess a high school diploma, completion of secondary education; advanced technical education with two to three years of experience in municipal electrical department or equivalent; possession of valid State of Ohio motor vehicle operator's license and possess a valid State of Ohio Class B CDL or obtain within first three months of employment. The Village of Milan may submit applicant to written testing prior to hiring. Upon hiring, new employees may be required to submit to a Village paid physical examination by a physician chosen by the Village of Milan.

Salary offered will be dependent on qualifications. A full job description and application may be obtained at 11 S. Main Street, Milan, Ohio 44846, Monday through Friday between 8 a.m. and 4:30 p.m. or online at www.milanohio.gov. Completed applications can be dropped off at the above address or emailed to Village Administrator Brian Rospert at brospert@milanohio.gov. We will accept applications until the job is filled.

City of Piqua seeks applicants for assistant power system director

The City of Piqua, a Charter City of just under 21,000, approximately 25 miles north of Dayton in Miami County, is seeking applicants for the position of assistant power system director. The assistant power system director reports directly to the power system director. This position will perform difficult skilled technical and administrative work designing electrical systems and facilities; developing, implementing and enforcing department policies and procedures; managing the work of subordinates; overseeing the maintenance of the SCADA system for the department; recommending and implementing department technology plan; performing other related duties as required.

A bachelor's degree in engineering, or related field and six or more years of experience in engineering including supervisory experience, or equivalent combination of education, training and experience is required. Salary is dependent on qualifications. To apply, visit [Piqua's employment application website](#) or pick up a hard copy from 201 West Water Street, Second Floor, Piqua, Ohio 45356. All applications must be submitted by Oct. 9.

City of Hillsdale seeks applicants for finance director

The City of Hillsdale is seeking applicants for the position of finance director. Under the general direction of the city manager, this position plans, organizes, directs and evaluates the operations of the Finance Department. Responsible for the supervision and oversight of the city's financial, budgetary, accounting and BS&A computer information software. Serves as the chief financial officer of the city. Plans, organizes and directs the activities of the Finance Department in accordance with state law, accounting principles and local policies. Develops and implements departmental policies and procedures and provides guidance

on accounting and reporting procedures and city fiscal policies. Assigns work, supervises personnel, evaluates performance and oversees professional development within the finance department. Takes disciplinary action according to established procedure. Plans, establishes and directs revisions of accounts and funds in accordance with governmental generally accepted accounting principles and State of Michigan law; monitors all funds and accounts to insure proper use. Reviews warrants, entries, financial statements and other financial supporting data and reports for propriety and accuracy. Presents reports in public forums for all funds as needed. Directs a system of internal accounting controls to verify appropriate accountancy. Reviews purchase orders for budgetary support and council approvals prior to final approval of the city manager. Directs and completes the preparation of audit schedules for annual audit; coordinates audit with outside auditors; plans and directs Finance Department staff regarding audit responsibilities

A bachelor's degree in accounting, business or public administration, or a related field, and seven years of progressively responsible experience in professional accounting or finance, preferably fund accounting, with prior experience in supervising a finance department or operation, are required. Must have experience in governmental accounting or knowledge of generally accepted accounting principles and governmental accounting principles and practices and the ability to apply them accurately, and knowledge of governmental laws and regulations and the ability to interpret and apply laws to a variety of financial transactions. Successful candidate will be skilled in completing complex financial analysis, forecasts and models; in utilizing computer systems and related software packages and the ability to direct and maintain the support of accounting/finance computer systems; in responding to public inquiries and internal requests with a high degree of diplomacy and professionalism; in effectively communicating ideas and concepts orally and in writing, and in making presentations in public forums; in building and maintaining effective working relationships with subordinates, peers, elected officials, the media, professional contacts, and the general public. Must have the ability to develop budget forecasts and prepare comprehensive and accurate reports, effectively supervise subordinate personnel, research, prepare, present and implement multifaceted programs, studies, and projects effectively.

Find a full job description and apply [here](#).

Bryan Municipal Utilities seeks applicants for engineering supervisor

Bryan Municipal Utilities (BMU) is accepting applications for an engineering supervisor. This position is responsible for planning and assisting BMU's construction and maintenance and capital improvement projects with departmental superintendents, including the preparation of bid books. This position also manages the Geographic Information's Systems (GIS), GPS and Ohio Utilities Protection Service (OUPS) work related to BMU infrastructure.

Candidates should understand engineering methods and practices used in the construction, operation and maintenance of a municipal electric distribution system, broadband communication system, water distribution and treatment system, and hydroelectric and turbine generation. AutoCAD and ESRI software experience is a plus. Must have a passion to learn and solve problems and willingness to dig deeper to find the root cause of problems.

Preferred candidate will bachelor's degree in engineering or business from an accredited college; seven to 10 years of experience in an engineering department with supervisory responsibilities; or an equivalent combination of education, experience, and training which provides the required knowledge, skills, and abilities. A job description with complete qualifications may be downloaded [here](#).

Applications can be completed at Bryan Municipal Utilities, 841 E. Edgerton St., between 8 a.m. and 4 p.m., Monday to Friday. Resumes may be mailed to the above address or emailed to humanresources@cityofbryan.com. EOE

Borough of Ephrata seeks applicants for two positions

Utilities manager

The Borough of Ephrata is seeking applicants for the position of utilities manager. This position plans, directs and manages operational activities and improvements for borough electric, water and wastewater divisions, and is responsible for identifying and meeting the current and future operational needs of the utility operations, setting and accomplishing goals and developing subordinate division superintendents and managers.

A bachelor's degree in civil, mechanical or electrical engineering or other related field is preferred or equivalent experience. Successful candidate must have a proven, successful record of accomplishment as a manager and five years progressive operations experience in a leadership capacity with well-developed management, public relations and customer service skills. Experience with services provided on a multi-municipal basis desired. Must be safety conscious and demonstrate excellent interpersonal skills through teamwork, initiative and good judgement. Must have a thorough knowledge of municipal utility operations. Experience in wastewater collection/treatment, water production/distribution activities and/or electric generation and distribution systems preferred.

Technical support manager

The Borough of Ephrata is seeking applicants for the position of technical support manager. This position provides technical supervision, planning, organizing and direction of functions in the operation and maintenance of the electrical distribution system of the borough. Essential duties and responsibilities include providing technical assistance in the design, engineering, sizing, selection and maintenance of electric distribution components. Provides guidance for the maintenance, operation and construction of the electric distribution system and substations to ensure system reliability and the availability of energy supply to all customers. Recommends and implement improvement to operating distribution system and equipment to ensure system reliability is maintained and losses are minimized. Maintains an appropriate inventory of equipment and supplies to ensure that emergency service restorations occur in a minimum amount of time and that new services can be installed in a reasonable amount of time. Assists in the preparation and administration of division operating and capital budgets to meet Borough budget guidelines and minimize cost impact on customers. Develops and manages division work plan including assistance to other divisions as needed, and researches and initiates division purchases to facilitate accomplishment of division work plans. Establishes and monitors street lighting programs to ensure adequate lighting for safety and convenience of residents, as well as electric meter installation and testing programs to ensure the accurate measurement of customer demand and energy. Coordinates and trains employees in established system operating procedures for the safety of employees and for system reliability

Candidates must have a demonstrated ability to use Microsoft Outlook, Word and Excel proficiently. Prior responsibility for maintenance of process equipment and upgrading technology is highly desirable. Candidates must have the ability to communicate effectively, verbally and in writing with employees, customers, government

The Borough offers an attractive wage, comprehensive benefit package and a workplace with an emphasis on quality and teamwork. Qualified candidates should send your resume to: Human Resources Department, Borough of Ephrata, 124 South State St., Ephrata, PA 17522, or email to skramer@ephrataboro.org. Visit our website at www.ephrataboro.org. EOE M/F/D/V

Village of Grafton seeks applicants for assistant service superintendent

The Village of Grafton seeks a qualified assistant service superintendent with skilled trades and equipment operation experience. The ideal candidate will have extensive knowledge in municipal infrastructure maintenance and repair, hold a current Ohio Class 1 Water System/Distribution Operator license plus a certification in water system backflow management.

The assistant superintendent will be required to report to the village administrator and regularly communicate and coordinate municipal services with other utility departments when needed. Personnel management skills and the ability to work as a team is essential. Job duties range from but not limited to department vehicle and asset management, material inventory management, landscape maintenance, parks, street, sewer and water-main service and repair, plus all municipal seasonal roadway maintenance services. Some heavy lifting at times may be required.

This full-time position is offered at a competitive hourly rate based upon experience and includes an attractive benefit plan providing health care, vision and dental insurance. Paid holidays after 60-days. Paid vacation, personal days and sick days after one year, plus a public employee retirement plan through OPERS. Grafton offers a stable and upbeat, professional work environment, continuing education and work force training with opportunity for career advancement. The Village of Grafton is an EEO employer and Drug-Free Workplace.

A pre-employment background check and drug screen is required.

This position will remain open until filled. Interested candidates can submit resume to: Grafton Village Hall, 960 Main St. Grafton, OH 44044, or by email to the village administrator at jbprice@villageofgrafton.org.

Opportunities available at AMP

AMP is seeking applicants for the following positions:

Systems engineer - AMI/MDMS

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Senior systems engineer - SCADA

Transmission planning engineer

System administrator - enterprise content

Systems analyst - revenue metering

Public relations and communications intern - Spring 2021

For complete job descriptions, please visit the [AMP careers page](#).

American Municipal Power, Inc.

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