



City of Napoleon, Ohio

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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: January 18, 2021
Subject: General Information

CALENDAR

MONDAY, JANUARY 18TH

City Council Meeting @ 7:00 pm

APPROVAL OF MINUTES – January 4, 2021 City Council Meeting Minutes

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 083-20**, an Ordinance Amending a Certain Section of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.08 "Placement of Containers," and Amending Ordinance No. 007-20.
2. **Ordinance No. 084-20**, an Ordinance Approving Current December 2020 Replacement Pages to the City of Napoleon Codified Ordinances.
3. **Ordinance No. 085-20**, an Ordinance Amending Section 931.09 Increasing Sanitary Sewer Rates for the Years 2021, 2022, 2023 and 2024; and Declaring an Emergency.
4. **Ordinance No. 086-20**, an Ordinance Amending Section 931.07 Increasing Water Rates for Residential, Commercial, Industrial and Whole Customers for the Years 2021, 2022, 2023 and 2024; and Declaring an Emergency.

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 076-20**, an Ordinance Authorizing a one-time gross payment for the City of Napoleon, Ohio Law Director; and Declaring an Emergency
2. **Ordinance No. 077-20**, an Ordinance Authorizing a one-time gross payment to the City of Napoleon, Ohio City Manager; and Declaring an Emergency
3. **Ordinance No. 078-20**, an Ordinance Authorizing a one-time gross payment to the City of Napoleon, Ohio Finance Director; and Declaring an Emergency

GOOD OF THE CITY (Discussion/Action)

1. Power Supply Cost Adjustment Factor for January 2021: PSCA 3-month Averaged Factor \$0.02531; JV2 \$0.021285

2. Sewer Service Locate at 201 Hurst
*The Draft minutes from the Water, Sewer, Refuse, Recycling and Litter Committee meeting are enclosed.
This item was requested by Councilman Durham at the last Council meeting.*
3. Approval of Plans and Specification and Go Out to Bid for the 2021 Wastewater Treatment Plant Improvements Project.
Attached is a Memorandum from Chad on this project.
4. Municipal Court Bailiff Position Pay (direct Law Director to draft legislation).

INFORMATIONAL ITEMS

1. Enclosed is a letter from Brad Booth, Director of the Henry County Transportation Network with an update on the HCTN bus.
2. Monday, January 18, 2021 at 6:00 pm – City Tree Commission Meeting
3. Parks and Rec Committee Canceled
4. AMP Newsletter/January 8, 2021

JANUARY 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 7:00 pm – City Council	5	6	7	8	9
10	11 6:15 pm –Electric Committee BOPA 7:00 pm –Water/Sewer Committee	12	13	14	15	16
17	18 6:00 pm – Tree Commission 7:00 pm – CITY COUNCIL	19	20	21	22	23
24	25 6:15 pm –Vol Firefighter Dependent’s Fund Board 6:20 pm – Vol Peace Officers Dependents Fund Board 6:30 pm–Finance & Budget Comm. 7:30 pm–Safety & Human Resources Committee	26 4:30 pm–Civil Service Commission	27 6:30 pm–Park and Rec Board	28	29	30

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, January 18, 2021 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. January 4, 2021 Regular Council Meeting Minutes

D. Citizen Communication

E. Reports from Council Committees

1. Electric Committee met on January 11, 2021; and
 - a. approved the Power Supply Cost Adjustment Factor for January 2021 as recommended by the Board of Public Affairs
2. Water, Sewer, Refuse, Recycling and Technology Committee met on January 11, 2021; and
 - a. Stated Reimbursement of \$1200 is Sufficient for Sewer Service Locate at 201 Hurst Drive
3. Municipal Properties, Building, Land Use and Economic Development Committee did not meet on January 11, 2021 due to lack of agenda items.
4. Park and Rec Committee did not meet tonight due to lack of agenda items.

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

1. Board of Zoning Appeals did not meet on January 12, 2021.
2. Planning Commission did not meet on January 12, 2021.
3. City Tree Commission met earlier tonight with the following agenda items:
 - a. Review of Ordinance and Annual Budget
 - b. Review Annual Meeting Schedule
 - c. Review Tree Call Reports
 - d. Finalize Spring Topsoil List
 - e. Finalize Spring Removals List
 - f. Finalize Spring Plantings List
 - g. Award Spring Trimming Contract

G. Introduction of New Ordinances and Resolutions - None

H. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 083-20**, an Ordinance Amending a Certain Section of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.08 "Placement of Containers," and Amending Ordinance No. 007-20.
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I. Third Readings of Ordinances and Resolutions

1. **Ordinance No. 076-20**, an Ordinance Authorizing a one-time gross payment for the City of Napoleon, Ohio Law Director; and Declaring an Emergency
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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 January 2021: PSCA 3-month Averaged Factor \$0.02531; JV2 \$0.021285
2. **Discussion/Action:** Sewer Service Locate at 201 Hurst
3. **Discussion/Action:** Approval of Plans and Specifications and go out to Bid for the 2021 Wastewater Treatment Plant Improvements Project
4. **Discussion/Action:** Municipal Court Bailiff Position Pay (direct Law Director to draft legislation)

K. Executive Session - Economic Development & Matters to Remain Confidential Due to the Competitive Nature of a Utility

L. Approve Payment of Bills (in the absence of any objections or corrections, the Payment of Bills 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, February 1, 2021 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, February 8, 2021 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for February 2021
 - b. Update on Substations
 - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, February 8, 2021 @7:00 pm)
 - a. Update on 2021 Wastewater Treatment Plant Improvements Project (March 8, 2021 Meeting)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, February 8, 2021 @7:30 pm)
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, January 18, 2021 @6:00 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, January 25, 2021 @6:30 pm)
 - a. Review of Resolution No. 081-10
 - b. Reciprocity Tax Funds
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, January 25, 2021 @7:30 pm)
(February 22, 2021 Joint Meeting with Townships and HSCJAD @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, February 8, 2021 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for February, 2021
 - b. Update on Substations
 - c. Electric Department Report
 - d. Update on 2021 Wastewater Treatment Plant Improvements Project (March 8, 2021 meeting)
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, February 9, 2021 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, February 9, 2021 @5:00 pm)
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, January 18, 2021 at 6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, January 26, 2021 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, January 27, 2021 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 11, 2021 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, June 8, 2021 @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**
(Will meet on Monday, January 25, 2021 at 6:15 pm)
15. **Volunteer Peace Officers' Dependents Fund Board**
(Will meet on Monday, January 25, 2021 at 6:20 pm)
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, January 04, 2021 at 7:00 pm

PRESENT

Councilmembers	Joseph D. Bialorucki-Council President, Daniel Baer-Council President Pro-Tem, Lori Siclair, Ken Haase, Jeff Comadoll, 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	Lt. Greg Smith Tony Cotter, Director of Parks and Recreation and Cemeteries Clayton O'Brien-Fire Chief Chad E. Lulfs, P.E., P.S.-Director of Public Works via WebEx
Clerk of Council	Roxanne Dietrich
Others	Zachary Firestone
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.

APPROVAL OF MINUTES

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

CITIZEN COMMUNICATION

Zachary Firestone. My fiancé and I moved into a house about a year ago and they were doing road construction. No previous sidewalk was there. Every place we have contacted to put a sidewalk in said the city should put the sidewalk in. So, I'm wondering why were we given a letter saying that we have to put a sidewalk in ourselves? Maassel asked what is the address? Firestone said it is 303 Sheffield Avenue. Mazur said I'm the City Manager and I know Chad Lulfs is online, he is our City Engineer and Public Works Director. Firestone said, we have spoken with Chad a few times about issues. Mazur asked the letter came from him, I take it? Firestone-I think so yeah. Mazur-When this happens and I think most of council is aware this is part of the city's rules and regulations. When we redo a road, we do it to a certain specification and when there's road construction and it's a complete rebuild, if the house did not have sidewalks before, it is the homeowner's responsibility to have sidewalks put in. Firestone-my question is, we have contacted several places to put the sidewalks in and they keep telling us if there is no sidewalk there, then the city should be responsible for putting one in and we would maintain it. Mazur said it has been a long standing rule that if there was no sidewalk there prior and the road is reconstructed, it is incumbent upon the homeowner to have it installed. Now if there is an existing sidewalk there, then it is the City's responsibility to maintain that in perpetuity. Durham asked if a list could be put together with contractors that put in sidewalks and we have or citizens have used in the past. Firestone said everyone we have talked to has said anywhere from \$3500 to \$4000 dollars. We have four kids and a mortgage payment that we are paying and we cannot afford that on our budget. Mazur-we have talked about having it be a part of the project and then assessing it on your property tax. Firestone said another issue too is we are on a corner and there is no sidewalk going down Sheffield. So

when they do construction and I know they said it would not be for a while, but when they have construction on that road, we are going to have to cover that road as well. Bialorucki stated I was thinking if you are on a corner, it is one or the other. Lulfs said our rules don't specify regarding corner lots. For our rules, it would fall on the homeowner. Now there are and the Law Director knows as much about it as anybody, there are rules limiting assessment amounts on corner lots but, the city's rules probably wouldn't apply simply because we don't assess for the street. If we assess for the street, there's a percentage for the project cost but I personally don't know if that applies to the sidewalks. It does not apply per city rules but state assessment law could differ. Mazur said when that letter went out at the time before the project you were dealing with the homeowner at that time. You are a new homeowner. Firestone-we are the new homeowner and they never specified to us anything that we had to do until after the project was already started. Lulfs said originally were dealing with a different homeowner I believe it was a single lady. Maassel asked how long do they have from the end of the project to get the sidewalk in? Lulfs replied a minimum we give a year. Usually once the project's done and whatever calendar year that is, we wait until the fall to send those letters so they have all of the following spring, summer and fall to get those put in, but the city rules give one year. Maassel-Mr. Firestone, that project ended this year at some point, right? Firestone-yes we got the letter in it was like October. Bialorucki asked if we have any projects in 2021 that are going to be in that area that we may be able to have a contractor do that and we can assess. Mazur said Park Street Phase IV is 2021, is that correct? Lulfs-yes. We bid it last fall and the contractor is planning to start this spring. None of the streets on that job are a full reconstruction and I don't recall how many square feet of sidewalk is on the project. It would be an option, I don't know what that price is right now. If that is something you want me to look at we can look at that. If we are going to assess it, that is a process and we would have to start that process very soon. Bialorucki asked Lulfs to explain how the assessment would work since we are all talking about it here and so the residents understand. Maassel said you get the cost of the assessment attached to your property tax for a certain amount of time and when you pay your property taxes part of that goes toward the assessment. Lulfs said it would be up to City Council with the Law Director's input to define whether that's a five-year period or a ten-year period. I do not recall what the maximum period is for that but, I think five years typical and believe you can go out to ten years and then the homeowner would pay the cost of the work plus whatever interest there is attached would be applied directly to your property tax. Firestone-we pay our property taxes through our home loan. Maassel noted so your monthly mortgage payment would go up a little bit to help pay the cost of that assessment. Bialorucki stated hopefully the price would be a little bit lower since the contractors will be in the area anyway and maybe not charge as much if you just called someone in. We can check into that. Firestone-like I said, with our income we just can't afford that type of price especially with you know everything going on right now. Maassel-there's a good phone number on the sign-in sheet? Firestone-yes I did. Maassel said the City Manager will get his homework done and he will give you a call. Firestone-Okay. Maassel-we will see if there's a better cost and if we can add to the project and if we can assess it. You should hear from him within the next week or ten days, is that all right? Firestone-sounds good to me.

REPORTS FROM COUNCIL COMMITTEES

Finance and Budget Committee did not meet on December 28, 2020 due to lack of agenda items. Due to lack of agenda items, the **Safety and Human Resources Committee** did not meet on December 28, 2020. The **Technology and Communications Committee** did not meet earlier tonight due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Ordinance No. 083-20 – Amending Section 925.08 Placement of Containers

Council President Bialorucki read by title Ordinance No. 083-20, an Ordinance amending a certain Section of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.08 “Placement of Containers”, and Amending Ordinance No. 007-20.

Motion: Comadoll

Second: Durham

Mazur stated this was discussed this in the Water, Sewer, Refuse, Recycling and Litter Committee. The issue came up as an item where it doesn't happen very often but, occasionally residents put their garbage cans and recycling bins to the curb and then do not bring them back in right away. Some residents leave their garbage cans and recycling bins out for several days. Right now, we do not have anything on the books and have reviewed a few other city ordinances and found several have time limits attached to how long they can keep their cans out. A few things were discussed. One was how long would be long enough if somebody goes out of town and leaves their can out, do you go an extra day or 48 hours. A lot of cities that we reviewed said 24 hours so, after taking in all that input, the committee recommended 24 hours. Mazur read the verbiage that was added to Section 925.08: *Refuse and Recycling containers placed at the curb in front of a customer's residence are to be removed from the curb by the end of the next day immediately following the customer's scheduled pickup day.* In essence, this gives the residents overnight and through the next day. Bialorucki added since this was brought up at the last meeting, I have noticed recycling bins or trash cans out there a little bit more. One in particular near where I live. It was kind of windy so one of the recycling bins was halfway between the sidewalk and the customer's home. The lid was near it and there was another one near the street and they sat there until the following week when they needed to put the recyclables in the bin and set them at the curb. I noticed they just sit out there until they need to fill them. Comadoll stated the reason I brought it up in the first place is, I have a neighbor that leaves their stuff out. It was the week of Thanksgiving and it's been out ever since. They pulled it in Christmas time and it's back out again. It's an eyesore and is on a busy intersection everybody drives down and can see it. Mazur said Kevin Schultheis can only do so much with the current section so, putting something in there gives a little bit of teeth to be able to say you have to follow this rule. If it becomes a habitual or a regular issue, then we can address it. One of the questions last time was penalties and I do not recall. Bialorucki said we did not discuss penalties. Harmon reported there are catch-all penalty provisions in these sections. If I am remembering correctly, this was going to be an M1. It gives a little bit of teeth we can we can put out a letter that says fix your stuff or you are going to be in trouble hopefully they fix their stuff. Comadoll said I don't want to be a hard person but, what do you do if there is nothing on the books saying what they have to do. Mazur said this gives us the ability to knock on the door and say hey but, if it becomes snub your nose at the city on this issue, then we will be able to cite whoever is in violation.

Roll call vote to approve First Read of Ordinance No. 083-20

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

Nay-Baer

Yea-6, Nay-1. Motion Passed.

Ordinance No. 084-20 - 2020 Replacement Pages to Codified Ordinances

Council President Bialorucki read by title Ordinance No. 084-20, an Ordinance Approving Current December 2020 Replacement Pages to the City of Napoleon Codified Ordinances.

Motion: Haase

Second: Comadoll

to approve First Read of Ordinance No. 084-20

Roll call vote to approve First Read of Ordinance No. 084-20
Yea-Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham, Haase
Yea-7, Nay-0. Motion Passed.

Council President Bialorucki read by title Ordinance No. 085-20 an Ordinance amending Section 931.09 Increasing Sanitary Sewer Rates for the Years 2021, 2022, 2023 and 2024; and Declaring an Emergency.

Mazur stated the sewer rates were discussed at the Water/Sewer Committee and Board of Public Affairs meeting and also at the last Council meeting and how all the EPA required Long-Term Control Plan projects and the renegotiation that we did that includes the Wastewater Treatment Plant Upgrades and the cost of a few other projects that are further down the road will affect the rates. We also eliminated many projects that were required by the EPA that we felt are not necessary at this time. The recommendation was 3% per year for the next four years to cover the expenses and the debt service that will be increased as a result of the Wastewater Treatment Plant Project. Bialorucki asked when you say 3% is that 3% of the cost to the user? Mazur replied it's 3% of the revenue that we need to generate. The 3% was applied to only the commodity charge in the sewer rate for this particular recommendation. What that means is it only affects their usage, it does not affect their base rate or their monthly charge that is referred to as a capacity charge. Historically we have applied it to just the commodity on the sewer side. In prior years, it was applied across both the base rate and the commodity charges, here so in this case you only see the commodity charge. Our base charge is already high at \$35.19 cents for inside users, that it made sense to apply the 3% just to the commodity charge. It is the opposite for what we are recommending for the water side because the base rate on the water side is actually low. In the ordinance it does say effective with the billing cycle in January reflected in February, 2021. This most likely will not be in effect until, this is the old language from the legislation so, we wouldn't be able to apply it until the March billing cycle as long as it passes and goes three reads and we hit the schedule of would that be the first? Maassel-yeah February 1, 2021. Mazur-so we would be able to hit that February mark. We were talking about applying it to the March billing cycle but, wouldn't be able to apply it to the February bill. Maassel asked the inside corporate limit was \$6.14 and now is going to be \$6.48, that is more than 3% it is a bigger increase. Mazur-correct. It's a 5.529% increase to just the commodity. It is an increase of 3% for what we need to collect in total for the revenue requirement. It is a 3% increase on the revenue requirement only applied to the commodity charge. This was the same thing that happened with the 10%-10% and 10% on the water side starting in 2017. The rate change is only on the commodity charge or else it would just be 3% here. It's a recommendation to apply it just to the commodity charge based on usage. The recommendation comes in applying it to the commodity charge rather than the a base charge because the base charge is substantially higher.

January 4, 2021 City Council Meeting
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Ordinance No. 086-20 - Increasing Water Rates

Council President Bialorucki read by title Ordinance No. 086-20, an Ordinance Amending Section 931.07 Increasing Water Rates for Residential, Commercial, Industrial and Whole Customers for the Years 2021, 2022, 2023 and 2024; and Declaring an Emergency.

Motion: Knepley Second: Comadoll
to approve First Read of Ordinance No. 086-20

Mazur reported on the water side is a recommendation for 7% revenue requirement and applied to both the commodity charge and the capacity charge. It's a 7% per year recommendation over the next four years that was based on the rate study performed by Courtney and Associates that we reviewed at the BOPA meeting and the last council meeting. Historically, on the water side it was only applied to the commodity and never to the capacity charge is why these charges are where they are at. Durham said at the last meeting you mentioned that several cities will just increase the rates annually, do you have any examples of that you know of? Mazur responded off the top of my head Ann Arbor and Montpelier Montpelier is 5% and Ann Arbor is 2% or 3%. Bowling Green usually does a rate study. Maassel asked Mazur if he could include in your FYI this week how much Bowling Green's rates will be going up? Bialorucki said to Mazur I think you have said before an average household water user is around four units? Mazur responded we use the benchmark of six units. Bialorucki asked how much would that increase be for someone who uses six units on a monthly basis? Mazur said it's roughly \$3.87. Bialorucki commented that is important. We throw a bunch of numbers out and I would not have known the average usage and how much that increase, I would not have been able to figure out that math real quick so, it is helpful because some of the numbers sound a little bit higher than what they really are. No one likes to have anything increased but, hearing that it is potentially under \$4.00 a month at least in the first year, is not as bad as what I initially thought. Mazur commented to refresh everybody, this recommendation was 7% in anticipation of the satellite communities leaving our system. We anticipate that happening sometime in 2023. It likely would have been around the 3% or less if that had not happened.

Roll call vote to approve First Read of Ordinance No. 086-20
Yea-Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham, Haase
Nay-
Yea-7, Nay-0. Motion Passed.

SECOND READING OF ORDINANCES AND RESOLUTIONS**Ordinance No. 076-20 – Law Director One-Time Stipend**

Council President Bialorucki read by title Ordinance No. 076-20, an Ordinance Authorizing a One-Time Gross Payment for the City of Napoleon, Ohio Law Director; and Declaring an Emergency

Motion: Comadoll Second: Durham
to approve Second Read of Ordinance No. 076-20

Roll call vote to approve Second Read of Ordinance No. 076-20
Yea-Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham, Haase
Nay-
Yea-7, Nay-0. Motion Passed.

Ordinance No. 077-20 – City Manager One-Time Stipend

Council President Bialorucki read by title, Ordinance No. 077-20, an Ordinance Authorizing a One-Time Gross Payment to the City of Napoleon, Ohio City Manager; and Declaring an Emergency

Ordinance No. 075-20 – New Aquatic Center Bond

Council President Bialorucki read by title Ordinance No. 075-20, an Ordinance Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$4,100,000 for the Purpose of Paying the Costs of the Construction of a Municipal Swimming Pool with Related Facilities and Appurtenances, Including the Demolition of Existing Facilities, together with all necessary and related Appurtenances thereto; and Declaring an Emergency

Motion: Comadoll Second: Haase
to pass Ordinance No. 075-20 on Third Read

Mazur stated to remind you, this Ordinance is the one Council approved the recommendation to increase the cap of the bond issuance to \$4.1 million. In front of you is a summary sheet of all the anticipated expenses including some items that we did talk about at the last meeting. The biggest item is the parking lot extension and the total parking lot resurfacing that is close to \$150,000. Other project expenses are interest on the note, the estimated bond issuance fee and we did have one change order for some underground work that was needed and we did not anticipate. Furniture for the clubhouse and pool deck were removed and added to the Parks and Recreation Budget. We did keep the concession equipment and point of sale items in. Also included is a change order for Peterman on the engineering side to review submittals, flooring, clubhouse simulator and additional change orders. The rebranding of the pool was also removed and added to the Parks and Recreation budget. The starting blocks for the competition side of the pool is a separate line item. When you total everything up, the estimate is \$4.05 million. There are some items we are unsure whether we are going to add into the project. There is \$30,500.00 remaining in the Parks and Recreation budget that gives a little cushion in case there are other unexpected items we did not foresee. One last thing, we did not include the climbing walls. That could be an item added as it is an easy item to add. Siclair asked if there has been any more discussion about fundraising for any parts of the pool? I know that was discussed early on when we talked about the whole pool project. Mazur said yes, but only internally. Cotter has been trying to get donations for some of the umbrellas. Organizations or companies can buy an umbrella which is about a \$5000 to \$7000 line item and the company can have their logo on the flaps that comes down off the sides of the umbrella. The umbrellas will probably last five to seven years. Cotter said they say at least ten years. Mazur continued so there's that end of it and also the climbing walls we are still looking for donations. Bialorucki asked how has the response been for the umbrellas? Cotter said we have had some inquiries. I probably need to put a bigger push out to see if local businesses would be interested, the same with the climbing walls. Mazur said the umbrellas are included in the budget however, if somebody wants to sponsor an umbrella and have their logo on for the life of the umbrella, then we can deduct that from the contract and apply it to other items. Siclair asked much are they a piece? Cotter replied the front rows that we specked out are \$6000 each. We did not add in the cost of the logo in the contract which is another \$400. So, total cost is about \$6500 to \$7000 with shipping. Durham stated I voted *no* for this change on the second read as I wanted to see these numbers before I voted yes. Thank you for getting this information. I solicited some citizen feedback and they were in agreement that we promised the citizens a completed pool house and aquatic center. I will echo what Bialorucki said at the last meeting regarding the parking lot, we are going to have this great attraction and want it to be functional and able to house the citizens that are coming and have a quality standard. Thank-you for getting all this around, I am in full support of it. Comadoll asked where is the new parking lot edition going? Mazur said where the old clubhouse was, all of that space was going to be green space. So, from the old clubhouse to the new clubhouse that is going to be hardscape with an extension for parking along that. Comadoll commented \$75,000 seems to be an awful lot of money for that little area. Mazur said I can't tell you the square footage but, we have talked about some of this stuff in the past where the cost between a total reconstruction of a road and resurfacing of a road is a one to four

Roll call vote to Pass Ordinance No. 075-20 on Third Read
Yea-Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham, Haase
Nay-
Yea-7, Nay-0. Motion Passed.

Council President Bialorucki read by title Ordinance No. 067-20, an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon, Ohio for the Year 2021 Repealing Ordinance No. 088-19; and Declaring an Emergency

Roll call vote to Pass Ordinance No. 067-20 on Third Read
Yea-Baer, Bialorucki, Siclair, Comadoll, Knepley, Durham, Haase
Nay-
Yea-7, Nay-0. Motion Passed.

Mazur reported this is a request for approval to purchase the police vehicles that are budgeted for 2021.

Chief O'Brien reported Mr. Travis was an Assistant Chief of the Fire Department, I don't recall the exact dates or for how long but, he did serve for quite some time. Firefighter Bergstedt who also retired from Napoleon Fire Department contacted me and with COVID we were unable to be able to actually go or participate in the funeral so, we put the flag up over the road and these couple checks came in afterwards for the memorial fund they must have set up.

Roll call vote on the above motion:

Nay-

AROUND THE TABLE

Comadoll - nothing for me tonight.

Siclair-nothing for tonight.

Maassel-May the Volunteer FF Dependents Fund Board and Volunteer Peace Officers' Dependents Fund Board never have to meet. It's sad when you drive by Ritter Park after such a great light display and you see the guys out there taking the stuff down. It's the same thing at home, the Christmas tree comes down is not quite as much fun as putting it up.

At our next Council meeting, can we have an update on the ongoing water negotiations? Mazur-yes.

Mid-next week can I have the top two accomplishments for each department? Mazur-got it. By when did you say? Maassel-by the 14th of January. Mazur-okay.

Some of us are up for election in November and those petitions are due by the end of February. If you are not going to draw a petition, can you let us know by the next meeting so if we need to start recruiting some good folks. Whose term is coming up? Councilmembers Comadoll, Bialorucki and Haase.

Baer—One question, I have not checked recently on the status of the donation boxes that were becoming an eyesore. Have those all disappeared yet? Mazur – good question. I have not followed up on that. I know they were disappearing at one point. I will follow-up and will also put that in the weekly FYI. I haven't checked with Schultheis lately. I know he has been working on it, trying to get a hold of the right people to address them.

Haase—I hope this year is a letter better than last year

Durham-nothing for tonight.

O'Boyle-nothing for me.

Harmon-I would request a very brief Executive Session to discuss personnel.

Mazur-January 10th the Fire Department will go around and pick up Christmas trees for residents that have real trees that want to put them out to the curb. Chief O'Brien added the trees will be picked up this coming Sunday morning. If they want to put them out Saturday night as they will start going around Sunday morning at 8:00 am. If you have anybody approach you that cannot carry the tree to the road, we just ask that they call and we can carry it to the road for them. We just need to know because otherwise we won't go up and just grab a tree that is next to the house because we are not sure.

Bialorucki-I heard a lot of people happy about their December bill being a lot lower or I guess it would be their January bill a lot lower than what they expected. That was very nice to hear. I did get a couple of calls and noticed on a Facebook page, people are having issues receiving their utility bills on time in December due to the postal service running late. Consequently, they were sending their bills back using the same postal service who is still behind and not getting them back to us in time. O'Boyle and I spoke a little bit about this and I wanted to bring it up that I think we need to take a look at each of each one individually and make sure that we are doing the right thing for our residents. I mean, our residents are our customers and we want to make sure that they are doing what they are supposed to do. They received their bill, send it in and the postmark is a good seven, eight, nine or ten days before it's due which is normal for the post office to be able to deliver their mail from that time to us, to make sure that we are not penalizing these customers. O'Boyle said there's an Ordinance stating that if a customer has more than one late penalty removed in a 12-month period that we cannot remove another one for 12 months. I'm bringing this up today because I think if there's some way, we need to amend that or something because obviously we haven't had this issue before or if we did we just said and no one's brought it up. I don't think that we are going to be able to handle this situation because the post office is a pain but, we shouldn't charge the customer for getting the payment late if we see the postmarked date was well prior. We can send this to a committee or we can take a look at it. Mazur said the three of us (appointing authorities) will get a recommendation back to you. Last, I would request an Executive Session for Compensation of Personnel.

Motion: Siclair Second: Knepley
to go into Executive Session to discuss personnel

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

Motion: Siclair Second: Knepley
to go into Executive Session for Compensation of Personnel

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

City Council went into Executive Session at 8:11 pm.

Motion: Comadoll Second: Haase
to come out of the Executive Session for discussion on personnel

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

Council President Bialorucki reported no action was taken.

Motion: Comadoll Second: Siclair
to come out of Executive Session for Compensation of Personnel

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed

Council President Bialorucki reported no action was taken.

City Council reconvened at 9:18 pm.

APPROVE PAYMENT OF BILLS

in the absence of any objections or corrections, the bills will stand approved.

ADJOURNMENT

Motion: Comadoll Second: Siclair
to Adjourn the City Council meeting at 9:18 pm

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed

Approved:

January 18, 2021

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Submitted by:

Roxanne Dietrich, Clerk of Council

SIGN-IN SHEET

Meeting City Council

Date January 4, 2021

[illegible]

NAPOLEON AQUATIC CENTER PROJECT EXPENSE TRACKING

Total Proposed Project Amount Available	\$ 4,050,000.00	Revised from \$3,500,000 - amount of Bond (includes issuance costs)
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Actual Expenses through November

Payroll	\$ 16,703.84
Project Costs	\$ 689,719.60
TOTAL Expenditures	\$ 706,423.44

Projected Expenses

Interest on \$3.5MM Note -projected Feb 2021	\$ 14,937.40	(rate of 1.21% (\$42,350) less 59.8% of premium (\$45,840.47) - due in Feb 2021
Estimated Bond Issuance Fee	\$ 77,287.50	61.83% of estimated \$125K
Midwest Change Order #1	\$ 17,150.91	
Clubhouse Equipment, Furniture & POS	Removed	moved to Parks & Rec Budget
Pool deck furniture	Removed	Estimated
Concession equipment and POS	\$ 31,500.00	Estimated
Parking Lot expansion	\$ 75,000.00	Estimated
Parking Lot Resurfacing	\$ 70,000.00	Estimated
Peterman Change Order	\$ 22,500.00	
Flooring	\$ 5,000.00	Estimated
Golf Simulator	\$ 30,000.00	Estimated
Contingency for Potential Change Orders	\$ 20,000.00	Estimated
Rebranding of Pool	Removed	Estimated
Competition Pool Starting Platforms	\$ 15,000.00	Estimated
Total Projected Expenses	\$ 378,375.81	

Outstanding Encumbrances as of 11/30:

Peterman Associates Inc.	\$ 40,200.00	
Astro Pool	\$ 1,448,121.50	Pool Contract and escrow held at Bank
TTL	\$ 10,000.00	Testing
Ohio Gas Company	\$ 8,800.00	
Midwest Contracting	\$ 1,517,000.00	Building contract
Total Outstanding Encumbrances	\$ 3,024,121.50	

Projected remaining Balance after encumbrances	\$ (58,920.75)
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Per Joel -additional expenses 12/15/20

Parking Addition	\$ 75,000.00
Parking Lot Resurfacing	\$ 70,000.00
Starting Platforms	\$ 15,000.00
Concession Equipment	\$ 31,500.00
Peterman	\$ 22,500.00
Flooring	\$ 5,000.00
Simulator	\$ 30,000.00
Additional COs	\$ 20,000.00
TOTAL	\$ 269,000.00

Per Joel -Parks and Recreation Budget

F & E	\$ 18,000.00
Rebranding	\$ 2,000.00
TOTAL	\$ 20,000.00

Not Included

Climbing Walls	\$ 15,000.00
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Remaining in Parks and Recreation Budget

Golf Course	\$ 9,000.00
Pool	\$ 4,500.00
Capital -Pool	\$ 17,000.00
TOTAL	\$ 30,500.00

ORDINANCE NO. 083-20

**AN ORDINANCE AMENDING A CERTAIN SECTION OF
CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY
OF NAPOLEON, SPECIFICALLY SECTION 925.08
“PLACEMENT OF CONTAINERS,” AND AMENDING
ORDINANCE NO. 007-20**

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

Section 1. That, Section 925.08 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

“925.08 PLACEMENT OF CONTAINERS.

1. Bags, tagged bags or containers holding bags or tagged bags shall be placed at the curb located in front of a customer’s residence for residential establishments, and along the alley located off the customer’s premises or other specified location for commercial establishments utilizing residential service who desire to be on the City’s bag refuse service. Sanitation department personnel cannot enter residential or other buildings for the purpose of refuse pickup. Containers if used as bag holders will be returned to the place of pickup, with lids replaced. In the event of a situation not covered by the above, placement of containers may be determined by mutual agreement of the Operations Superintendent and the resident, subject to the approval of the City Manager. [Refuse and Recycling containers placed at the curb in front of a customer’s residence are to be removed from the curb by the end of the next day immediately following the customer’s scheduled pickup day.”](#)

Section 2. That, Section 925.08 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is hereby amended upon the effective date of this Ordinance.

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

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

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

Passed: _____

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. 083-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & 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. 084-20

**AN ORDINANCE APPROVING CURRENT DECEMBER 2020
REPLACEMENT PAGES TO THE CITY OF NAPOLEON CODIFIED
ORDINANCES**

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

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

WHEREAS, the City has heretofore entered into a contract with the American Legal Publishing Corporation (formerly known as Walter H. Drane Company) to prepare and publish such revision which is before Council; **Now Therefore**,

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

Section 1. That, the Ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the December 2020 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

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

Administration Code
Department of Finance

Traffic Code
Traffic Schedules

Streets, Utilities and Public Services Code
Waste Collection
Electric Rates
Recreation Facilities

Section 3. That, the complete text of all current Codified changes is set forth in the current replacement pages to the City of Napoleon's Codified Ordinances, said pages which are attached to this Ordinance as Exhibit "A." Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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

Codified Ordinances of Napoleon, Ohio.

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

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

Passed: _____

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. 084-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & 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

**CODIFIED
ORDINANCES
OF THE
CITY OF
NAPOLEON
OHIO**

Local legislation current through **December 9**, 2020

State legislation current through **June 19**, 2020

CERTIFICATION

We, Jason Maassel, Mayor and Roxanne Dietrich, Executive Assistant to Appointing Authority - Clerk of Council of Napoleon, Ohio pursuant to Article II Section 2.15 of the Charter and Section 121.03 of the Administrative Code, hereby certify that the general and permanent ordinances of the City of Napoleon, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Napoleon, Ohio, 1996, as amended to **December 9**, 2020.

/s/ Jason Maassel
Mayor

/s/ Roxanne Dietrich
Clerk of Council

Codified, edited and prepared for
publication by
THE WALTER H. DRANE COMPANY
Cleveland, Ohio

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042-14	8-4-14	197.01 to 197.19	072-19	11-18-19	194.03
065-14	11-17-14	939.02	076-19	12-2-19	955.10
002-15	1-19-15	197.16, 197.18	078-19	12-16-19	Repeals, 375.03(e), 505.11, 505.15, 549.08, 549.09
004-15	1-19-15	955.09	079-19	12-16-19	193.11, 194.013
015-15	3-16-15	939.02	001-20	2-17-20	137.06
021-15	4-6-15	955.19	006-20	3-16-20	December 2019 Replacement Pages
044-15	8-3-15	955.09	007-20	4-6-20	925.13, 925.16
045-15	8-3-15	955.20	008-20	3-2-20	145.01
053-15	11-16-15	194.01 to 194.20, 194.97, 194.98, 194.99	018-20	5-18-20	143.01
057-15	11-16-15	193.11, 194.013			
060-15	12-21-15	955.21			
013-16	5-16-16	137.06			

Ord. No	Date	C.O. Section
032-20	8-17-20	June 2020 Replacement Pages
034-20	8-3-20	TRAF. SCH. I, III
053-20	11-16-20	194.081
054-20	12-7-20	955.16

TABLE A - Street Dedication and Plat Approval (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
057-07	7-2-07	Accepts Appian Ave. (in Replat of Meyers Replat of Lots 24 & 25 and Part of Lots 23 & 26 of E.T. Barns 1st Addition).
Res. 074-07	9-4-07	Accepts dedicated r-o-ws and utility easements with plat known as "Twin Oaks 6th Addition" (a major subdivision).
075-07	9-4-07	Accepts Williamsburg Ave. in plat of "Twin Oaks 6th Addition" (a major subdivision).
Res. 035-08	5-5-08	Accepts dedicated r-o-w-s and utility easements associated with the plat know as "Picket Fences Phase V" a major subdivision.
036-08	5-5-08	Accepts extension of Oxford Street as found in the plat of "Picket Fences Phase V", a major subdivision.
Res. 041-08	5-19-08	Accepts dedication of the lift station from the Henry County Hospital.
009-09	1-19-09	Accepts dedication of a part of Clarmont Avenue as identified in a plat known as the "Clairmont Avenue Right-of-Way Dedication Plat".
Res. 046-17	8-7-17	Authorizing the City Manager to dedicate a portion of City owned property as right of way for the Industrial Drive Street Improvements Project, P.I.D. Number 102253.
043-20	11-2-20	Accepts dedication of a section of Clairmont Avenue between Briarheath Avenue and Westmoreland Avenue.

TABLE C - Annexation or Detachment (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
081-08	10-6-08	Annexes property owned by the Board of County Commissioners of Henry County, Ohio (Location where the Henry County Garage is sited).
116-08	12-29-08	Consents to an annexation petitioned by David B. Ward at 907 Huddle Road.
004-09	1-19-09	Amends Ord.114-08, Sec. 1, which is a municipal service statement for a certain annexation petitioned by David B. Ward at 907 Huddle Road.
012-09	4-6-09	Locating an annexation of property at the location of 907 Huddle Road as was petitioned for by David B. Ward.
070-09	12-7-09	Annexes 1.83 acres owned by Maurice and Georgie Davis at the location of 2334 Scott St.
034-10	7-6-10	Accepting an annexation of .99 acres of land owned by Jerry Walker at the location of Huddle Road.
065-10	12-6-10	Accepting an annexation of territory as petitioned for by Thomas E. Wagner et. al. at the location of County Road 11C (Appian Avenue).
98-10	2-21-11	Approving the annexation of several parcels of land owned by Thomas C. Norden, et al, at the location of County Road 11C (Appian Ave.)
062-11	11-21-11	Accepting an annexation of territory as petitioned for by Donna M. Leonhardt, et. al. at the location of 815, 833, 855 and 873 Huddle Road.
063-11	11-21-11	Accepting an annexation of territory as petitioned for by John and Lori Paxton consisting of one lot being 2.98 acres of land more or less at the location of 715 Huddle Road, Parcel Number 07-240002.0200.
005-14	1-20-14	Accepting the annexation to the City of Napoleon certain territory that the Napoleon Area School District filed with the Henry County Board of Commissioners. Westmoreland Ave. Parcel Number 41-150040.0000.
047-14	7-7-14	Authorizes annexation agreement with Napoleon Township for the annexation of 5.448 acres of land owned by MDC Holdings, LLC. Westmoreland Ave. Parcel Number 41-150034.0100.
064-14	10-6-14	Accepts annexation to City of 5.448 acres of land owned by MDC Holdings, LLC. Westmoreland Ave. Parcel Number 41-150034.0100.
052-20	11-16-20	Authorizes annexation agreement of 0.038 acres of land currently in Napoleon Township located along County Road 424 (Parcel No. 07270088.0000), which is owned by William R. Meyers.

- (1) The amount of estimated taxes that were paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.
- (2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the municipal corporation under Section 194.091 of this Chapter for that year.
- (3) The taxpayer is an individual who resides in the Municipality but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

(F) A Tax Administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.
(Ord. 053-15. Passed 11-16-15.)

194.08 CREDIT FOR TAX PAID.

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 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.
(Ord. 053-20. Passed 11-16-20.)

194.082 REFUNDABLE CREDIT FOR QUALIFYING LOSS.

(A) As used in this section:

- (1) "Nonqualified deferred compensation plan" means a compensation plan described in section 3121(v)(2)(C) of the Internal Revenue Code.
- (2) (a) Except as provided in division (A)(2)(b) of this section, "qualifying loss" means the excess, if any, of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan over the total amount of income the taxpayer has recognized for federal income tax purposes for all taxable years on a cumulative basis as compensation with respect to the taxpayer's receipt of money and property attributable to distributions in connection with the nonqualified deferred compensation plan.
- (b) If, for one or more taxable years, the taxpayer has not paid to one or more municipal corporations income tax imposed on the entire amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan, then the "qualifying loss" is the product of the amount resulting from the calculation described in division (A)(2)(a) of this section computed without regard to division (A)(2)(b) of this section and a fraction the numerator of which is the portion of such compensation on which

Street	From	To	Prohibited Side(s)
Melody Ln.	Glenwood Ave.	Indiana Ave.	N.
Michigan Ave.	Woodlawn Ave.	Lagrange St.	W.
Monroe St.	Fillmore St.	Clinton St., E.	W.
Monroe St.	Front St.	Riverview Ave., E.	W.
Monroe St.	Main St., E.	Riverview Ave., E.	E.
Neward Dr.	Riverview Ave., W.	Becca Ln.	W.
North St.	Oakwood Ave.	Perry St., N.	Both
Northcrest Circle	Northcrest Dr.	Cul-de-sac	E.
Northcrest Dr.	Oakwood Ave.	Derome Dr.	S.
Norton St.	Park St.	Leonard St.	W.
Norton St.	Leonard St.	Dead End	Both
Oak St.	First St.	Daggett Dr.	Both
Oakdale Dr.	Glenwood Ave.	Indiana Ave.	N.
Oakwood Ave.	Fillmore St.	Railroad St.	E.
Oakwood Ave.	Railroad St.	Corporation Limits	Both
Ohio St.	Glenwood Ave.	Scott St.	S.
Old Creek Dr.	Oakwood Ave.	Cul-de-sac	S.
Old School Dr.	Clairmont Ave.	Cul-de-sac	both
Orchard Ln.	Riverview Ave., W.	Briarcliff Dr., E.	S.
Orchard Ln.	Briarcliff Dr., E.	Briarcliff Dr., W.	N.
Orwig Ave.	W. Washington St.	Welsted St.	W.
Oxford St.	Appian Ave.	Cambridge St.	E.
Park Ct.	Park St.	Dead End	W.
Park Lane Dr.	Park St.	Cul-de-sac	W.
Park St.	Sheffield Ave.	Glenwood Ave.	North
Park St.	Riverview Ave., W.	Norton Ave.	North
Park St.	Norton Ave.	Sheffield Ave.	North
Perry St., N.	First alley north of Oakwood Ave.	Yeager St.	W.

Street	From	To	Prohibited Side(s)
Wayne Park Dr.	Co.Rd. M1	Westerly intersection of Riverview Ave., W.	S.
Wayne St.	Riverview Ave., E.	Main St., W.	E.
Welsted St.	Glenwood Ave.	Avon Pl.	S.
Westchester Ave.	Briarheath Ave.	Kenilworth Ave.	N.
Westchester Ave.	Kenilworth Ave.	Briarheath Ave.	S. (4 hr. parking)
Westmont Ave.	Briarheath Ave.	Glenwood Ave.	N.
Westmoreland Ave.	Clairmont Ave.	Bales Rd.	E.
Westwood Ave.	Harmony Dr., S.	Harmony Dr., N.	E.
Willard St.	Woodlawn Ave.	Lagrange St.	E.
Williamsburg Ave.	Becca Ln.	Dead End	S.
Wood Dr.	Scott St., N.	Cul-de-sac	Both
Woodlawn Ave.	Clinton St., W.	Corporation Limits	Both
Woodlawn Ct.	Woodlawn Ave.	High St.	E.
Yeager St.	Oakwood Ave.	Dodd St.	Both

(Ord. 034-20. Passed 8-3-20.)

<i>STOP STREET</i>	<i>RIGHT-OF-WAY</i>
Norton Ave.	Park St.
Norton Ave.	Strong St.
Norton Ave.	Welsted St.
Oak St.	Daggett Ave.
Oakdale Dr.	Indiana Ave.
Oakdale Dr.	Glenwood Ave.
Oakwood Ave.	Perry St., N.
Oakwood Park	Oakwood Ave.
Oberhaus Park	Maumee Ave., W.
Ohio St.	Glenwood Ave.
Ohio St.	Scott St.
Old Creek Dr.	Oakwood Dr.
Old School Dr.	Clairmont Ave.
Orchard Ln.	Briarcliff Dr.
Orchard Ln.	Riverview Ave., W.
Orwig Ave.	Main St., W.
Orwig Ave.	Washington St., W.
Orwig Ave.	Welsted St.
Oxford St.	Appian Ave.
Park Ln.	Park St.
Park Pl.	Park St.
Park St.	Glenwood Ave.
Park St.	Riverview Ave., W.
Perry St., N.	Yeager St.
Pontious Pl.	First St.
Pontious Pl.	Perry St., S.
Railroad St.	Oakwood Ave.
Railroad St.	Perry St., N.

<i>STOP STREET</i>	<i>RIGHT-OF-WAY</i>
Williamsburg Ave.	Becca Ln.
Woodlawn Ct.	Woodlawn Ave.
Yeager St.	Oakwood Ave.

(b) All-Way Stops:

<u>INTERSECTION</u>
Bales Rd./Washington St., W. and Glenwood Ave.
Briarheath Ave. at Clairmont Ave.
Clinton St. at Monroe St.
Clinton St., W. at Norton Ave.
Glenwood Ave. at Woodlawn Ave.
Haley Ave. at Washington St., W.
Industrial Dr. at American Rd.
Indiana St. at Ohio St.
Kenilworth Ave. at Westmont Ave.
Main St., W. at Scott St.
Main St., W. at Webster St.
Main St., E. at Hobson St.
Monroe St. at Washington St.
Norton Ave. at Washington St.
Park St. at Sheffield Ave.
Raymond St. at Third St.
Scott St. at Front St.
Sheffield Ave. at Clinton St.
Third St. at Raymond St.

<u>Location</u>	<u>Description</u>
Perry St., N. (St. Rt. 108) at Washington St.	This three (3) phase signal controls a four-way intersection actuated by loop detectors which generally “stands on green” for through traffic on North Perry St.
Perry St., N. (St. Rt. 108) at Clinton St.	This three (3) phase signal controls a four-way intersection which is actuated by timed sequencing.
Clinton St. (St. Rt. 108) at Scott St. and Woodlawn Ave.	This four (4) phase signal controls a five-way intersection actuated by loop detectors.
Scott St. at Washington St.	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Scott St. (St. Rt. 108) at Lagrange St.	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for North Scott St.
Scott St. (St. Rt. 108) at Southern Entrance to Heritage Plaza	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for through traffic on North Scott St.
Woodlawn Ave. at Clairmont Ave.	This two (2) phase signal generally “stands on green” for Woodlawn Ave. The Clairmont Ave. signal is actuated by loop detectors.
Industrial Drive at Independence Drive	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Industrial Drive at Ramps “A” and “D”	This three (3) phase signal controls a 3-way intersection at Ramps “A” and “D” of the Industrial Drive Interchange. Loop detectors are provided on Ramp “A” for both left and right-through lanes. The signal generally “stands on green” for through traffic on Industrial Drive.

(e) Alleys:

All alleys shall be considered the yield street at all crossings with streets.

(Ord. 034-20. Passed 8-3-20.)

TITLE THREE - Utilities

Chap. 925. Waste Collection.
 Chap. 931. Water and Sewer Service.
 Chap. 939. Electric Rates.

CHAPTER 925 Waste Collection

925.01	Definitions.	925.16	Purchase of tags and utility payments.
925.02	Public utility.	925.17	Charge for special sanitation services.
925.03	Disposal required.	925.18	Disposal regulations and extraordinary fees during City's seasonal pickup programs.
925.04	Sanitation Department collection service.	925.19	Charges for specially requested pickup services.
925.05	Dumping and burning.	925.20	Establishment of yard waste management program.
925.06	Residential collection service mandatory, exceptions.	925.21	Separation of yard waste.
925.07	Bags and tags.	925.22	Prohibition against placing yard waste for collection.
925.08	Placement of containers.	925.23	Prohibition against placing hazardous or infectious waste for collection.
925.09	Miscellaneous refuse and rubbish.	925.24	Prohibition against unauthorized use of the City Yard Waste Site.
925.10	Licensed commercial collections.	925.99	Penalty.
925.11	Private haulers.		
925.12	Route-schedules.		
925.13	Rates.		
925.14	Rules and regulations.		
925.15	Unauthorized removal of garbage or refuse.		

CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01
 Employment of scavengers - see Ohio R.C. 3707.39
 Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.
 Vehicle loads dropping, sifting, leaking - see TRAF. 339.08
 Littering - see GEN. OFF. 521.08
 Contracts with county garbage and rubbish disposal districts -
 see Ohio R.C. 343.08
 Waste dumped at landfill only - see GEN. OFF. 521.06

925.23 PROHIBITION AGAINST PLACING HAZARDOUS OR INFECTIOUS WASTE FOR COLLECTION.

It shall be a violation of this chapter for any person to place hazardous or infectious waste for collection, removal or disposal by the City's Sanitation Department. (Ord. 28-95. Passed 4-3-95.)

925.24 PROHIBITION AGAINST UNAUTHORIZED USE OF THE CITY YARD WASTE SITE.

(a) No person or business entity with a physical address, street address, residential address, or business address outside the corporate limits of the City of Napoleon, Ohio, shall utilize or in any way make use of the City of Napoleon Yard Waste Site without prior written approval by the City Manager.

(b) The lack of notice of restricted access, posted or otherwise, is not a defense to this section. (Ord. 062-18. Passed 12-3-18.)

925.99 PENALTY.

(a) Whoever violates any provision of this chapter, or any rule or regulation pursuant thereto, where no specific penalty is attached, shall be deemed guilty of a minor misdemeanor and shall be fined not more than \$150.00. Any violation shall constitute a separate offense on each successive day continued. The fact that garbage, refuse, rubbish, yard waste or other waste matter, herein mentioned or not, remains on any residential establishment in the City in violation of this chapter shall be prima facie evidence that the householder of such establishment is responsible for the occurring violation. In addition to the penalties above described for this chapter, the offender may be assessed the cost of any cleanup.

(b) Any person who violates or neglects to comply with any provision of this chapter, or any rule or regulation pursuant thereto, upon commission of the first offense in any twelve-month period, in lieu of filing criminal charges, may be issued a warning by the crew of the City Sanitation Department in the form of an information tag, the form and content of which shall be prepared by the City Manager or his designee, to be issued in person or affixed to the waste, or to its container or to entrance of the dwelling or other structure on the premises upon which the waste or its container is found, and such waste shall not be collected, removed, or disposed of by the City's Sanitation Department. (Ord. 28-95. Passed 4-3-95.)

(c) Any person who violates Section 925.05 is deemed guilty of a misdemeanor of the 4th degree, punishable by a fine not to exceed \$250.00 and/or a period of imprisonment not to exceed 30 days.

(d) The City, its officials, boards or employees failing to carry out any directory function imposed upon the same by this chapter shall not be punishable as a crime under this section. (Ord. 28-95. Passed 4-3-95.)

CHAPTER 939 Electric Rates

939.01	Authority to establish electric regulations and rates.	939.04	Ecosmart Choice Program.
939.02	Rates.	939.05	Net metering.
939.03	Energy Reduction Program.		

CROSS REFERENCES

Power to establish electric light and power rates -
see Ohio R.C. 715.03, 715.06

Power to furnish light power and heat -
see Ohio R.C. 715.06, 717.01

Power to erect electric works - see Ohio R.C. 743.34

939.01 AUTHORITY TO ESTABLISH ELECTRIC REGULATIONS AND RATES.

(a) The Board of Public Affairs of the City shall advise and recommend electric rates and City of Napoleon rules, terms, and conditions governing the sale of electrical service and use of the electric system of the City, subject to enactment by ordinance or resolution of Council. Nothing in this section shall be construed to limit Council's authority to establish, adjust or amend electric rates and amend City of Napoleon rules, terms and conditions governing the sale of electrical service and use of the electrical system in a manner that may be inconsistent with the advice and recommendation of the Board.

(b) The Board shall review monthly, or at times otherwise directed by Council, the PCF rates as it pertains to the City and report its findings to Council.

(c) Except as otherwise provided by law, the rates and rules, terms and conditions governing the sale of electricity by the City, and use of its electrical system established and approved by legislation of Council, shall regulate the use and sale of electricity when furnished by the City, and use of its electrical system when used in the City, unless a separate contract prevails. (Ord. 88-99. Passed 11-15-99.)

"Kilowatt-hour (kWh)". Means the basic unit of electric energy equal to one (1) kilowatt of Power Supplied to or Taken from an Electric Circuit Steadily for One (1) Hour.

"Power Supply Charges". Means charges that are designed to Recover costs associated with the acquisition and/or Purchase of power and energy required to meet the City's power supply requirements, including costs associated with Delivering that power and energy to the city's electric system.

"Power Supply Costs". Means all costs associated with the acquisition and/or purchase of power and energy required to meet the City's power supply requirements, including costs associated with delivering that power and energy to the City's electric system.

"Transition Costs". Generally defined as the difference between purchased power costs of those sources where construction costs, market price at the time of contractual obligation, and/or other factors that may cause the fixed and/or average cost of that power to be significantly higher than average market prices. In addition, significant additional system cost assumed as a result of the offering of open access service may also be included.

(Ord. 065-14. Passed 11-17-14.)

939.03 ENERGY REDUCTION PROGRAM.

The City Manager may initiate an Energy Reduction Program to users of electricity having an account classification of commercial, large power or industrial customers whereby credits shall be applied to the customer's electrical invoice, up to 1/2% per 100 KW of pre-selected and approved reduction of electricity use during a rolling 12 continuous month period basis, in return for reduction of electrical consumption by the customer at times of approach of a peaking condition, during an electrical peak condition, or when there has been declared by the City Manager an emergency electrical condition. The program shall be as established in the City's rules, terms and conditions governing sale of electrical service.

(Ord. 87-05. Passed 10-3-05.)

939.04 ECOSMART CHOICE PROGRAM.

Any electric customer of the City may choose to enroll in the EcoSmart Choice Program. The EcoSmart Choice Program allows customers to offset a portion of their electricity purchases with renewable energy certificates (RECs). The customer will have an increase in electric rates of \$0.005 per kWh. The customer can have participation levels ("usage breaks") of 50% (fifty percent) and 100% (one hundred percent).

(Ord. 055-12. Passed 9-4-12.)

provision. Playing of golf shall be only during the golf season unless otherwise permitted; further, if permitted at times when the club house is closed, registration is not required. (Ord. 30-97. Passed 5-5-97.)

955.12 PERSONS EXEMPT FROM GREENS FEES.

(EDITOR'S NOTE: Former Section 955.12 was repealed by Ordinance 18-2003, passed March 3, 2002.)

955.13 PLAY UPON COURSE SUBJECT TO APPROVAL OF GREENSKEEPER.

Any play upon the course shall be subject to the approval of the greenskeeper who will determine playing conditions from the standpoint of damage to the greens and course. (1978 Code 96.19)

955.14 RULES AND REGULATIONS.

The following rules and regulations shall be in effect:

- (a) "a.m." is to be considered until 9:30 a.m.
- (b) Military personnel on active duty, while on authorized leave, shall play without charge, upon presentation of a proper military identification card.
- (c) Annual golf privilege cards. Annual golf privilege cards are valid from March 15 to October 31 of each year. Payment of annual golf privilege fees exempt holders from daily greens fees throughout the golf season as well as providing holders with specific golf privileges related to some special golf dates and times as may be established. (Ord. 30-97. Passed 5-5-97.)

PARKS

955.15 CLOSING HOURS.

(a) Except as herein provided, the municipal parks shall be closed between the hours of 11:00 p.m. and sunrise.

(b) No person, without privilege to do so, shall knowingly enter or remain upon any municipal park at any time a municipal park is closed.

(c) It is an affirmative defense to a charge under division (b) of this section if the person involved is engaged in an activity properly authorized by the City Manager or other City official designated by the City Manager to authorize such activity.

(d) Notwithstanding any other provision of this Code, when declared by the City Manager to be in the interest of public peace, health, or safety, the City Manager may vary the hours established in this Section 955.15 by journalizing the same with the Parks and Recreation Department and having the varied hours posted at the park. (Ord. 040-08. Passed 5-19-08.)

MUNICIPAL SWIMMING POOL

955.16 SWIMMING POOL ADMISSION.

For the purpose of Section 955.16 of the City of Napoleon Codified Ordinances only, Resident shall be defined as an individual or family residing in the City of Napoleon Corporation limits, not the definition listed in Section 955.02, stating "Resident" means a person living in the corporate limits of the City or a payer of City income tax. (For the purpose of this definition, a payer of City income tax will mean one who currently pays the full established rate of City income

tax or paid the full established rate of City income tax within the preceding twelve-month period (unless the payer was exempted due to an alternate City tax policy of the City); one living within the corporate limits will mean one who has the City as his or her place of domicile; further, when a child is a participant, the consideration of being a resident or non-resident shall be determined by the status of the parent or legal guardian of the participant that pays any applicable participation or activity fee.

(a) The annual swim admission card for the Municipal Swimming Pool shall be as follows:

(1) Family (up to five (5) members annual swim admission card fee:

Resident: \$100.00

Nonresident: \$200.00

(2) Additional family members annual swim admission card fee:

Resident: \$10.00

Nonresident: \$30.00

(3) Adult individual annual swim admission card fee:

Resident: \$60.00

Non-resident: \$100.00

(4) Child individual annual swim admission card:

Resident: \$50.00

Non-resident: \$85.00

(5) Senior citizen annual swim admission card fee:

Resident: \$50.00

Non-resident: \$75.00

(6) Chief Care Provider annual swim admission card fee:

Resident: \$50.00

Nonresident: \$60.00

(b) The daily swim admission fee for the Municipal Swimming Pool shall be as follows:

(1) Resident - \$3.00

Non-resident - \$5.00

Children aged three years old and younger:

Resident - free

Non-resident - free

Ten (10) visit pass for children:

Resident - \$27.00

Non-resident (\$45.00

(2) Daily admission fee for adults:

Resident - \$4.00

Non-resident - \$6.00

Ten (10) visit pass for adults:

Resident - \$36.00

Non-resident - \$54.00

Daily admission fee for senior citizens (aged 65 and older):

Resident - \$3.00
Non-resident - \$5.00

Ten (10) visit pass for senior citizens:

Residents - \$27.00
Non-residents - \$45.00

(c) The Director of Parks, Recreation and Cemeteries is authorized to establish up to six special pool events per season on which a reduced daily recreation admission fee could be offered on a per person or per family basis.

(d) Annual swim admission cards are seasonal and are valid in the summer season of each year during hours as determined by the Parks and Recreation Department.

(e) Pool facility exclusive use rental under terms and conditions and times as authorized by the Parks and Recreation Director (subject to specific approval and terms as set by the Parks and Recreation Director; additionally, Parks and Recreation Director reserves the right to deny rental for any reason):

- (1) Saturday or Sunday evening from 6-9 p.m.
Resident - \$250.00
Non-resident - \$400.00
- (2) All day Friday, Saturday, and Sunday:
Resident - \$750.00
Non-resident - not available

(f) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly or annual rates.

(g) In order to provide an opportunity for area employers to offer healthy recreational activities for their employees and families, a Corporate Membership rate shall be created per the following:

- (1) The Corporate Membership will be available for eligible employees, and up to four (4) additional immediate family members. (Immediate family members for this section area defined as spouse and children living in the same household.)
- (2) The Corporate Membership will be available to companies located within the Napoleon Corporation limits, and only to employees that work at locations within the Napoleon Corporation limits.
- (3) The Corporate Membership will be available for eligible employees of a company that has purchased a Corporate Membership; the company shall provide a list of eligible employees prior to the start of the pool season. The Corporate membership must be paid in full before the usage is permitted.
- (4) Employees must display a valid membership badge issued by the City of Napoleon to verify eligibility and admission.

- (5) Family members of employees are not included as part of the corporate membership privileges, unless eligible as defined in subsection (g)(1) of the Ordinance.
- (6) Corporate memberships are valid from Municipal Day (or on the first day of pool opening) through Labor Day for pool closing) of each season.
- (7) The following table establishes the fees for a Corporate Membership to the employer, based on number of employees.

Number of Employees	Annual Fee
25 and under	\$2,000.00
26-50	\$3,500.00
51-100	\$5,000.00
101-150	\$7,500.00
Over 150	\$10,000

(Ord. 054-20. Passed 12-7-20.)

955.17 DAILY RATES.

(EDITOR'S NOTE: See Section 955.16.)

955.18 OPENING AND CLOSING OF MUNICIPAL SWIMMING POOL.

(a) Except as provided in divisions (c) and (d) of this section or except in case of an accident, emergency or disaster, the Municipal Swimming Pool, hereinafter called the Swimming Pool, in the City shall be kept open at all times during regular hours in the summer season, normally being Memorial Day weekend through Labor Day, if the air temperature at the Swimming Pool is 73°F or higher, and the Swimming Pool Manager is directed to so keep the Swimming Pool open.

(b) In the event the air temperature at the Swimming Pool at any time during regular hours in the summer season is less than 73°F, the Swimming Pool Manager is authorized to close the Swimming Pool for the duration of that day.

(c) In the event the weather conditions at the Swimming Pool become dangerous or threatening at any time during regular hours in the summer season, the Swimming Pool Manager is authorized to close the Swimming Pool for the duration of that day as he/she determines prudent in the exercise of his/her best judgment.

(d) The City has the right to close the Swimming Pool at anytime during the season for special events or other cause deemed appropriate by the Parks and Recreation Department.

(Ord. 30-97. Passed 5-5-97.)

955.19 RECREATION PROGRAM PARTICIPATION FEES.

(a) Rates (per participant):

	(Rates)	
Activity	Resident	Nonresident
Tee Ball	\$20	\$30
Youth Little League	\$20	\$30
Junior Little League	\$20	\$30
Henry Co. Bank Lge. Softball	\$20	\$30
Rookie League Softball	\$20	\$30
Minor League Softball	\$20	\$30

Major League Softball	\$20	\$30
Little Cats Basketball	\$20	\$30
Wild Kittens Basketball	\$20	\$30
Kiddy Cats Basketball	\$20	\$30
Flag Football	\$20	\$30

	(Rates)	
Activity	Resident	Nonresident
Intramural Basketball	\$20	\$30
Tennis Lessons/League	\$20	\$30
Soccer	\$20	\$30
Safety City	\$10	\$15
Outdoor Education Program (per activity)	\$5	\$5

(Ord. 021-15. Passed 4-6-15.)

(b) Reduced Recreation Program User Fee Policy: The City of Napoleon Parks and Recreation Department, as part of its continued goal of offering recreation programming to all of its residents, has made available the following reduced Recreation Program policy for those families that need financial assistance:

Eligibility: Reduced fees or “grants” are allowable for City operated youth recreation programs only.

- (1) Grants shall be considered based on an individual(s) participation in the Napoleon Area Schools District Free and Reduced Lunch Program.
 - A. Verification of enrollment in the program will be through the assistance of Napoleon Area Schools.
 - B. Authorization must be given by applicant for the Napoleon Area Schools to release free/reduced lunch program information to the City of Napoleon. Consideration for grants will not be given if authorization is not received.
 - C. Application for grants shall be submitted at the City of Napoleon offices at the time of program registration.
 - D. All requests for grants must be submitted on the appropriate application form.
 - E. Each application shall be considered individually. Completion of the application does not automatically ensure approval of fee reduction.
 - F. Applicants shall be notified of their status prior to the start of the program.
 - (2) If application is approved, families (parents or guardians) who have been approved for the grant shall be required to pay 25% of the current Recreation Program rate if they are enrolled in the Free Lunch Program. Families shall be required to pay 50% of the current Recreation Program rate if they are enrolled in the Reduced Lunch Program. The appropriate fee must be paid to the City prior to the start of the program.
 - A. Failure to pay will disqualify the applicant for participation of the Reduced Program Fee Program. Participation in the Recreation Program is still allowed at the regular program rate.
 - B. Only two (2) Reduced Fee grants shall be awarded per person, per year.
 - C. If a grant recipient cancels his/her participation in the Recreation Program without a bona fide reason (injury, illness, etc.) the grant may not be transferred to another program or activity in that year. That individual will not be permitted to any subsequent application requests during that year. This shall be determined solely by the Parks and Recreation Director.
 - (3) Recreation Program registration form must still be completed.
 - (4) Online registration is not available for the Reduced Fee Program.
 - (5) Additional costs not associated with the City’s Recreation Program participation fee may still apply (supplies, equipment, etc.)
- (Ord. 002-13. Passed 2-4-13.)

955.20 DOG PARK FEES.

The annual membership fee for the Dog Park is ten dollars (\$10.00) which includes the key fob, on the condition that the person submits a completed application and all pet vaccination documentation as required or listed in the park rules. The City reserves the right to terminate the membership, key fob access, and/or deny any person or animal access for any reason.
(Ord. 045-15. Passed 8-3-15.)

955.21 PRIVATE BOAT DOCK STORAGE FEE AT RITTER PARK.

The annual fee for the storage of private boat docks at the Ritter Park boat ramp area parking lot is \$50.00 per dock. Each stored dock must have a valid permit tag issued annually by the City of Napoleon. Any person utilizing this dock storage space at Ritter Park must abide by all other rules and regulations as issued by the City of Napoleon Parks and Recreation Department, and as may be amended from time to time.
(Ord. 060-15. Passed 12-21-15.)

955.99 PENALTY.

Whoever violates any provision of this chapter where no other penalty is provided is guilty of a minor misdemeanor. (A.O.)

Whoever violates Section 955.15(b) is deemed guilty of a misdemeanor of the 4th degree.
(Ord. 142-96. Passed 12-16-96.)

ORDINANCE NO. 085-20

**AN ORDINANCE AMENDING SECTION 931.09 INCREASING
SANITARY SEWER RATES FOR THE YEARS 2021, 2022, 2023 AND
2024; AND DECLARING AN EMERGENCY**

WHEREAS, the Board of Public Affairs and the Water and Sewer Committee met in a regular meeting held on December 14, 2020, reviewed the existing sanitary sewer rates and determined a rate increase over a four (4) year period effective January 1, 2021 for the year 2021, 2022, 2023, and 2024 is necessary in order to keep the sanitary sewer fund sound; and,

WHEREAS, the City Council of Napoleon in a regular meeting held on December 21, 2021 reviewed the existing water rates and determined a rate increase over a four (4) year period for the years 2021, 2022, 2023, and 2024 is necessary in order to keep the water utility fund sound; and,

WHEREAS, the Council for the City of Napoleon now desires to increase sewer rates for the years 2021, 2022, 2023 and 2024; **Now Therefore**,

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

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

**“931.09 SANITARY SEWER RATES FOR INSIDE AND OUTSIDE CORPORATION
LIMITS.**

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

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

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

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

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

(3) In the event it can be shown to the satisfaction of the City that a portion of the water from any source consumed on said premises does not and cannot enter the City sanitary sewer system, then in such case the owner or other interested party may, at the owner's or interested party's expense, install and maintain separate metering devices, subject to inspection and testing by the City, to the extent necessary to demonstrate to the satisfaction of the City that only a portion of the water consumed on the premises is being

discharged into the City sanitary sewer system, which portion shall constitute the basis for measuring the sanitary sewer charge for said premises. In the event that such metering devices are impractical, then other reliable evidence produced by the owner or other interested party may be considered by the City Manager, in the City Manager's sole discretion, in adjusting sewer charges.

(4) Effective with the billing cycle in January of the year ~~2019~~ 2021, to be reflected in the first billing in February of the year ~~2019~~ 2021, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

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

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$6.14 \$6.48	\$6.14 \$6.48
Outside Corporation Limits	\$12.28 \$12.96	\$12.28 \$12.96

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

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

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(5) Effective with the billing cycle in January of the year 2022, to be reflected in the first billing in February of the year 2022, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

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

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$6.48 \$6.83	\$6.48 \$6.83
Outside Corporation Limits	\$12.96 \$13.66	\$12.96 \$13.66

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

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

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(6) Effective with the billing cycle in January of the year 2023, to be reflected in the first billing in February of the year 2023, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

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

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$6.83 \$7.19	\$6.83 \$7.19
Outside Corporation Limits	\$13.66 \$14.37	\$13.66 \$14.37

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

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

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(7) Effective with the billing cycle in January of the year 2024, to be reflected in the first billing in February of the year 2024, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

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

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$7.19 \$7.56	\$7.19 \$7.56
Outside Corporation Limits	\$14.37 \$15.11	\$14.37 \$15.11

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

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

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(c) Disposal of Domestic Septage.

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

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

- A. Company contact and ownership information;
- B. Information about the types and capacities of the trucks used to haul septage;
- C. Information about the source and characteristics of the septage to be hauled; and,
- D. Approximate daily/weekly/monthly volumes which are planned to be hauled.

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

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

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

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

(7) Rates. The rate for dumping septage shall be six cents (\$0.06) per gallon."

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

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

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

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper processing of rates, 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. 085-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & 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. 086-20

AN ORDINANCE AMENDING SECTION 931.07 INCREASING THE WATER RATES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND WHOLE CUSTOMERS FOR THE YEARS 2021, 2022, 2023 AND 2024; AND DECLARING AN EMERGENCY

WHEREAS, the Board of Public Affairs and the Water, Sewer, Refuse, Recycling and Litter Committee in a regular meeting held on December 14, 2020, reviewed the existing water rates and determined a commodity charge rate increase over a four (4) year period for the years 2021, 2022, 2023, and 2024 is necessary in order to keep the water utility fund sound; and,

WHEREAS, the City Council of Napoleon in a regular meeting held on December 21, 2021 reviewed the existing water rates and determined a commodity charge rate increase over a four (4) year period for the years 2021, 2022, 2023, and 2024 is necessary in order to keep the water utility fund sound; and,

WHEREAS, the Council for the City of Napoleon now desires to increase commodity charge rates for the years 2021, 2022, 2023 and 2024; **Now Therefore**,

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

Section 1. That, Section 931.07 of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

“931.07 WATER RATES.

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

- (a) A City approved water meter shall be utilized for determining use of water.
- (b) The following rates are established and shall be charged to all classes of water users, until otherwise changed.

- (1) Effective with the first billing cycle in the year ~~2016~~ 2021, to be reflected in the first billing in February of the year ~~2016~~ 2021, except for direct sales as established in subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(6) hereof. The commodity charge shall be computed as follows:

- A. Units of water used inside the corporation:
 - Units: 1 up to 10 = ~~\$7.38~~ \$7.90 each unit, then
 - Units: 11 up to 250 = ~~\$7.02~~ \$7.51 each unit, then
 - Units: Over 250 = ~~\$5.32~~ \$5.69 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- B. Units of water used outside the corporation: *
 - Units: 1 up to 10 = ~~\$11.07~~ \$11.84 each unit, then
 - Units: 11 up to 250 = ~~\$10.53~~ \$11.27 each unit, then
 - Units: Over 250 = ~~\$7.98~~ \$8.54 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- C. Direct sales at the plant: \$8.18 per 1,000 gallons.

(2) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity Of Service (Meter size in Inches)	Capacity Charge (Inside Corporation)	Capacity Charge (Outside Corporation)*
A. 1.00 And Less	\$11.07 \$11.84	\$16.60 \$17.76
B. 1.25	39.72 42.50	59.58 63.75
C. 1.50	62.93 67.34	94.41 101.02
D. 2.00	128.01 136.97	192.02 205.46
E. 3.00 AND UP	353.14 377.86	529.68 566.76
F. 4.00	600.00 642.00	900.00 963.00
G. 6.00	1,000.00 1,070.00	1,500.00 1,605.00
H. 8.00	1,500.00 1,605.00	2,250.00 2,407.50
I. 10.00 AND UP	2,000.00 2,140.00	3,000.00 3,210.00

(3) Effective with the first billing cycle in the year ~~2017~~ 2022, to be reflected in the first billing in February of the year ~~2017~~ 2022, except for direct sales as established in subsection (b)(7)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(8) hereof. The commodity charge shall be computed as follows:

- A. Units of water used inside the corporation:
Units: 1 up to 10 = ~~\$7.90~~ \$8.45 each unit, then
Units: 11 up to 250 = ~~\$7.51~~ \$8.04 each unit, then
Units: Over 250 = ~~\$5.69~~ \$6.09 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- B. Units of water used outside the corporation: *
Units: 1 up to 10 = ~~\$11.84~~ \$12.67 each unit, then
Units: 11 up to 250 = ~~\$11.27~~ \$12.06 each unit, then
Units: Over 250 = ~~\$8.54~~ \$9.14 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- C. Direct sales at the plant: \$8.18 per 1,000 gallons.

(4) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$11.84 \$12.67	\$17.76 \$19.01
B. 1.25	42.50 45.48	63.75 68.21
C. 1.50	67.34 72.05	101.02 108.09
D. 2.00	136.97 146.56	205.46 219.84

E. 3.00 AND UP	377.86 404.31	566.76 606.43
F. 4.00	642.00 686.94	963.00 1,030.41
G. 6.00	1,070.00 1,144.90	1,605.00 1,717.35
H. 8.00	1,605.00 1,717.35	2,407.50 2,576.03
I. 10.00 AND UP	2,140.00 2,289.80	3,210.00 3,434.70

- (5) Effective with the first billing cycle in the year ~~2018~~ 2023 to be reflected in the first billing in February of the year ~~2018~~ 2023, except for the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:

A. Units of water used inside the Corporation:

Units: 1 up to 10 = ~~\$8.45~~ \$9.04 each unit, then

Units: 11 up to 250 = ~~\$8.04~~ \$8.60 each unit, then

Units: over 250 = ~~\$6.09~~ \$6.52 each unit.

Note: one unit of water is defined as 100 cubic feet.

B. Units of water used outside the Corporation:*

Units: 1 up to 10 = ~~\$12.67~~ \$13.56 each unit, then

Units: 11 up to 250 = ~~\$12.06~~ \$12.90 each unit, then

Units: over 250 = ~~\$9.14~~ \$9.78 each unit.

Note: one unit of water is defined as 100 cubic feet.

C. Direct sales at the plant: \$8.18 per 1,000 gallons.

- (6) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside Corporation)	Capacity Charge (Outside Corporation)*
A. 1.00 and less	\$12.67 \$13.56	\$19.01 20.34
B. 1.25	45.48 48.66	68.21 72.99
C. 1.50	72.05 77.09	108.09 115.66
D. 2.00	146.56 156.82	219.84 235.23
E. 3.00 and up	404.31 432.61	606.43 648.88
F. 4.00	686.94 735.03	1,030.41 1,102.54
G. 6.00	1,144.90 1,225.04	1,717.35 1,837.56
H. 8.00	1,717.35 1,837.56	2,576.03 2,756.35
I. 10.00 and up	2,289.80 2,450.09	3,434.70 3,675.13

- (7) Effective with the first billing cycle in the year ~~2019~~ 2024 to be reflected in the first billing in February of the year ~~2019~~ 2024, except for the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:

A. Units of water used inside the Corporation:

Units: 1 up to 10 = ~~\$9.04~~ \$9.67 each unit, then

Units: 11 up to 250 = ~~\$8.60~~ \$9.20 each unit, then

Units: over 250 = ~~\$6.52~~ \$6.97 each unit.

Note: one unit of water is defined as 100 cubic feet.

B. Units of water used outside the Corporation:*

Units: 1 up to 10 = ~~\$13.56~~ \$14.51 each unit, then

Units: 11 up to 250 = ~~\$12.90~~ \$13.80 each unit, then

Units: over 250 = ~~\$9.78~~ \$10.46 each unit.

Note: one unit of water is defined as 100 cubic feet.

C. Direct sales at the plant: \$8.18 per 1,000 gallons.

(8) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$13.56 \$14.51	\$20.34 \$21.76
B. 1.25	48.66 52.06	72.99 78.10
C. 1.50	77.09 82.49	115.66 123.75
D. 2.00	156.82 167.79	235.23 251.70
E. 3.00 and up	432.61 462.89	648.88 694.30
F. 4.00	735.03 786.48	1,102.54 1,179.72
G. 6.00	1,225.04 1,310.80	1,837.56 1,966.19
H. 8.00	1,837.56 1,966.19	2,756.35 2,949.29
i. 10.00 AND UP	2,450.09 2,621.59	3,675.13 3,932.39

(c) The capacity of service shall be determined by the City and, normally, shall be equal to the size of the consumer's water meter.

*Except for bulk sales direct from the Water Plant, both capacity and commodity water charges outside the City are charged at approximately fifty percent (50%) higher than in the City, unless otherwise modified by rule or terms of a contract. Nothing in this section shall be construed to prohibit the City from increasing or decreasing the percentage stated in a contract where not otherwise prohibited by law.

(d) No deduction in capacity charge (from the beginning of time) is applicable as it relates to governmental buildings, schools, and charitable institutions.

(e) Water testing fees shall be as follows:

- (1) Testing bacteria mmo/mugg /Smp \$20.00
- (2) Calibrate chlorine meters /Mtr \$30.00
- (3) Testing for special samples /Smp \$40.00
- (4) Weekend testing for any sample /Smp \$100.00

Section 2. That, Section 931.07 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed.

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

requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper processing of rates, 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. 086-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the ____ day of _____, 2021; & 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. 076-20

**AN ORDINANCE AUTHORIZING A ONE TIME GROSS
PAYMENT FOR THE CITY OF NAPOLEON, OHIO LAW
DIRECTOR; AND DECLARING AN EMERGENCY**

WHEREAS, Council desires to authorize a one time gross payment to the City Law Director; and,

WHEREAS, Council desires to make said changes effective with the first pay on or about January 1, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No. 099-19, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the year 2021, that commenced on or about December 14, 2020, the biweekly salary of the City Law Director of this City shall be four thousand one hundred seven dollars and thirty-six cents (\$4,107.36) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That, effective with the first pay of January 2021, the Law Director shall receive a one time gross payment of two thousand five hundred dollars (\$2,500).

Section 3. That, this Ordinance allows the terms and conditions of this pay Ordinance to be retroactively applied, the same being hereby approved as it so exists.

Section 4. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 5. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 6. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 7. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 8. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 9. That, Ordinance No. 099-19 is repealed in its entirety effective December 14, 2020.

Section 10. 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 11. 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 12. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to commence the amendments 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. 076-20 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. 077-20

**AN ORDINANCE AUTHORIZING A ONE TIME GROSS
PAYMENT TO THE CITY OF NAPOLEON, OHIO CITY
MANAGER; AND DECLARING AN EMERGENCY**

WHEREAS, Council desires to authorize a one time gross payment to the City Manager; and,

WHEREAS, Council desires to make said changes effective with first pay on or about January 1, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No. 100-19, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the Year 2021, that commences on or about December 14, 2020, the biweekly salary of the City Manager of this City shall be four thousand three hundred forty-six dollars and eighty-one cents (\$4,346.81) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That, effective with the first pay of January 2021, the City Manager shall receive a one time gross payment of two thousand five hundred dollars (\$2,500).

Section 3. That, this Ordinance shall contain a provision that allows the terms and conditions of this Ordinance to be retroactively applied, the same being hereby approved as it so exists.

Section 4. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 5. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 6. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 7. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 8. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 9. That, Ordinance No. 100-19 is repealed in its entirety effective December 14, 2020.

Section 10. 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 11. 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 12. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to commence the amendments 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 M. Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 077-20 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 M. Dietrich, Clerk of Council

ORDINANCE NO. 078-20

**AN ORDINANCE AUTHORIZING A ONE TIME GROSS
PAYMENT TO THE CITY OF NAPOLEON, OHIO FINANCE
DIRECTOR; AND DECLARING AN EMERGENCY**

WHEREAS, Council desires to authorize a one time gross payment to the City Finance Director; and,

WHEREAS, Council desires to make said changes effective with the first pay on or about January 1, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No. 101-19, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the Year 2021, that commenced on or about December 14, 2020, the biweekly salary of the City Finance Director of this City shall be three thousand five hundred forty-eight dollars and eight cents (\$3,548.08) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That effective with the first pay of January 2021, the Finance Director shall receive a one time gross payment of two thousand five hundred dollars (\$2,500).

Section 3. That, this Ordinance allows the terms and conditions of this pay increase to be retroactively applied, the same being hereby approved as it so exists.

Section 4. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 5. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 6. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 7. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 8. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 9. That, Ordinance No. 101-19 is repealed in its entirety effective December 14, 2020.

Section 10. 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 11. 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 12. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to commence the amendments 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

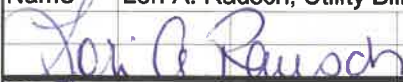
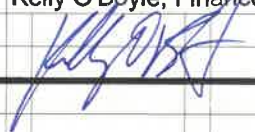
VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

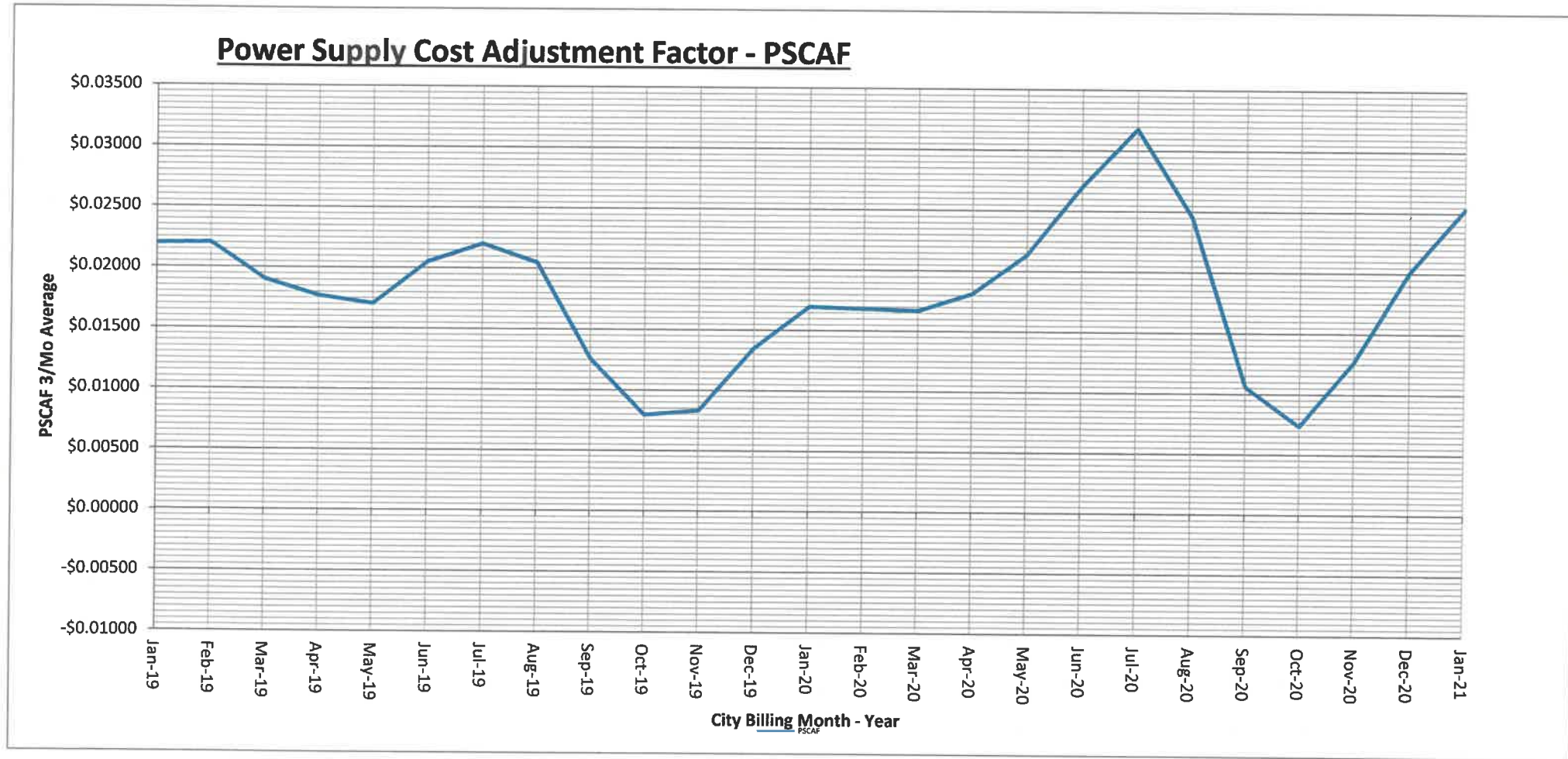
Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 078-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, 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-Corrted. 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	
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	0.1135
Sept 20†	Nov 20	11,744,934	\$ 1,103,481.59	41,771,691	\$ 3,497,298.06	\$ 0.08372	\$ (0.07194)	\$ 0.01178	\$ 0.01266	0.1229
Oct 20	Dec 20	11,645,057	\$ 1,128,722.92	37,661,159	\$ 3,414,239.00	\$ 0.09066	\$ (0.07194)	\$ 0.01872	\$ 0.02012	0.1299
Nov 20	Jan 21	11,652,657	\$ 1,113,624.87	35,042,648	\$ 3,345,829.38	\$ 0.09548	\$ (0.07194)	\$ 0.02354	\$ 0.02531	
** Reduction of \$100,000 from actual invoice from AMP to be taken from reserve as approved by Council to lessen PSCAF 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										
†November 2020 PSCAF is up because the approved credits/adjustments are now off of the three month rolling average										
PSCAF - Preparers Signature:					PSCAF - Reviewers Signature:					
Name -	Lori A. Rausch, Utility Billing Administrator				Name -	Kelly O'Boyle, Finance Director				
				12/17/2020					12/17/2020	
Signature				Date	Signature				Date	



BILLING SUMMARY AND CONS

2021 - JANUARY BILLING WITH NOVEMBER 20

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=====				
	NYPA	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -	
	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	LEVELIZATION	RESOURCES	
Delivered kWh (On Peak) ->	582,386	2,223,360	41,407	86,628	0	0	0	0	14,289,383	
Delivered kWh (Off Peak) ->									3,032	
Delivered kWh (Replacement/Losses/Offset) ->		32,444							32,444	
Delivered kWh/Sale (Credits) ->									-2,672,202	
Net Total Delivered kWh as Billed ->	582,386	2,255,804	41,407	86,628	0	0	0	0	11,652,657	
Percent % of Total Power Purchased->	4.9979%	19.3587%	0.3553%	0.7434%	0.0000%	0.0000%	0.0000%	0.0000%	100.0001%	
								Verification Total ->	100.0000%	
COST OF PURCHASED POWER:										
DEMAND CHARGES (+Debits)										
Demand Charges	\$6,471.35	\$22,942.25	\$1,025.10			\$193,999.12			\$559,547.65	
Debt Services (Principal & Interest)		\$55,381.81							\$213,258.60	
DEMAND CHARGES (-Credits)										
Transmission Charges (Demand-Credits)		-\$19,741.29	-\$848.31	-\$3,650.86					-\$74,145.02	
Capacity Credit	-\$2,198.63	-\$7,261.35	-\$152.67	-\$1,242.12					-\$72,943.86	
Sub-Total Demand Charges	\$4,272.72	\$51,321.42	\$24.12	-\$4,892.98	\$0.00	\$193,999.12	\$0.00	\$0.00	\$625,717.37	
ENERGY CHARGES (+Debits):										
Energy Charges - (On Peak)	\$6,357.18	\$41,670.42		\$3,147.20		\$7,992.70			\$418,081.91	
Energy Charges - (Replacement/Off Peak)									\$60.20	
Net Congestion, Losses, FTR	\$1,004.56								\$13,260.10	
Transmission Charges (Energy-Debits)									\$11,971.78	
ESPP Charges					\$20,659.88				\$20,659.88	
Bill Adjustments (General & Rate Levelization)									\$2.28	
ENERGY CHARGES (-Credits or Adjustments):										
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$56,872.86	
Net Congestion, Losses, FTR									\$441.06	
Bill Adjustments (General & Rate Levelization)	-\$735.99								-\$16,371.28	
Sub-Total Energy Charges	\$6,625.75	\$41,670.42	\$0.00	\$3,147.20	\$20,659.88	\$7,992.70	\$0.00	\$0.00	\$391,233.07	
TRANSMISSION & SERVICE CHARGES, MISC.:										
RPM / PJM Charges Capacity - (+Debit)						\$87,127.77			\$87,127.77	
RPM / PJM Charges Capacity - (-Credit)									\$0.00	
Service Fees AMP-Dispatch Center - (+Debit/-Credit)									\$0.00	
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,764.66		\$2,764.66	
Service Fees AMP-Part B - (+Debit/-Credit)							\$6,782.00		\$6,782.00	
Other Charges & Bill Adjustments - (+Debit/-Credit)									\$0.00	
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$87,127.77	\$9,546.66	\$0.00	\$96,674.43	
TOTAL NET COST OF PURCHASED POWER	\$10,898.47	\$92,991.84	\$24.12	-\$1,745.78	\$20,659.88	\$289,119.59	\$9,546.66	\$0.00	\$1,113,624.87	
Percent % of Total Power Cost->	0.9786%	8.3504%	0.0022%	-0.1568%	1.8552%	25.9620%	0.8573%	0.0000%	100.000%	
								Verification Total ->	\$1,113,624.87	
Purchased Power Resources - Cost per kWh->	\$0.018713	\$0.041223	\$0.000583	-\$0.020153	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.095568	
									\$0.021285	
									\$0.021285	

(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV2 Electric Service Rate ->

(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV5 Electric Service Rate ->

City of Napoleon, Ohio
WATER, SEWER, REFUSE, RECYCLING AND LITTER COMMITTEE
MEETING MINUTES

Monday, January 11, 2021 at 7:00 pm

PRESENT

Committee Members	Jeff Comadoll-Chair, Lori Siclair, Ross Durham
City Manager	Joel L. Mazur
City Staff	Chad E. Lulfs, P.E., P.S.-Public Works Director Jeff Rathge, Operations Superintendent
Clerk of Council	Roxanne Dietrich
Others	Kathy Hoover News Media via WebEx

ABSENT

CALL TO ORDER

Chairman Comadoll called the Water, Sewer, Refuse, Recycling and Litter Committee meeting to order at 7:00 pm.

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the December 14, 2020 Water, Sewer, Refuse, Recycling and Litter Committee meeting were approved as presented.

DIGGING AND/OR MARKING EXCAVATION SITE FOR SEWERS

Mazur reported Kathy Hoover is here tonight, she is the property owner at 201 Hurst. She is building a house and we were trying to locate the sewer service. What wound up happening is our sewer foreman went out and marked it, it was not marked where the service was at. It was quite a distance away. Then the contractor excavated that area and did not find any service. Sometime later, the service was marked in a different location and that was also an incorrect location and did not find anything. The third dig happened when one of the engineers went and pulled an old map of the property filed back in the back room to double check it was there and try to find out what is going on. He marked it successfully. The homeowner was saddled with payments for the excavation work. I was contacted by Ms. Hoover and we talked about it. In our rules it specifically states the cost of any excavation even if it is not properly marked, is borne on the person that, in this case, the property owner or contractor. A lot of times the contractor will do this for the homeowner. That is actually more typical. In this case, I felt that maybe we could have done a little better job and I made the determination that we could absorb some of that cost for the homeowner. It doesn't happen too often, if we mark 100 a year we may mismark two. In this case, it is not a written adopted policy but we went out and this happened one other time too where, a little different scenario, it's the length of the pipe on this other one we wound up not compensating but actually locating it ourselves. In this case, we really could not locate it ourselves because we would be digging into the road on our side. I felt it was right to compensate the homeowner on the third dig which was \$1200.00. Ms. Hoover came to the last council meeting and Mr. Chair you were not at that meeting. This was in your packet to make sure everyone understands what the rules are and what was adopted. The last sentence of Rule 10.2 reads "When the City locates service at the excavation site, all cost associated therewith, including time and material, shall be at the expense of the person proposing the excavation if they fail to properly mark the excavation site." This is a service that we provide, that we don't have to provide. I would not like to put ourselves in a position to not to provide this service and that is where this is a burden of a homeowner, I mean there are responsibilities of the homeowner too or the property owner and the contractor. Other ways that homeowners can locate themselves is to actually televise the lines that go into your own home. Do you go to your as-built drawings

and try to find where all your taps are, probably not. That is typically where there is some responsibility on the homeowner side. Homeowners typically don't have those records of their home but, there are push cameras that can be used to locate. That's all I have to say.

Kathy Hoover. It is very frustrating as a homeowner when you are told to contact the City and they would locate everything for you, so we did. The first time it was my understanding that the map used on the tablet that they used was in incorrect map. The second time I'm not sure when they had to come out and locate I'm not sure why the paper map they had was not read correctly or if it was the same map that the third person used I don't know but, he was able to come out and like I said the first one was marked and then the next one was like 22' different and then they came back and it ended up being right between the two of them. We had three times the City came out and locate and I had to have four digs because the first one we went down between seven and ten where they said it would be and then they said it could be deeper than that but to go any deeper we had to rent a cage for the person to get into. They had to fill the hole back in, make arrangements for the cage, get the cage and dig it again and so forth. I have a total of an extra \$4,000 in expenses for this and I just feel that \$1200.00 is not fair reimbursement. Siclair said, I have never built a house so I don't know when this needs to be done, the contractor tells you to contact the City, who told you that the City does that, should do that for you? Hoover replied I am the contractor on this so I called the City upfront and I asked and I think I talked to Chad at that time and he said when it comes time for the water, the sewer, everything we will come out and mark it. So that is what I have done, I have worked through them as well as Wood County for all my inspections. The guys from Wood County have also kinda helped direct me in where I needed to go because we don't do inspections on new homes through the City everything is done through Wood County, is that correct Joel? Mazur-yes. Hoover-and so we have to work through Wood County. Siclair asked after the first fail what did they say? Did they give you options? Did they say we aren't sure why this happened? Hoover-no, they just came out and redid is my understanding. I just said it was not located there can they come out and look at it again, what do I need to do and I was not given any other options. I did not know anything about a camera at that time. Like I said, I am my own contractor and hired individual people to come and do my work for me and not having one particular company. Mazur said this is one of the reasons why we don't hire the contractor, contractors do their own thing. This would be paying for time and materials for a contractor in private property so that is why I believe a lot of this language is written in here this way. A sewer contractor, you can ask Jeff Rathge or Chad Lulfs too if you have any other questions but, a sewer contractor there is a way to properly locate. Typically you dig perpendicular to where the service is coming in not parallel. Hoover – we went six feet both directions. Rathge – I have been digging since I was 12-years old and was taught years ago you find your place then you dig three or four deep and you should be able to find a trench in there either a change in color or something like that. The contractor was told three times by our employees to dig the other direction. Hoover – so you are saying the pipe would come in from the street we needed to dig this way? Rathge – you need to dig across the other way to find the trench because the dirt changes color because it has already been turned over. Hoover – we had a six foot wide 10-12 feet deep that first one and then we went six feet wide on every one of them because you just can't go a couple feet wide and straight down like that so it was at least six feet wide both directions, almost like a square. Lulfs – you can dig an entire hole and not see the trench. Rathge – you need to dig a trench exactly perpendicular, he was digging in line so he never had a chance to see the difference in the color of dirt. Mazur – there is responsibility on the contractor. I don't feel it is right for the City to bear this whole total cost based on someone who is not an experienced sewer, he is experienced but sewer experts would know exactly what Rathge is talking about and how to do that. When he is charging you time and materials, he is charging you all that time he spent doing it in a manner that is not typical of how he would dig. Hoover – I guess I'm not figuring out if it is six foot wide the hole, why you could not see that. I'm probably not going to understand it because that's not my job. Rathge – when you are pulling like this you are making a sheer vault and then you see the color and you see the whether it's poured or whether it's tight, you see the trench in there, then you turn around and start digging the other way. Hoover – he was digging across that is what I don't get so, okay I'm probably never going to understand

that part. Rathge – the only time I dig in line with something is if I have a valve box in the middle of it or whether I have a sewer cleanout because that is the only way you know for sure. Hoover – but if that sewer line is here and we dig that far clear across Rathge – you have to dig the length of that table at least. Hoover – that is what he was doing. Rathge – I was out there. Hoover – I was there too guess we can't argue that I didn't take any pictures. Siclair – did you have that conversation with the person that was digging and then he.. Rathge – I did not personally but I know that one of the engineering guys and my sewer foreman and one of the helpers. Siclair asked did you feel like that was any responsibility on that person's part? Hoover – I just felt if we they were saying something you have to go they told us and like I said we went six feet both directions and down you should have we should have been able to find a pipe if that is where they are marking it, I was just going by markings. Rathge – the line was originally put in in 1968, the street is in the same spot, the manhole is in the same spot Siclair – would that affect other people on that street then? Hoover – well there was a new house built across the street from me and they had no problem locating that one on Sycamore. Comadoll – that side had sewer before, Hogrefe's owned that before. Rathge – every time we dig we make more records, every time we see a line we make more records. I'm sorry but, it's underground. Mazur – we are talking records from the 60's, they are old records. Sometimes when we dig we just have to make new ones. That's my explanation. There are two things that play here 1) the contractor, not to tell anyone what to do here, but I think there needs to be conversation between the private parties about how much time was actually billed and spent digging a trench; and 2) we get into locating a service, are we getting into a little bit of an issue with potentially opening a Pandora's Box where if we have something like this happen again, are we going to be doing this for everybody? Is the Sewer Fund going to absorb the cost for locating people's private services from here on out. That's more of a higher level policy issue that needs to be considered. Yes, this does not happen very often but, what about all the times when you hear about when the contractor for the property owners they understand it, they know what the rules state and they own it. Comadoll – Holgate has themselves into a pickle over there with taxpayers money. I don't want to get into the same situation they got themselves into. They are trying to rectify their problem now. They give refunds to the homeowner. Mazur-for water. Comadoll – yea and every time they had a council meeting someone was there getting money off of them and the water fund cannot tolerate that. Siclair – did anyone advise to use a camera after the second time when it was unable to be found? Did anybody say hey there's another option that you can take? Hoover – not to me. Siclair – not that it is anybody's responsibility. I just wonder in my situation what would I do? I wouldn't have the first clue what to do. If we can't find it, we just keep trying and trying I guess. Mazur – if you are hiring the contractor usually the contractors are experienced and knowledgeable enough to figure out for the person hiring them what they can do. We do not tell the contractor how, here's how you do your job. In this case on three different occasions Lulfs-we can recommend we are not allowed to tell them how. Siclair asked Hoover what do you think is fair compensation, do you want the whole \$4,000? Hoover – I would like the whole \$4,000, yea. Because I was not told about any of this and do not feel it is my responsibility as a taxpayer to make sure that maps are correct on computers and that people know how to read maps. I just don't feel that that is my responsibility. That is why I trust, we have voted you guys in or whatever and it is up to the City to make sure that the employees can do their job correctly. That is not up to me. Siclair – I'm not seeing that they did not know how to do the job, it was just the maps. Hoover – I don't know, I don't know what map they brought out. Did they bring the right map out the second time? I don't know these things and I would not have any knowledge of knowing that. I would have thought the street would have been marked on the map if they had the right map but like I said, I was told by people that work here that they had the wrong map that was on the computer that they used. Unfortunately, a tree had to come down that would not had to come down had a map been read correctly. That tree was on right-of-way so you guys took that down. I lost a ton of shade in my backyard as well and unfortunately a very old tree had to come down, it had to be at least sixty years old. Again, I'm just going to leave it up to you guys. I just want to know how you guys would feel if it happened to you or would the city absorb it if it happened to a city employee? Comadoll – in working in the City all these years I know that things can not be where they are supposed to be. I have never

had this situation where the City paid the full amount they offered you \$1500? Hoover - \$1200. Comadoll – we are opening ourselves up to a big can of worms. Down the road I don't want further Councils to have to do the same thing. Hoover – Jeff, my full bill is \$5,782.00. Comadoll – for all the digs? Hoover – and they are offering to reimburse me \$1200 that is the cost of the final dig everything else totaled over \$2800 in addition to. I'll pay for that dig and excavating for the water line and all that stuff, that's mine but the \$4000 is not my mistake. Durham – I have been going back and forth on this. The day that you sent your email I reached out to Mazur for an update on the situation and told me yes this is what happened, we are thinking about compensating her this way. I have full trust in Mazur and the staff of Napoleon. Since then, I didn't get much update, I did hear that you were compensated some and that you held off cashing on that check because you weren't happy with that. I recently had a tour with Mr. Rathge and his department on that tour I asked him his opinion just to get an outside prospective. He kinda echoed what he said tonight in his opinion the contracting company could have did a better job. Yes, the city could have done a better job located it better but with the technology that we had available at that point and time, the GIS system not fully updated we did the best that we could. Since you came to the meeting last month, I reached out to a third party contractor to see in this situation how would you handle this? He said that his company would take some of that brunt of the mistake, how much of that brunt he did not specify. Obviously this was a third a party and I don't know if this situation would compare. I do think to echo Comadoll, it is opening up a can of worms that is a slippery slope that could impact taxpayers beyond what we would want to see in the future. I totally understand your frustration. I would hope that if we do decide to stay at the \$1200, at this point and time reach out to the contracting company to see if they are willing to do anything. I even suggested to Mazur what if we were to do some type of utility bill credit ultimately I don't think that is a great solution either because you are pulling from electric, water and sewer. I understand your frustration, I personally feel if I was in your shoes I would be equally as frustrated as well. But I do think the contracting company needs to take some responsibility here too. The prospectives I have gotten seem that there could have been practices done slightly different to avoid the situation that we are in. Siclair – I agreed with Durham. I understand Kathy, I would feel the same way. I talked to you about that, the frustration of it. Once we had the opportunity to dig into it a little bit deeper and understand that there is responsibility on both sides and it is not the City's responsibility, it is really sorta of a favor a service that they are offering and I would really hate to not be able to offer in the future. I don't know if that would come from this or not. The \$1200 is some compensation and like Durham said, if the contractor is going to back down on some of what they charged you for not giving you fully what you were expecting either and then maybe you have met somewhere in the middle. Durham asked Mazur on a semi-unrelated topic, I know that we have several different programs or incentives for new homebuilders in Napoleon. I know when I went out and toured the Electric Company for instance, we include the cost of the meter. Can you off the top of your head think of some of the other items that the City provides that are free to a new home builder. Siclair noted we just passed the moratorium on construction. Mazur the moratorium depending on what permits and what is being built, it is somewhere in the ballpark of \$800 where fees are discounted or waived, I'd say \$600 - \$800. Durham asked that is the recently passed program. Mazur said yes, the moratorium. Siclair asked Hoover if she knew what he was talking about? Hoover – not at all. Siclair asked when will she see that? Mazur replied she has already seen that. She did not have to pay for those as part of the permit fees. Hoover asked what permit fees did I not pay for? Mazur said the ones that were waived. Council passed a moratorium there is a whole list of given permits for new construction. Comadoll asked does that come out of Wood County or where does that stuff come from? Mazur – these are for our zoning permits. Hoover – I had to pay the City some and I had to pay Wood County some, I don't have my checkbook with me. Mazur asked did you put in a new water tap but, you did not have to put in a new sewer tap, right? The sewer was already there. What you did wind up paying for was the water tap. Hoover – I'd have to go back and look at my checkbook to see what I wrote to you guys. Rathge said it depends on the size of the meter too. Hoover – it was May or June of last year I would have done that and then I had to go to Wood County with my plans and stuff and I had to pay for them. I had a bunch of expenses over there. Mazur – Wood County's fees are the

main stop now for all residential. Hoover – so what fees are you saying were waived? I paid for the water tap. Mazur – there is a whole list of them, I would have to go back and see what exactly. Each house if you have a pool or if you have a fence, there is all these different permits there is a whole itemized list of permit fees that would be for any new residential construction. Siclair asked if there is a plan to replace the tree that was taken down or could there be a plan to replace the tree? Lulfs said he could check with Aron Deblin. If it is in the city right-of-way and we have room for one we can definitely plant a new tree. We have spring and fall plantings, I don't believe it would make the spring one. Mazur asked if the tree was a Silver Maple? Siclair said we just had a tree that was probably 60 years old, two of them, that had to be taken down because they were not in great shape so, that might actually be a little bit of a blessing you didn't have to pay for that because that was around \$1500 a piece. Mazur – if it was a silver maple those things fall apart, they'll crack in a wind storm. Siclair – when they do the typical plantings if something could just be put in to replace that, that would be nice I think. Do you want another tree there? Hoover – I would have to see ... inaudible what she says after this. Siclair – I know it's not but, just looking at the costs that the City is into for already I think it is never going to please, I totally understand that but, I think it is pretty fair. I think it is pretty fair the cost that the City is into this on their part. \$1200 plus the tree plus the moratorium on fees, I don't know what those are specifically but we can probably find that out. Hoover – I don't think you can add the cost of the tree because that was on right-of-way. That is not mine, that is yours it was on you guys property, correct? Mazur-that was my understanding. Hoover – fallen apart or not fallen apart that would have been a city issue probably but, I would have probably cut it down had I known it had to come down in the beginning not knowing it was on right-of-way. Again, someone from the City told me it was on right-of-way so it would not have been my expense anyway. Siclair – just trying to find the bright side of things. Hoover – so in other words that is the final offer? Comadoll – yea I think Kathy we cannot go anymore than the \$1200. Like I said, we do not want to open ourselves to future problems and you got rules here that we have to follow ourselves. Siclair – if I thought there was something really done wrong but, I don't feel that anything was done incorrectly. I think it was just a result of the situation. That has to be responsibility on both parts, both sides and it sounds like a contractor should know that there are some other options or, we have done this twice now and we are not going to shoot ourselves in the foot again and done something else. That way, you would have paid for one dig, the City would have paid for one dig and you would not have needed the third dig. Durham – I also don't want to see the City lose this service down the road. I think that was tossed around at the last Council meeting and I don't want to see that happen. Do we know how many we do on an annual basis, a hundred roughly? Mazur – service locates, how many do we do a year? Comadoll – you can get that many in a couple months time. Hoover – I was the unfortunate one to have it done wrong twice. Comadoll – I think that one thing that we can do when a contractor wants to come dig here is he gets that rule and make sure he signs that and understands that rule. Hoover – I was not given that rule when I signed all my paperwork, I don't think. I can go back and look at all of it but, I don't think I recall that. Mazur – typically you wouldn't, it's a Hoover – I think it needs to be explained though so you don't run into this mess. I think if someone would have told me maybe now you need to put a camera down there, at least give me that option. But, nobody told me about those things. I'm sorry, I'm just an everyday person trying to build a house in the City of Napoleon. I hate to say it but, I'm not going to suggest anybody build in Napoleon the troubles I've had. Siclair asked but do most people have a contractor? You choose to be your own contractor. Hoover – my neighbor is a contractor and I have been talking to him and I'm doing everything right he says so far and Wood County told me I'm doing everything right. I'm just trying to follow the rules. Thank-you for your time. Comadoll – Thank-you. Mazur – at this point if there are any suggestions that you want to make to the rest of Council or. Siclair asked credits to, I know you said not full utility because it would be involving other funds but, could be to just sewer. Hoover (from the doorway) – I have one request that you explain to rest of Council because I know at the last meeting there was a couple that indicated that I should probably get reimbursed for more money. Durham asked Mazur can you include that in your weekly FYI? Mazur – yes. I want to get into explaining things, that is where the experience of contractors come into play. They know that these rules are in the books. These are out there and I

understand not everyone is just going to go in and read these but, ignorance of the law is not an excuse to break a law. In this case we have in the Water and Sewer Rules specific to locating services plain as day. This is not an uncommon, I mean to Lulfs you worked in Archbold. Lulfs – it's common, they had to get a sewer permit to work on a sewer and to get a sewer permit you have to follow our rules. While we don't hand these out, they are a public document. Mazur – I just wanted to address that one thing because that's the case for this then it's all the rules. We have electric service rules, we have water and sewer rules, we have all of these things in place. The Charter is a relatively small document but everything that is underneath the Charter are all of these adopted rules, engineering rules. Everything that we do has a set of rules for people to follow. We have the Codified Ordinance Book. These are things that we have posted and anybody can get to them but to have to explain to every individual every little detail that is in all of those documents is a lot, it is overwhelming. That is the difficulty and I understand the frustration, that is the difficulty of explaining the rules. Rathge we had a similar situation on the southside of the river. A guy supposedly was digging for two days trying to locate a sewer. I think Lulfs advised him to go closer to the main to find it and then I don't know what happened I was asked to go over and find it. So, I loaded up my water guys and by the time he got his trailer and took it over there, we located it twice and had the trench dug open from there to where he laid the pipe out of the house in two hours. That will plain show you don't be a carpenter and inaudible . It's not that hard, it is not rocket science. I mean no one feels worse than me, because I spent time out there myself. Some of that stuff on the print is so hard to read. Aron Deblin is the one that found the station number with footage it was 1+15 so that is 100' and 15. I think we located at 107', do you get what I'm saying? If he had dug that much further, the amount of time he dug them three holes they could have dug clear across that property. Siclair – that was just a lack of knowledge how to do it. Mazur – a lot of time and materials that that contractor expensed to the homeowner that could have been saved. That is why I strongly feel there is ownership on the contractor. I have a hard time recommending anything further than what has already been done because of that. Then, we would be paying for somebody else's improper use of techniques. Comadoll – do we need a formal motion to present to the rest of the body of Council? Siclair – not unless we want to send to Council. Comadoll – Council is going to want to know what we did. I know there are two Councilmen that think we should give more money. Mazur – if the full body of Council wants to do that, that can be handled by a motion unless this Committee wants to recommend something to the full body of Council that is different than what has already been done. Durham asked can we add our decision to the Good of the City on the next agenda? Comadoll – sure. Mazur – Good of the City is discussion/action and this one may or may not have action.

ADJOURNMENT

Motion: Durham

Second: Siclair

to adjourn the Water, Sewer, Refuse and Recycling Committee meeting at 7:45 pm.

Roll call vote on the above motion:

Yea-Sicclair, Durham, Comadoll

Nay-

Yea-3, Nay-0. Motion Passed.

Approved

February 8, 2021

Jeff Comadoll-Chair

Water, Sewer, Refuse, Recycling & Litter Committee



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., Director of Public Works

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Kelly C. O'Boyle, City Finance Director
Roxanne Dietrich, Clerk of Council
Dave Pike, WWTP Superintendent
Date: January 8, 2021
Subject: 2021 WWTP Improvements ~ Approval of Plans & Specifications

The City of Napoleon's Department of Public Works requests approval of the plans and specifications for the 2021 WWTP Improvements Project. This project consists of:

Construction of a new headworks facility with screening and grit removal equipment; a sewer cleaning/collection truck unloading pad; a primary flow splitting structure; new 45 foot diameter primary sedimentation tank; recirculation pumping building with four vertical turbine, two sludge and one scum pumps; replacement of the mechanism, weirs and baffles of two existing 60 foot diameter final settling tanks; installation of process and drain piping sized from 6 to 24 inch; installation of a new 10.5 MGD screw pump in the existing screw pumping station; replacement of three existing screw pump lower bearings; installation of two submersible storm water handling pumps in an existing wet well; replacement of five existing sludge pumps; electrical and communication duct bank relocation; removal of the covers and conversion of the three existing 55 foot diameter anaerobic digesters to aerobic digesters; removal of the two existing sludge belt filter presses; installation of two new volute presses; sludge dewatering and storage building improvements and modifications; plant PLC and SCADA upgrades; new and replacement building and equipment electrical work; new generator; plumbing and HVAC new work and improvements; and pavement modifications and replacement.

Engineer's Estimate of Construction: \$11,450,000.00.

Completion Date: 730 days from the Notice to Proceed (Estimated May 2023)

CEL



Henry County Transportation Network

Brad Booth, Director
1805 Oakwood Ave.
Napoleon, OH 43545
419.592.8726

Thank you City of Napoleon Council & Joel Mazur for the \$11,270.50 (20% match) for the 14 passenger bus with 2 handicap accessible spots. White bus 9 has been designated for public transportation in Napoleon and Henry County.

The 20% match that you generously gave to HCTN has provided 4,371 trips for 2020 through November. This bus has unexpectedly been a blessing during COVID, allowing us to maintain social distancing and still provided a needed service to our residents of Napoleon.

January 2nd, 2020 to March 12th, 2020 we started our public transportation trips, senior center trips and grocery routes on Wednesday's mornings.

March 15 was basically the start of COVID and our routes to the senior center ended, along with so many other regular clients dropping off of our schedule.

We had to readjust, going from our 250 trips daily to roughly 50. Basic "essential" employment was still in operation, along with Fulton Co Board of DD and Henry Co Board of DD, and dialysis to Fulton, Wood, Defiance, Lucas and Putnam counties.

We started with radio spots and Facebook ads in April and May, advertising Monday through Friday to aide all residents of Napoleon and Henry County to safely get them to the grocery stores/ pharmacies, get their grocery pick-ups for them, and employment during the pandemic at no cost.

June 1st we started to notice more trips to businesses and the reopening of JACS and many other facilities in the area like beauty salons, barbers, gyms, and medical facilities helped that. We have remained fare-free during this pandemic. More citizens in the City of Napoleon began grocery shopping and traveling more, increasing our rides.

HCTN helped with the delivery of food boxes from the National Guard arranged by the Henry County Health Department on multiple occasions to residents of Napoleon that could not get to the pick-up location like Riverview Terrace residents, Glenn Arbors, and the apartments on 424 at no charge to the residents.

Since July, rides are slowly increasing. DD workshops and other locations that have been closed have now reopened, building our public transportation trips. We can see how the word is spreading now that we are available for ALL citizens of Napoleon and Henry County for any public transportation need they may have that we have availability for.

HCTN has received a COVID reimbursable grant from ODOT for the 2nd, 3rd, and 4th quarter of 2020, which allowed us to remain fare-free through the end of the year. We have that grant for first quarter of 2021 as well.

HCTN assisted in December, delivering 21 food boxes for Christmas Cheer on Saturday, December 11th. We will begin the new year with the distribution of our Demand Response brochures and posters to Napoleon and Henry County businesses, promoting and educating the staff and residents on safe public transportation availability in Napoleon and Henry County.

Once HCTN starts charging for rides, there is an opportunity for seniors and disabled residents to apply for a reduced rate for public transportation trips not covered by any contracts. Those applications will be made available at Job and Family Services, Chamber of Commerce, City building, Together We Make a Difference Initiatives, HOPE Services and the Henry County Senior Center.

Thank you again for your 20% match. We are hopeful in 2021 we will have at least doubled the amount of public transportation trips as COVID gets under control.

City of Napoleon, Ohio

TREE COMMISSION

MEETING AGENDA

Monday, January 18, 2021 at 6:00 pm

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

The WebEx link to the meeting will be posted at www.napoleonohio.com

1. Call to Order
2. Organization
3. Approval of Minutes: October 19, 2020 *(In the absence of any objections or corrections, the Minutes shall stand approved.)*
4. Review Ordinance and Annual Budget
5. Review Annual Schedule
6. Review Tree Call Reports
7. Finalize Spring Topsoil List
8. Finalize Spring Removals List
9. Finalize Spring Plantings List
10. Award Spring Trimming Contract
11. Any Other Matters to Come Before the Commission
12. Adjournment.



Roxanne Dietrich ~ Clerk of Council



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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Memorandum

To: Mayor & City Council, City Manager, City Law
Director, Finance Director, Department
Supervisors, News media
From: Roxanne Dietrich, Clerk of Council
Date: January 15, 2021
Subject: *Parks & Recreation Committee – Cancellation*

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, January 18, 2021 at 6:00 pm has been CANCELED due to lack of agenda items.

AMP Update for Jan. 8, 2021

American Municipal Power, Inc. <webmaster@ampppartners.org>

Fri 1/8/2021 4:41 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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



Jan. 8, 2021

Oracle Re-implementation Project: Now live

By Jolene Thompson - President/CEO

AMP has been undertaking a re-implementation of our Oracle Enterprise Business System for the past year. The resulting efficiencies will provide our team with more tools and functionality to reduce manual work, improve financial transparency, and leverage improved data and analytics to better manage our budgets and projects for the benefit of Members.

I'm pleased to report that the project went live on Jan. 4. I applaud the talented and dedicated team of staff that made this happen -- and who continue to focus on the rollout and next steps.

As previously reported in Update, Members will see some changes to their bills as a result of the updates to our system. The changes to main power invoices will be primarily formatting related. For Members whose billing processes may be impacted, AMP's Energy Settlement Operations group is reaching out directly to discuss the changes.

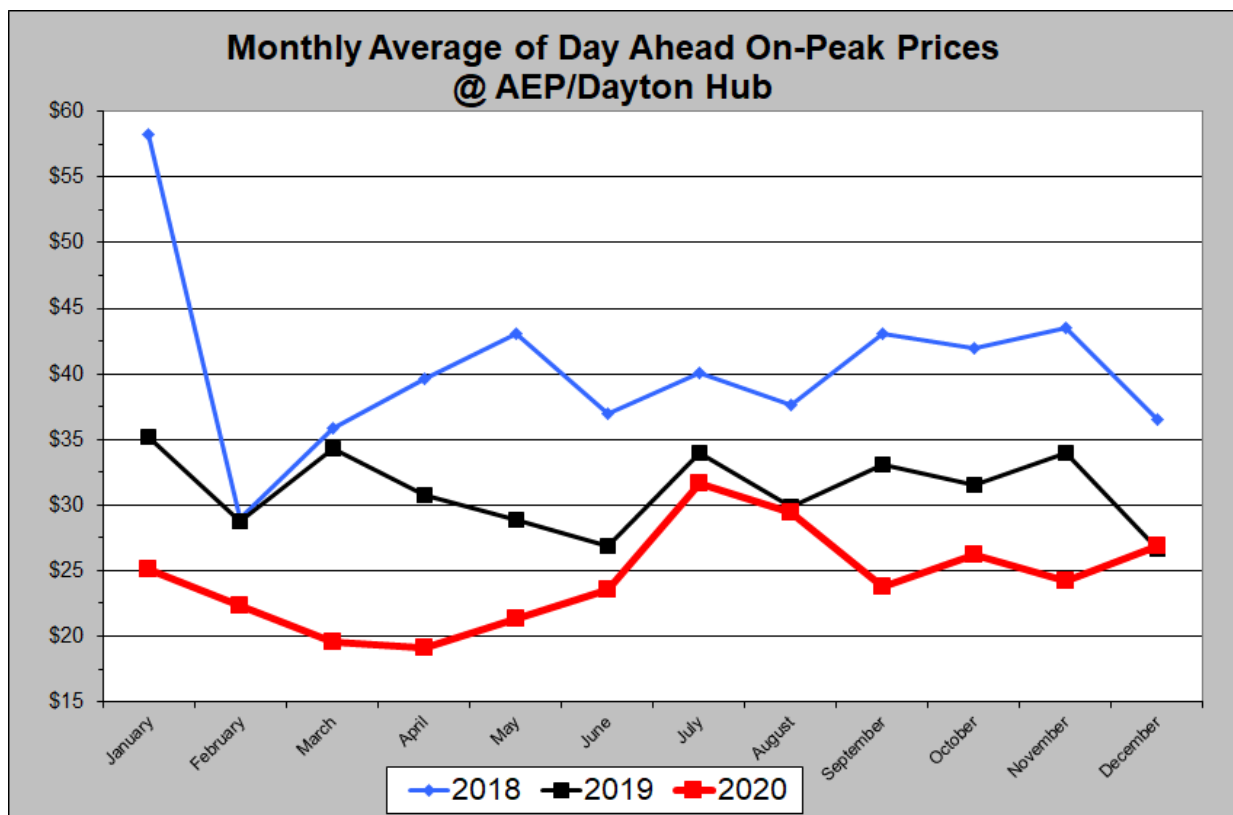
As always, we welcome input and feedback on how we can continue to improve our support. Please contact me at jthompson@ampppartners.org with any questions or comments; or contact the Energy Settlement Operations team at billing@ampppartners.org with any questions regarding billing processes.

2020 Market Prices: Lockdowns and mild weather lead to low prices

By Mike Migliore - vice president of power supply and marketing

Regardless of the high temperatures in July and August, the overall mild weather of 2020 combined with the lower loads caused by the COVID-19 quarantines depressed power and gas prices to some of the lowest levels in the 21st century. Prices were below \$20/MWh for more than half of the hours during the year (53 percent). The lowest day-ahead price of \$6.90/MWh occurred on Nov. 8 at 4 a.m. The highest day-ahead price only reached \$84/MWh on July 8. Real-time hourly prices at A/D Hub averaged \$0.20/MWh higher than day-ahead prices, although there was more volatility. There were 35 real-time locational marginal pricings above \$100/MWh, but most were one-hour anomalies while PJM rebalanced the system. With the cheap power prices and lack of any extreme hot or cold weather, congestion costs were low throughout the year.

AVERAGE DAILY RATE COMPARISONS			
	2020 \$/MWh	2019 \$/MWh	2018 \$/MWh
A/D Hub 7x24 Price	\$20.96	\$26.88	\$34.63
PJM West 7x24 Price	\$20.95	\$26.81	\$36.45
A/D to AMP-ATSI Congestion/Losses	-\$0.18	\$0.06	\$2.06
A/D to Blue Ridge Congestion/Losses	\$0.02	\$0.13	\$3.32
A/D to PJM West Congestion/Losses	-\$0.01	-\$0.07	\$1.82
PJM West to PP&L Congestion/Losses	-\$3.03	-\$3.40	-\$3.25
MISO to A/D Congestion/Losses	\$1.34	\$2.10	



AMP project hydroelectric plants have strong finish to 2020

By Mike Migliore

Monthly net-energy output from the Cannelton, Smithland and Willow Island hydroelectric plants, which make up the 208 MW of AMP's Phase II Hydroelectric Project, combined for their second highest month of generation ever in December 2020. The three plants produced a combined 129,823 MWh of energy, a total only exceeded by the generation totals from August 2018. Smithland had the highest output of the three plants with an 87.3 percent capacity factor. The project had its two best back-to-back months since startup. The capacity factor in November and December was an average of 84.5 percent.

Members encouraged to apply for APPA Safety Awards, DEED Awards

By Michelle Palmer, P.E. - vice president of technical services and compliance

The annual American Public Power Association (APPA) Safety Awards of Excellence are open for entries and members are encouraged to apply. These annual awards recognize utilities for safe working habits and achieving particularly safe operations.

In order to be considered for an award, your community must submit the [online entry form](#). Winners will be recognized during the annual APPA Awards Presentation on Tuesday, March 23 at the virtual [Engineering & Operations Technical Conference](#).



Links to the online entry form, rules and further guidelines are available in the safety awards section of the [safety page](#) on the [APPA website](#). If you have any questions about participating, please contact Maddy Wendell at mwendell@publicpower.org or 202.467.2931.

Additionally, the Demonstration of Energy & Efficiency Development (DEED) program is accepting nominations for two awards, which recognize members that embody the spirit of the program in an outstanding manner. The deadline to submit nominations for the following the DEED awards is Jan. 31:

- The Award of Continued Excellence
- The Energy Innovator Award

For more information about DEED awards or to apply, click [here](#). If you plan to apply for either DEED award, please notify Erin Miller at emiller@amppartners.org or 614.208.4444, or contact me at mpalmer@amppartners.org or 614.540.0924.

Members encouraged to use DEED funding for students

By Erin Miller - assistant vice president of energy policy and sustainability

AMP Member communities are encouraged to use the funding for students available through the American Public Power Association's (APPA) Demonstration of Energy and Efficiency Developments (DEED) program.



This funding is offered for students to pursue energy-related careers in several different ways - lineworker and technical education scholarships, student internships, student research grants and technical design projects. Applicants must be students attending or planning to attend a vocation institution, lineworker school or a two- to four-year college/university within the U.S., and must not be graduating within 12 months of the application deadline. Official transcripts must be submitted along with other materials by the application deadline.

Applications are due by Feb. 15, with decisions made by mid-May. More detailed information can be found on the [DEED Scholarships Page](#), and will be shared during the APPA's Tips on Creating a Strong DEED Grant and Scholarship Application webinar on Jan. 15. Register for the webinar [here](#).

Members are encouraged to distribute the [DEED scholarship flyer](#) to any local high schools, technical colleges, vocational schools or lineworker schools. This can be done personally, or the APPA can send the information directly if you send contact names, school affiliations, titles and email addresses to DEED@PublicPower.org.

Please direct any questions about the program to DEED@PublicPower.org or 202.467.2942.

AMP holds virtual safety training course

By Steven Mutchler - safety/OSHA compliance coordinator

On Jan. 5, AMP held the virtual training course *What's Next? - Predicting Accidents*. The session covered the most recent safety statistics on accidents and discussed how to develop strategies to prevent said accidents from occurring in the workplace.

If you were unable to attend, a video recording has been posted to the Member Extranet (login required) and the AMP YouTube channel (links available to members upon request). If you have any questions, need assistance accessing the [Member Extranet](#) or would like the YouTube link, please contact Jennifer Flockerzie at jflockerzie@amppartners.org or 614.540.0853.

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.

Jan. 12, 9 a.m.
Reclosure Safety
Instructor: Cody Crose

Jan. 26, 9 a.m.
New Year's Safety Resolutions
Instructor: Kyle Weygandt

Jan. 19, 9 a.m.
Slip, Trips, Falls
Instructor: Darren Westenberger



For more information on the AMP Training Program or to access the virtual training webinars, please contact Jennifer Flockerzie, AMP's manager of technical services logistics, at jflockerzie@amppartners.org.



December 2020: Mild finish to 2020

By Mike Migliore - vice president of power supply and marketing

December 2020 extended the streak of four straight months with mild temperatures. On-peak prices were similar to those in December 2019, but off-peak prices were about \$2/MWh higher than previous year. The maximum hourly day-ahead rate at the A/D Hub was able to get to only \$55/MWh on Dec. 18, at 8 a.m., with a temperature of 28 degrees in Columbus. The temperature did not drop below 20 degrees until the evening of Dec. 24. Real-time locational marginal pricing (LMP) averages were just about the same as day-ahead LMPs. The spread between PJM West and A/D Hub was higher than in recent months, while the difference between MISO and A/D Hub was lower than normal.

AVERAGE DAILY RATE COMPARISONS			
	December 2020 \$/MWh	November 2020 \$/MWh	December 2019 \$/MWh
A/D Hub 7x24 Price	\$24.55	\$20.71	\$23.39
PJM West 7x24 Price	\$26.03	\$21.32	\$23.63
A/D to AMP-ATSI Congestion/Losses	\$0.15	\$0.16	\$0.28
A/D to Blue Ridge Congestion/Losses	\$1.51	\$0.48	\$0.21
A/D to PJM West Congestion/Losses	\$1.48	\$0.61	\$0.24
PJM West to PP&L Congestion/Losses	-\$2.50	-\$1.71	-\$1.81
MISO to A/D Hub Congestion/Losses	\$0.40	\$1.97	\$1.86

Energy market update

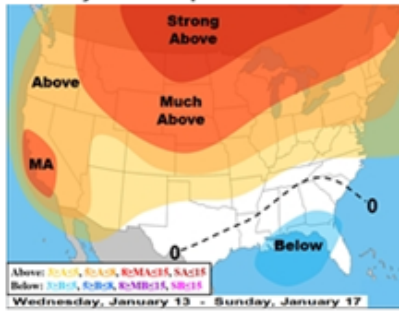
By Jerry Willman - assistant vice president of energy marketing

The February 2021 natural gas contract increased \$0.013/MMBtu to close at \$2.729 yesterday. The EIA reported a withdraw of 130 Bcf for the week ending Jan. 1, which was below industry estimates of -135 Bcf. The year-ago draw was 44 Bcf and the five-year average was -102 Bcf. Storage is now 3,330 Bcf, 4.3

percent above a year ago and 6.4 percent above the five-year average. The withdrawal season running total of -628 Bcf is about even with the five-year average of -622.

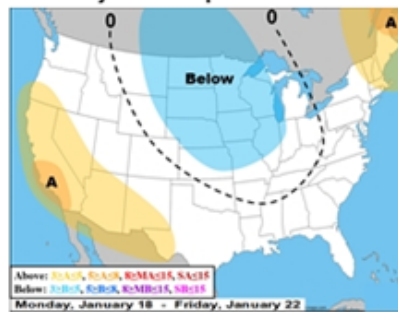
On-peak power prices for 2022 at AD Hub closed yesterday at \$32.25/MWh, which increased \$0.10/MWh for the week.

6-10 day weather pattern



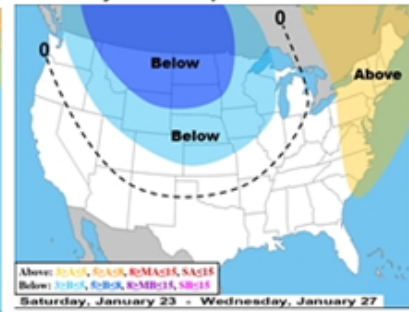
Macquarie Weather maps

11-15 day weather pattern



Macquarie Weather maps

16-20 day weather pattern



Macquarie Weather maps

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

Week ending Jan. 8

MON

\$26.27

TUE

\$31.21

WED

\$30.12

THU

\$27.83

FRI

\$31.30

Week ending Jan. 1

MON

\$27.06

TUE

\$24.31

WED

\$21.64

THU

\$23.66

FRI

\$21.06

AEP/Dayton 2022 5x16 price as of Jan. 7 — \$32.25

AEP/Dayton 2021 5x16 price as of Dec. 31 — \$30.17

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) plant was in 2x1 configuration for the week. AFEC was offline for New Year's Day and again on Jan. 2, based on PJM economics. The plant cycled offline overnight Monday and Tuesday. Duct firing operated for 16 hours this week. For the week, the plant generated at a 49 percent capacity factor (based on 675 MW rating).

Security tip - CISA urges action in the face of SolarWinds hack

By Jared Price - vice president of information technology and CTO



The U.S. Cybersecurity and Infrastructure Security Agency (CISA) is tracking a significant cyber incident impacting enterprise networks across federal, state and local governments, as well as critical infrastructure entities and private sector organizations.

An advanced persistent threat (APT) actor compromised the SolarWinds Orion software supply chain and is abusing commonly used authentication mechanisms. If left unchecked, this threat actor has the resources, patience and expertise to resist eviction from compromised networks, allowing them to continue holding affected organizations at risk.

CISA urges organizations to prioritize measures to identify and address this threat. For details, review the related [CISA Alert](#), which will continue to be updated as information becomes available.

The risk in detail

A sophisticated APT actor inserted malicious code into certain trusted SolarWinds Orion software updates, which were then made available to customers as legitimate software updates. Once these updates were applied, the APT actor gained access to customer network environments. The immediate danger is that the APT actor can use this access to create new accounts, evade common means of detection, obtain sensitive data, move across a network unnoticed and establish additional persistence mechanisms.

Up to this point, the APT actor has targeted only some organizations with further network exploitation. However, all organizations that installed the compromised updates remain at risk without corrective action.

CISA is also investigating incidents - not connected with SolarWinds - where abuse of Security Assertion Markup Language (SAML) authentication is present. This activity is consistent with the APT actor's behavior.

CISA strongly recommends that all organizations investigate, and, as applicable, remediate (potentially rebuild) and share information with those assisting in this massive response effort.

Actions for Today

1. Determine whether your organization is affected. Consult with your information security team to determine if your organization has - or ever had - one of the affected versions of SolarWinds Orion installed and initiate incident response. If you do not have in-house expertise, seek third-party support.
 - Keep in mind that your organization's managed service providers may have been compromised as part of these events, which could have implications for your operations.
1. If affected, make incident response and remediation your top priority. Leadership - working with legal, financial and operations personnel - should empower information security staff to take appropriate action based on their expertise and to collaborate with internal and external partners.
2. Allocate sufficient resources. Provide executive support and empower information security staff - or third-party support - to thoroughly investigate your IT environment for adversary activity.
 - Consider engaging third-party support with experience eradicating APTs from enterprise networks.
 - Following incident response, your organization may need to rebuild all network assets monitored by SolarWinds Orion; this will be a resource-intensive, highly complex and lengthy undertaking.
3. Seek further guidance. Refer to the related [CISA Alert](#), [Emergency Directive](#) and [National Security Agency advisory](#), as well as future guidance on cisa.gov/supply-chain-compromise.
4. Maintain enhanced operational security during the incident response and remediation processes.

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.

DEMEC seeks applicants for compliance administrator

The Delaware Municipal Electric Corporation (DEMEC) is seeking a technical person for a new full-time position responsible for the timely and accurate compliance reporting for a 100MW, single-cycle, peaking power plant. Regulating agencies include DNREC, NERC, EPA and PJM. The position requires a self-motivated professional with a bachelor's degree from an accredited university in a related field with five years of relevant experience or any other combination of experience and training which provides an equivalent to the minimum desirable employment standards.

Significant experience in regulatory, compliance, operations, engineering, power plant, control systems, energy management systems, SCADA, cyber-security and/or physical security-related experience strongly preferred. Please indicate your interest by submitting a resume to jobs@demecinc.net or mail to DEMEC, Inc., PO Box 310, Smyrna, DE 19977. The position will remain open until filled. The full listing can be found [here](#).

City of Columbus seeks applicants for two positions

Power distribution assistant manager

The City of Columbus Department of Public Utilities is seeking qualified candidates for a power distribution assistant manager position. To apply, you must first take the open competitive examination. The application window is currently open, and candidates can submit an application online to the Civil Service Commission at www.csc.columbus.gov by Jan. 8. Applicant tracking is now managed by NEOGOV. If you do not already have a profile in NEOGOV, you will have to set up a new one in NEOGOV before you can submit an application.

This position will help plan, organize and coordinate the work projects in the Power Distribution Section within the Division of Power. This position's minimum qualification is completing twelfth grade and two years of experience as a power line worker supervisor II or cable worker supervisor II or comparable experience. Substitution(s): A certificate of high school equivalence (GED) will be accepted in lieu of the twelfth-grade requirement. Also, possession of a valid State of Ohio motor vehicle operator's license. Salary range is \$39.09-\$58.63 hourly.

Contact the Civil Service Commission at 614.645.8300 with questions. The City of Columbus is an Equal Opportunity Employer.

Plant maintenance electrician I

The City of Columbus is seeking qualified candidates for the position of plant maintenance electrician I. To apply, you must first take the open-competitive examination. Applications may be submitted to the Civil Service Commission by applying online at www.csc.columbus.gov by Jan. 19. Applicant tracking is now managed by NEOGOV. If you have submitted a profile in the past, you will have to submit a new one through NEOGOV.

This position will be responsible for installing, maintaining, troubleshooting and repairing electrical equipment (up to 15kV AC), wiring systems and accessories. To qualify you must have two years of experience installing and repairing three-phase electrical equipment in an industrial facility with voltages up to 2,400 volts. Substitution(s): successful completion of a formal classroom or apprenticeship training program in the general principles of electricity may substitute for six months of the required experience. Possession of a valid driver's license is required. Salary is \$49,088-\$65,790.

Contact the Civil Service Commission at 614.645.8300 with questions. The City of Columbus is an Equal Opportunity Employer.

City of Marshall seeks applicants for assistant director of electric utilities

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

The community is seeing unusual growth, with over \$1 billion of industrial growth. Click [here](#) to view a "Choose Marshall" 2018 wrap-up video. Located at the intersection of I-94 and I-69, the crossroads of international highways, the city is preparing for large industrial and residential growth with a 1,000-acre mega industrial site. The downtown district is 97 percent commercially occupied. The city has the largest National Historic Landmark District in Michigan, with many neighborhoods of historic homes.

In the next three years, it is anticipated a peak demand growth from 23 MW to 123 MW. The city will be constructing infrastructure to meet this demand. A privately developed, dual-unit 500 MW gas-fired power plant is proposed in the city. A complete job description and application instructions can be found at www.cityofmarshall.com.

Qualifications for the assistant director of electric utilities position include a degree in electrical engineering or a closely related field, and a minimum of three to five years of experience working for an electric utility with supervisory or executive leadership responsibilities. A State of Michigan licensed professional engineer desired. Annual salary of \$90,000-\$100,000, depending on qualifications, with excellent benefits.

The City of Marshall is an Equal Opportunity Employer.

Village of Wellington seeks applicants for two positions

Apprentice lineworker

The Village of Wellington is seeking applicants for the position of apprentice lineworker. Duties include assisting with the operation, maintenance and routine construction of the electric distribution

system. Minimum qualifications include a high school diploma or equivalent, one year of experience as an apprentice lineworker or an equivalent combination of education and experience which provides the skills and abilities necessary to perform the job. Valid State of Ohio driver's license, valid Ohio Class A Commercial Driver's License within 12 months of hire date and ability to complete a four-year apprentice lineworker training program. Apprentice lineworker position pay range is \$17.85-\$26.78.

Journeyman lineworker

The Village of Wellington is seeking applicants for the position of journeyman lineworker. Duties include the operation, maintenance and routine construction of the electric distribution system. Minimum qualifications include a high school diploma or equivalent, successful completion of journey lineworker apprenticeship program, and four years of experience as apprentice lineman, or an equivalent combination of education and experience which provides the skills and abilities necessary to perform the job. Valid State of Ohio driver's license, valid Ohio Class A Commercial Driver's License and Journeyman Lineworker Certification required. Journeyman lineworker position pay range is \$21.24-\$30.80.

Application and job description may be obtained online at www.villageofwellington.com or at the Village Town Hall, 115 Willard Memorial Square in the lobby area. Applications must be returned to Village of Wellington, Attn: Steve Dupee, Village Manager, 115 Willard Memorial Square, Wellington, OH 44090. Applications will be accepted for position until filled.

The Village of Wellington is an EEO/AA employer.

City of Bowling Green seeks applicants for firefighter/paramedic

The City of Bowling Green is seeking applicants for the position of firefighter/paramedic. Candidates must take and pass both a physical agility test and a written examination through the National Testing Network (NTN) prior to the Jan. 11 deadline. Candidates are responsible for registering for the examinations through the NTN and for paying any associated fees/costs, which can be done at www.nationaltestingnetwork.com. It is preferred that applicants be certified by the State of Ohio as a paramedic at the time of application, however, this will be extended to no later than Jan. 11. A copy of paramedic certification/current training status must be provided at the time of application. Within 12 months of appointment, individuals must be certified as an Ohio Firefighter II. Ohio Revised Code (ORC) 124.42 provides that no person shall be eligible to receive an original appointment in the fire service unless the person has reached the age of 18 and has not reached his/her 41st birthday. Credit for military service will be granted in accordance with Section 7.01 of the City's Charter. Firefighter/paramedics will serve a one-year probationary period. The current hourly rate at hire is \$20.24/hour, which annualizes to \$54,728.

A copy of the job description will be provided to candidates. Interested persons must complete an application packet that is available either by visiting the Personnel Department of the City of Bowling Green at 304 N. Church St, Bowling Green, OH 43402-2399 or by accessing it [online](#). Resumes may be included, but will not substitute for a completed application. Candidates may also use the following link for additional information relating to the application and testing requirements and to access the online application: <http://www.bgohio.org/departments/personnel-department/employment-opportunities>. You may reach the Personnel Department by phone at 419.354.6200 or by email at BGPpersonnel@bgohio.org. Deadline for making application is Jan. 11. AA/EEO

Opportunities available at AMP

AMP is seeking applicants for the following positions:

Energy settlement analyst

For complete job descriptions, please visit the [AMP careers page](#).

American Municipal Power, Inc.

STAY CONNECTED



www.amppartners.org