

## September 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
<b>29</b> – August	<b>30</b> - August	<b>31</b> - August	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>5</b>	<b>6</b> Labor Day City Offices Closed	<b>7</b> 7:00 pm – City Council	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>
<b>12</b>	<b>13</b> 6:15 pm – Electric Comm Board of Public Affairs 7:00 pm – Muni Prop/ED Comm.	<b>14</b> 5:00 pm – Planning Commission	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
<b>19</b>	<b>20</b> 6:00 pm – Tree Commission 7:00 pm – City Council	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
<b>26</b>	<b>27</b> 6:30 pm– Finance/Budget Comm. 7:30 pm-Safety & HR Comm.	<b>28</b> 4:30 pm – Civil Service Comm.	<b>29</b> 6:30 pm – Park Rec Board	<b>30</b>		



# 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, Kevin Garringer-City Finance Director  
**Date:** September 20, 2021  
**Subject:** General Information

### CALENDAR

### AGENDA

City Council Meeting @7:00 pm

### APPROVAL OF MINUTES

September 7, 2021 Regular Council Meeting Minutes

### REPORTS FROM COMMITTEES

### INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS –

1. **Resolution No. 036-21**, a Resolution Approving the Addition of a Fifty Dollar (\$50.00) Surcharge to City of Napoleon, Ohio Employee Health Insurance Premiums for the Years 2022, 2023, and 2024, Amending Resolution No. 033-20; and declaring an Emergency
2. **Resolution No. 037-21**, a Resolution Authorizing a Community Reinvestment Area (CRA) Agreement with Keller Logistics, Inc. within Napoleon CRA #7; and declaring an Emergency
3. **Resolution No. 038-21**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Implementation of an Upgrade of the Wash Water Basin Controls, which was not included in the 2021 Master Bid Resolution, for the City of Napoleon, Ohio Water and Wastewater Treatment Plants, and to Sole Source said Implementation to Koester Corp.; and declaring an Emergency

### SECOND READINGS OF ORDINANCES AND RESOLUTIONS - *None*

### THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 031-21**, an Ordinance Authorizing an Economic Development Agreement between the City of Napoleon, Ohio, the Community Improvement Corporation of Henry County, Ohio, and Keller Logistics, Inc., regarding the Construction of an Industrial Building within the City of Napoleon, Ohio; and declaring an Emergency.
2. **Resolution No. 032-21**, a Resolution Authorizing the City Manager to Execute any and all documents necessary to Acquire 12.91 Acres of Land, located within the City of Napoleon, Ohio; and declaring an Emergency.

## **GOOD OF THE CITY** (Discussion/Action)

1. Approval of September, 2021 PSCAF as three month averaged factor \$0.00782 and JV2 \$0.028525
2. Stop Signs at the Intersection of Bales Road and Westmoreland
3. to Double the Amount Currently being Reimbursed by the City for the Sidewalk and Curb Replacement Program, Capping the Budgeted Amount at \$25,000  
*\* Items 2 and 3 are recommendations from the Municipal Properties Committee. A draft copy of the minutes from the meeting on September 13, 2021 are attached.*
4. PC 21-10 – Final Plat Approval Lynnefield Estates Subdivision
5. Award of the Oberhaus Interceptor I & I Reduction Project (L.T.C.P. Project No. 20B)  
*\* Enclosed is Chad's Memorandum with the bid results and his recommendation of award.*
6. VanHying Pumping Station Replacement Project (direct Law Director to draft Legislation)  
*\* Attached is a Memorandum from Chad regarding this project*
7. Staff's Recommendation to have Trick-or-Treat on Sunday, October 31, 2021.
8. Review of City Council Rules  
*\* A copy of the current City Council Rules are included in your packet.*
9. Third Quarter Budget Adjustments (refer to Committee)
10. Acceptance of a \$500 Cash Donation from Mike Foreman with \$250 to Police and \$250 to Fire  
*\* Mike Foreman who is an retired officer from NPD, has a business called "Vibration Craze/Moving All Generations." It's a DJ service. He played at the Legion on 9/11 and was able to raise this money for Police and Fire.*

## **INFORMATIONAL**

- 1) Agenda – City Tree Commission; September 20, 2021 at 6:00 pm
- 2) Cancellation – Park and Recreation Committee
- 3) AMP Weekly Newsletter – September 10, 2021

**CITY OF NAPOLEON CITY COUNCIL**  
**MEETING AGENDA**

**Monday, September 20, 2021 at 7:00 pm**

Location ~ City Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

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

**B. Prayer and Pledge of Allegiance**

**C. Swearing-in of Fire Captain Jonah Stiriz**

**D. Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)  
September 7, 2021 Regular Council Meeting Minutes

**E. Citizen Communication**

**F. Reports from Council Committees**

1. Electric Committee met on September 13, 2021; and,
  - a. accepted the BOPA recommendation to approve the September 2021 PSCAF as 3-month averaged factor \$0.00782 and JV2 \$0.028525
2. Water, Sewer, Refuse, Recycling and Litter Committee meeting for September 13, 2021 was canceled
3. Municipal Properties, Building, Land Use and Economic Development Committee met on September 13, 2021; and, recommended
  - a. approval of Stop Signs at the Intersection of Bales Road and Westmoreland
  - b. to double the amount currently being reimbursed by the City for the Sidewalk and Curb Replacement Program, capping the budgeted amount at \$25,000
4. Park and Recreation Committee did not meet tonight due to lack of agenda items

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

1. Board of Zoning Appeals did not meet on September 14, 2021 due to lack of agenda items
2. Planning Commission met on September 14, 2021; and,
  - a. approved PC 21-10, Final Plat Approval Lynnefield Estates Subdivision
3. Tree Commission met earlier tonight with the following agenda items:
  - a. Review of Tree Call Reports
  - b. Update on the Fall Contracts
  - c. Award of the Fall Planting Contract
  - d. Begin List for Spring Plantings

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

1. **Resolution No. 036-21**, a Resolution Approving the Addition of a Fifty Dollar (\$50.00) Surcharge to City of Napoleon, Ohio Employee Health Insurance Premiums for the Years 2022, 2023, and 2024, Amending Resolution No. 033-20; and declaring an Emergency
2. **Resolution No. 037-21**, a Resolution Authorizing a Community Reinvestment Area (CRA) Agreement with Keller Logistics, Inc. within Napoleon CRA #7; and declaring an Emergency
3. **Resolution No. 038-21**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Implementation of an Upgrade of the Wash Water Basin Controls, which was not included in the 2021 Master Bid Resolution, for the City of Napoleon, Ohio Water and Wastewater Treatment Plants, and to Sole Source said Implementation to Koester Corp.; and declaring an Emergency

**I. Second Readings of Ordinances and Resolutions - None**

**J. Third Readings of Ordinances and Resolutions**

1. **Ordinance No. 031-21**, an Ordinance Authorizing an Economic Development Agreement between the City of Napoleon, Ohio, the Community Improvement Corporation of Henry County, Ohio, and Keller Logistics Inc., regarding the Construction of an Industrial Building within the City of Napoleon, Ohio; and declaring an Emergency.

2. **Resolution No. 032-21**, a Resolution Authorizing the City Manager to Execute any and all documents Necessary to Acquire 12.91 acres of Land, Located within the City of Napoleon, Ohio; and declaring an Emergency

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

1. **Discussion/Action:** Approval of September, 2021 PSCAF as three month averaged factor \$0.00782 and JV2 \$0.028525
2. **Discussion/Action:** Stop Signs at the Intersection of Bales Road and Westmoreland
3. **Discussion/Action:** to Double the Amount Currently being Reimbursed by the City for the Sidewalk and Curb Replacement Program, Capping the Budgeted Amount at \$25,000
4. **Discussion/Action:** on PC 21-10 – Final Plat Approval Lynnefield Estates Subdivision
5. **Discussion/Action:** Award of the Oberhaus Interceptor I & I Reduction Project (L.T.C.P. Project No. 20B)
6. **Discussion/Action:** VanHying Pumping Station Replacement Project (direct Law Director to draft Legislation)
7. **Discussion/Action:** on Staff's Recommendation to have Trick-or-Treat on Sunday, October 31, 2021.
8. **Discussion/Action:** Review of City Council Rules
9. **Discussion/Action:** Third Quarter Budget Adjustments (refer to Committee)
10. **Discussion/Action:** Acceptance of a \$500 Cash Donation from Mike Foreman with \$250 to Police and \$250 to Fire

**L. Executive Session**– (as may be needed)

**M. Approve Payment of Bills** (in the absence of any objections or corrections, the Payment of Bills shall stand approved.)

**N. Adjournment**



Roxanne Dietrich - Clerk of Council

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

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
(Next Regular Meeting: Monday, October 4, 2021 @6:15 pm)
2. **Electric Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, October 11, 2021 @6:15 pm)
  - a. Review of Power Supply Cost Adjustment Factor for October 2021
  - b. Update on Substations
  - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, October 11, 2021 @7:00 pm)
  - a. Update on 2021 Wastewater Treatment Plant Improvements Project
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, October 11, 2021 @7:30 pm)
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, October 18, 2021 @6:00 pm)
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, September 27, 2021 @6:30 pm)
  - a. Third Quarter Budget Adjustments
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, September 27, 2021 @7:30 pm)
8. **Personnel Committee (as needed)**
9. **Ad-hoc Committee on Personnel (as needed)**
10. **Charter Review Commission (as needed in 2024)**

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

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, October 11, 2021 @6:15 pm)
  - a. Review of Power Supply Cost Adjustment Factor for October, 2021
  - b. Update on Substations
  - c. Electric Department Report
  - d. Update on 2021 Wastewater Treatment Plant Improvements Project
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, October 12, 2021 @4:30 pm)
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, October 12, 2021 @5:00 pm)
4. **Tree Commission (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, October 11, 2021 at 6:00 pm)
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, September 28, 2021 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**  
(Next Regular Meeting: Wednesday, September 29, 2021 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**  
(Next Regular Meeting: Tuesday, November 9, 2021 @10:30 am)
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
(Next Regular Meeting: Monday, December 6, 2021 @6:45 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**
15. **Volunteer Peace Officers' Dependents Fund Board**
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**  
TUESDAY, SEPTEMBER 07, 2021 at 7:00 PM

**PRESENT**

Councilmembers	Joseph D. Bialorucki-President, Daniel Baer-Council President Pro-Tem, Lori Sicclair, Jeff Comadoll, Ken Haase, Molly Knepley, Ross Durham
Mayor	Jason P. Maassel
City Mgr/Acting Fin. Dir.	Joel L. Mazur
Law Director	Billy Harmon
City Staff	Dave Mack-Chief of Police Clayton O'Brien-Fire Chief Jeff Weis-Water Treatment Superintendent Greg Kuhlman-Electric Superintendent Lanie Lambert-Human Resources Director via WebEx
Others	News Media Kevin Garringer Jennifer Arps-Henry County CIC Director Ed Tatum and Scott Kieswetter-AMP via WebEx
Clerk of Council	Roxanne Dietrich

**ABSENT**

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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 objections or corrections, the minutes from the August 16, 2021 regular Council meeting were approved as presented.

CITIZEN COMMUNICATION

None.

REPORTS FROM COUNCIL COMMITTEES

Council President Bialorucki reported the Finance and Budget Committee met on August 23, 2021 and reviewed the draft 2022 debt schedule and also the proposed 2022 budget calendar. The Safety and Human Resources Committee did not meet on August 23, 2021 due to lack of agenda items. The Technology and Communications Committee did not meet tonight due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

None.

SECOND READING OF ORDINANCES AND RESOLUTIONS

**Ordinance No. 031-21 – Keller Logistics, Inc. ED Agreement**

Council President Bialorucki read by title Ordinance No. 031-21, an Ordinance Authorizing an Economic Development Agreement between the City of Napoleon, Ohio, the Community Improvement Corporation of Henry County, Ohio, and Keller Logistics Inc., regarding the Construction of an Industrial Building within the City of Napoleon, Ohio; and declaring an Emergency.

Motion: Comadoll                      Second: Knepley  
to Approve Second Read of Ordinance No. 031-21

Mazur stated things are moving along. Later in the agenda Council will be asked to direct the Law Director to draft legislation for the CRA Agreement with Keller Logistics. The Napoleon School Board did approve the CRA Agreement. We are trying to schedule a closing date as we are anticipating things moving along.

Roll call vote to approve Ordinance No. 031-21 on Second Read:  
Yea-Bialorucki, Siclair, Comadoll, Knepley, Durham, Haase, Baer  
Nay-

**Yea-7, Nay-0. Motion Passed.**

**Resolution No. 032-21 – Acquisition of 12.91 Acres of Land**

Council President Bialorucki read by title Resolution No. 032-21, a Resolution Authorizing the City Manager to Execute any and all documents necessary to acquire 12.91 acres of land, located within the City of Napoleon, Ohio; and declaring an Emergency

Motion: Haase                                      Second: Durham  
to approve Second Read of Resolution No. 032-21

Mazur reported at the last meeting my recommendation was to move forward with first read of the legislation and we would look into the wetland issue. Unofficially, there are about 2.8 acres of wetlands on the property. When ODOT originally looked at the property they discovered the wetlands and produced a document. The former owner allowed ODOT to do that in a purchase agreement that he had with them and I was unaware of at the time. It is also suspected the former owner prior to the previous owner allowed somebody to discard ditch dredgings on the property which is likely how the wetland plants got there and were established. Knowing this and working off the information that we have, it appears there is roughly 2.8 acres of impacted land that we suspect is low grade, that is Tier 1 or Category 1 wetland. That is the lowest quality of wetland of the three categories. When wetlands are involved, there is a governing agency. In this case it is likely going to be the US Army Corps of Engineers because of its proximity to the ditch that drains into waters of the state which is the Maumee River. Typically when you have land that is impacted by wetlands, you have to come up with a Wetland Determination and Delineation Study to determine how much acreage, the category of the wetlands and how to mitigate the wetlands. Basically, you pay a sum of money to an agency that buys land and creates wetlands in another location to offset it. In this case, the range is \$37,500 to \$48,000 per acre. Assuming these are accurate estimates, the cost for the Phase One Assessment Wetland Study was added at \$6,000. The purchase cost would remain at \$95,000. Cleanup of the property is estimated to be around \$17,500 with the Wetland Mitigation on the high end at \$134,400. That totals a little over a quarter million dollars. Even at this conservative value and with all these expenses the acreage would be at just under \$20,000/acre. In my opinion, that is still at or below the market value of industrial property in Napoleon. The fair market value is probably in the \$20,000 to \$25,000 range. When I first came to Napoleon, industrial acreage was somewhere between \$17,000 and \$22,000. I believe that has gone up especially for a square piece of property that has the papers to make it developable. My recommendation is this would be in the city's best interest to move forward. Mitigating the wetlands gives us the opportunity to put the property back into productive use as opposed to what it is now. This is a strategic location in the Industrial Park next to the solar field and affords an opportunity of different uses. ODOT was interested in the property once before and if the wetlands are mitigated, it is very possible they would be interested in the property again. The wetland information came from ODOT so there was some interest there. There are risks associated with this no doubt but at the end of the day, I believe in the long term it is better for the city to have this mitigated. There is also the possibility the wetlands can spread. If this were to lay fallow any longer and get out of hand, the chances for it to be mitigated and developed would be unlikely. Bialorucki commented you said some of these numbers were estimates, is there a way to get definite numbers for the wetland mitigation for the cleanup? Mazur replied the mitigation piece is a formula, for a Category One Wetland it's a one to one and a half ratio for every acre that you have. In today's standard that is \$37,500 to \$40,000 and these are a couple of years old so, it may be in the \$40,000 range now. You work with your agency. There are other agencies that mitigate wetlands. ODNR has a mitigation program and so does the Nature Conservancy. There might be an agency with a cheaper price to work with to have the wetlands mitigated. They would mitigate and maintain them, take care of and establish them. For Tier One it is around the \$40,000 range. Bialorucki asked we won't know the tier or the exact acreage until the assessment and Wetland Study are done. Mazur said on Thursday we do have somebody coming out to take a look at it to get more accurate information and I will be walking with them. There was some property



Roll call vote to approve Resolution No. 032-21 on Second Read  
Yea-Bialorucki, Siclair, Comadoll, Knepley, Durham, Haase, Baer  
Nay-



to get a big check? Mazur said yes, the city is going to get a check. Now, there will be some expenses on the back end. Maassel said and we are going to reconfigure some stuff and if we don't do this, then the current rate payers would basically be paying for this, right? Mazur said that is right. Maassel - and the potential cost for ratepayers is in excess of the check. Mazur- yes. The check will be for 5.1 million dollars. Two years ago we had an estimate of 3.2 million dollars to rebuild that substation. Unfortunately, it is going to be more expensive now. Maassel said either way, we are going to have to reconfigure it, right? Mazur replied that is a reality. Bialorucki asked Harmon how do you feel about this agreement? Harmon responded I am comfortable with it. It is a continuation of what we have been doing so, I don't have any issues with it.

Roll call vote to pass Ordinance No. 030-21 on Third Read  
Yea-Bialorucki, Siclair, Comadoll, Knepley, Durham, Haase, Baer  
Nay-

**Yea-7, Nay-0. Motion Passed.**

Siclair shared I had a talked to the Electric Superintendent about this and I appreciate his input. It helped to understand a little better and feel a little more secure about making this decision. This is a big decision and appreciate all of your work on it. Mazur noted we are planning on closing by October 1, 2021.

**GOOD OF THE CITY**

**Healthcare Committee Recommendation Employees Stay with Current Healthcare Plans PPO2 & PPO3**

Mazur explained the Healthcare Cost Committee reviews what the healthcare costs are for BORMA on an annual basis and what the insurance premium changes are going to be. A spreadsheet is put together showing what plans the employees are on, ie. whether it's the single, employee/spouse or family plan. This year, our total increase is 2.49%. That is 1% lower than last year and feel that is really good. The committee did look into options including other conglomerated plans with other organizations, public entities and private entities. In the end, the best option for us was to remain with BORMA in a three-year contract. BORMA is a pool but, it's a tiered pool. It is not a true pool where everybody is the same. Right now we are in the shallow end, Mazur asked Lambert are there 13 or 14 communities in BORMA? Lambert said there are 15. Mazur continued and we were the only community that received the 1% discount for the wellness program. There were two other communities that had a 0.5% decrease. Lambert explained our total increase for this year is 1% lower than last year. For both plans that is \$45,324.00 from 2021 to 2022. I think we did amazing last year and believe our wellness program is doing what it is supposed to be doing, to catch things early and the employees are listening. Mazur stated the Healthcare Cost Committee voted and approved three items. Continuing with the PPO2 and PPO3 plans was the first on voted on. Bialorucki asked who makes up the Healthcare Committee. Mazur said there are two members of each bargaining unit, two members from non-bargaining and typically the City Manager and Finance Director are on the committee too. Bialorucki expressed it is important to point out who is on that committee because there are committee members representing the unions point and not just the management side saying we think this is the best. Haase commented there should be a thank-you to the employees to make the discount available in the wellness plan and taking advantage of it. Harmon stated the three agenda items have been written into the legislation, when you get to J.3. direct the Law Director to draft legislation for all three healthcare items.

**Health Care Committee Recommendation to Keep the Vision and Dental Plans that are Offered on a Voluntary Basis**

Mazur explained these plans are offered on a voluntary basis and employees can opt in or opt out. There is no extra expense to the city.

**Healthcare Committee Recommendation to Extend the BORMA Wellness Program for Three Years (2022, 2023 and 2024); and also, that a \$50.00 Surcharge be applied to the Employees' Health Insurance Premium when the Employee and the Employee's Spouse (if applicable) do not Complete their Wellness Check by the Date Specified for Each Year**

Mazur stated this is a continuation of the way it is set up right now the only difference is the Wellness Program. Council has voted on the Wellness Program every year to see what the outcome was. The recommendation from the Healthcare Cost Committee was to apply the Wellness Program to the three-year

Motion: Comadoll                      Second: Knepley  
to direct the Law Director to draft legislation for the three Healthcare Items discussed above

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

Mazur stated this is to have Council direct the Law Director to draft legislation for the CRA Agreement with Keller Logistics

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

Weis, superintendent of the Water Treatment Plant, explained this was approved in our budgets last year to split the cost for the upgrade between the Water and Wastewater Plants. Koesters gave us a quote for this upgrade. The controls at the wash water basin at the Water Plant did not get upgraded in that project as it was to be added in later on. But, with all the change orders and everything that was going on, we chose not to do it. My staff and I have done a lot of the physical pipe mechanical work down in the pits to get that upgraded. We wanted to upgrade the controls this year and put \$32,000 in the budget, splitting that cost between the two departments, \$15,000 for the Water Plant and \$15,000 for Wastewater. This is a nice upgrade for the system that will benefit the Wastewater Plant more than the Water Treatment Plant as all the sludge goes to the Wastewater Plant now. It goes at a hard slam three to four hundred gallons a minute for about an hour and a half. It shuts off and sits off for 12 hours and then when the basin fills back up from our residuals, there is another two hours of slugs. The upgrade will allow us to have VFD driven motors in the control panel so we can control it off levels in the basin. It will help their operation out and will also maintain our pumps and motors a lot better. We have burned two motors up in the last five years because the thermal overload relays that are in the control panel right now get hot during the summer and throw a false alarm. A lot of times it is happening overnight when nobody is here. The pump does run off and on while we are not staffed at the plant. This upgrade will be in our programming software. Currently, we cannot see anything over there because the controls are older. The upgrade will also allow the Wastewater Plant to be able to control and see everything that is going on there as well. We will have a redundant system in case the one goes down at the Water Plant. Mazur added this is pretty critical timing too with the Wastewater Plant rehab. They are going to be under a lot of stress having a slug of sludge coming down to them to treat and this can help with regulating the quantities and the flow. Weis noted it works with our current motor setup that we have in there. The motors that we have will adapt to the VFD. Our control center will be

Motion: Comadoll                      Second: Knepley  
to direct the Law Director to draft legislation to sole source the Wash Water Basin Controls Upgrade Project  
with Koester Corporation

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

Chief O'Brien stated recently we had confined space training that we hosted and was put on by Cleveland State University. One of the members has actually worked at Campbell Soup for a long time. For all of our training purposes we are using primary rescue equipment. We get all that stuff out and and it is out of service and then you have to repack it before you get a call. During that conversation, he brought up Campbell Soup had this tripod and ventilation fan and was not going to be using them anymore and offered that donation. We are super grateful for the donation because that will be utilized a lot, whether it be within the station or out at the training grounds without having to strip the trailer.

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

Council President Bialorucki referred this item to the Municipal Properties, Building, Land Use and Economic Development Committee.

Council President Bialorucki referred this item to the Municipal Properties, Building, Land Use and Economic Development Committee.

## 7

is in agreement with the dates when we want to do the budget review. Siclair will not be available the first weekend of November. Bialorucki noted this is a living and breathing document and if our new Finance Director says he is ready for a budget earlier, maybe we can do it a week earlier or if need be, we can do it a week later. We can revisit the schedule at every meeting. Tentatively, the 2022 budget review is set for November 5 and 6, 2021.

#### AROUND THE TABLE

Durham – No items.

Haase – No items.

Baer - the CIC's annual meeting will be on Wednesday, October 6, 2021 from 5:00 pm – 7:00 pm. I believe it's at the Armory. We can have a table of six which we need to confirm by September 24, 2021. I plan on being there and assume the Mayor will be there. Do we have four more people that would like to go?

I did talk to Mazur about this through email, I understand the Park Board was not able to meet because they did not have a quorum this past month. The Lions Club is looking to resume its Halloween Parade.

Halloween is on a Sunday and I'm assuming they won't have the parade that day and probably no trick-or-treating on that day either. The Lions Club wants to know the date from the Park Board as soon as possible so they can make arrangements for the parade. Mazur stated the recommendation from staff is to have Trick-or-Treat night on October 31<sup>st</sup>. Baer said the parade would not be on a Sunday because it's never the same day as trick-or-treat. Mazur noted it is usually on the Monday before. The board usually tries to avoid Wednesdays, Fridays and Saturdays for trick-or-treat. If October 31<sup>st</sup> falls on any of those days they move it. That has to do with church and sporting events.

Mr. Fire Chief, would you like to share a little bit about what went on down at the training site today?

Chief O'Brien informed Council Roger Miller from Miller Construction was over to the training facility site for the grain bin training simulator and also the grain leg that is going to be going up. They are clearing all the land right now and will put stone down and then there will be basic concrete for a 29' by 29' pad that will hold the hold the 27' round grain bin. They are expected to be there for the next couple of days to prep the site. Then, after a week or so, they will be back and we will see some progress. We hope to have the grain bin and the grain leg simulator, it is a simulator because it's an i-beam, we are hoping to have all that completed by the end of the year.

Maassel – asked for an Executive Session for Economic Development to consider the potential sale of property. Last week on August 31<sup>st</sup>, Governor DeWine declared that day as Opioid Overdose Awareness Day. At Renewed Mind there are some people there that are working really hard at getting sober and maintaining sobriety. It was a really good event for them to have there. They had a bunch of flags out with names of people that have passed away from opioid overdose. I want to thank Lanie and Stephanie and the two chefs, Tony and Chief O'Brien for all the work that they did at the employee appreciation lunch.

As we all know, Saturday is the 20<sup>th</sup> anniversary of the 9/11 attacks. Thank-you Chief Mack for you and all your people. Chief O'Brien thank-you and all your people. Make sure you thank them and also thank the military members. We all paid a heavy price that day and years since. Just keep that in mind on Saturday. I think at noon at the Fall Festival they are going to do something, not sure what exactly that is.

Siclair - thanked Chief O'Brien and Tony, and Lanie and Stephanie for organizing the staff appreciation lunch. I thought it was a really nice event. Thank-you to our city staff for everything that they do. Kevin, I want to welcome you on board. I look forward to working with you. You were hands down the election by the committee and we have full confidence you'll do a great job so thank-you.

Garringer - I look forward to starting on Monday, thank-you.

Comadoll - how far along is the bridge, do we have any idea? Mazur - as far as I know it's on schedule. The second river bridge September of next year. Maassel thought it was supposed to be the summer of next year. Comadoll - it's probably time now to start getting our oars on the water about truck traffic downtown. Mazur - once the bridge is open is a good time to really study that so we know what the patterns are. In talking with Lulfs and the Chiefs about it, it is probably your everyday drivers that are going to figure it out. There will be some stragglers. Maassel stated it will be an issue until the GPS maps are updated.

Harmon - welcome to Kevin, see you soon.

Bialorucki - Welcome Kevin, I am looking forward to working with you very much.

Motion: Durham                      Second: Siclair  
to go into Executive Session for Economic Development to consider sale of property

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

Motion: Durham                      Second: Knepley  
to go into Executive Session for confidential information related to marketing plans and negotiating with a political subdivision

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

City Council went into Executive Session at 8:07 p.m.

Motion: Siclair                      Second: Knepley  
to come out of Executive Session for economic development to consider the sale of property

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

Motion: Siclair                      Second: Haase  
to come out of Executive Session for economic development for confidential information related to  
marketing plans and negotiating with a political subdivision

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

City Council adjourned from Executive Session at 9:04 pm.  
Council President Bialorucki reported no action was taken in Executive Session.

In the absence of any objections or corrections the bills will stand approved. Comadoll asked about the change order to Hohenbrink for the Park Street job. I was wondering what this is. I'm surprised the citizens up there haven't complained. Mazur explained it is the difference between what was in the engineering quantities compared to the actual quantities. I will double check and if it changes, will email everyone in the

weekly FYI. Comadoll made a suggestion that we give some deep thought about having them back. They took off a couple times and left citizens hanging for weeks at a time. Durham asked about the sludge press rental fee. How often do we pay that? Mazur was unsure how often we are invoiced for the sludge rental. That press is rented and we will continue to rent it until the new presses get installed.

**ADJOURNMENT**

Motion: Comadoll                      Second: Siclair  
to adjourn the City Council meeting at 9:09 p.m.

Roll call vote on the above motion:

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

Nay-

**Yea-7, Nay-0. Motion Passed.**

**Approved:**

**September 20, 2021**

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

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

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



## **RESOLUTION NO. 036-21**

### **A RESOLUTION APPROVING THE ADDITION OF A FIFTY DOLLAR (\$50.00) SURCHARGE TO CITY OF NAPOLEON, OHIO EMPLOYEE HEALTH INSURANCE PREMIUMS FOR THE YEARS 2022, 2023, AND 2024, AMENDING RESOLUTION NO. 033-20; AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 197.15 (a) (2) of the Codified Ordinances (Personnel Code) provides that: Subject to reasonable cost containment measures, the City provides group hospitalization, surgical, and extended medical benefits for each full-time regular employee in accordance with the benefit schedule provided in the City's plan as on file in the office of the City Finance Director marked "City of Napoleon Health Benefit Plan (#HBP-1)" and as may be amended from time to time by Resolution of Council. The City of Napoleon Health Benefit Plan (#HBP-1) shall include covered services, co-pays, and premium contribution; and,

**WHEREAS**, the Health Care Cost Committee met on August 20, 2021 and has recommended to City Council to approve a surcharge to City of Napoleon employees' health insurance premiums as follows: to add a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting January 1, 2022 to employees that do not complete a wellness check, and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to June 30, 2021. Further, employees and spouses that complete the wellness check during the dates of August 1, 2020 through June 30, 2021 and turn in the Preventative Care Physician form by June 30, 2021, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to being assessed a surcharge; and,

**WHEREAS**, the Health Care Cost Committee has also recommended to City Council that, the aforementioned fifty dollar (\$50.00) monthly surcharge be approved for the years 2023 and 2024, when the employee and the employee's spouse as appropriate do not complete an annual wellness check by a date certain which shall be specified for each year; and,

**WHEREAS**, the Health Care Cost Committee has also recommended to City Council that, beginning January 1, 2022, the City of Napoleon shall follow BORMA's 2022 Wellness Campaign, also recommending to extend the BORMA Wellness Campaign through the years 2023 and 2024; and,

**WHEREAS**, there was no recommendation to change the health plan in the year 2022 regarding current plans, voluntary plans, and out-of-pocket in network deductible;  
**Now Therefore,**

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

Section 1. That, upon recommendation of the Health Care Cost Committee, in the year 2021 and for the years 2022, 2023, and 2024, this Council approves amending Resolution No. 033-20, approving a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting January 1, 2022 to employees that do not

complete a wellness check and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to June 30, 2021. Further, employees and spouses that complete the wellness check during the dates of August 1, 2020 through June 30, 2021 and turn in the Preventative Care Physician form by June 30, 2021, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to getting assessed a surcharge.

Section 2. That, upon recommendation of the Health Care Cost Committee, in the year 2021 and for the years 2022, 2023, and 2024, this Council approves amending Resolution No. 033-20, approving a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting January 1, 2023 to employees that do not complete a wellness check and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to June 30, 2021. Further, employees and spouses that complete the wellness check during the dates of August 1, 2021 through June 30, 2022 and turn in the Preventative Care Physician form by June 30, 2022, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to getting assessed a surcharge.

Section 3. That, upon recommendation of the Health Care Cost Committee, in the year 2021 and for the years 2022, 2023, and 2024, this Council approves amending Resolution No. 033-20, approving a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting January 1, 2024 to employees that do not complete a wellness check and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to a date certain to be determined. Further, employees and spouses that complete the wellness check during the dates recommended by the Health Care Cost Committee and approved by this Council, and turn in the Preventative Care Physician form by a date certain, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to getting assessed a surcharge.

Section 4. That, also upon recommendation of the Health Care Cost Committee, in the year 2021 and for the years 2022, 2023, and 2024, this Council approves following BORMA's wellness campaigns.

Section 5. That, all provisions of the BORMA Benefit Plan shall remain in full force and effect, including current plans, voluntary plans, and out-of-pocket in network deductible.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 8. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, 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 effectuate the stated surcharge in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

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

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

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

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

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

Attest:

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

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 036-21 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*

### 2022 Employee Health Care Costs BORMA

<b>PPO 2</b>	2021 Per Month	2022 Per Month	Total Increase	Percent Increase	2022 Employee Premium (12.5%)	2022 Employee Increase	2022 City Premium (87.5%)	2022 City Increase
Single	\$ 719.69	\$ 737.61	\$ 17.92	2.49%	\$ 92.20	\$ 2.24	\$ 645.41	\$ 15.68
EE/Spouse	\$ 1,439.38	\$ 1,475.22	\$ 35.84	2.49%	\$ 184.40	\$ 4.48	\$ 1,290.82	\$ 31.36
EE/Child	\$ 1,295.45	\$ 1,327.70	\$ 32.25	2.49%	\$ 165.96	\$ 4.02	\$ 1,161.74	\$ 28.22
Family	\$ 2,159.07	\$ 2,212.83	\$ 53.76	2.49%	\$ 276.60	\$ 6.72	\$ 1,936.23	\$ 47.04

	Number of Employees	2022 Employer Cost	2022 Employee Cost	Total Cost PPO 2	Total Increase Employee per Year	Total Increase City per Year
Single	13	\$ 100,683.77	\$ 14,383.40	\$ 115,067.16	\$ 349.64	\$ 2,445.89
EE/Spouse	11	\$ 170,387.91	\$ 24,341.13	\$ 194,729.04	\$ 591.69	\$ 4,139.19
EE/Child	21	\$ 292,757.85	\$ 41,822.55	\$ 334,580.40	\$ 1,013.67	\$ 7,110.81
Family	36	\$ 836,449.74	\$ 119,492.82	\$ 955,942.56	\$ 2,904.66	\$ 20,319.66
<b>Total</b>	<b>81</b>	<b>\$ 1,400,279.27</b>	<b>\$ 200,039.90</b>	<b>\$ 1,600,319.16</b>	<b>\$ 4,859.66</b>	<b>\$ 34,015.55</b>

Total PPO 2 Increase 2021-2022      \$ 38,875.20

<b>PPO 3</b>	2021 Per Month	2022 Per Month	Total Increase	Percent Increase	2022 Employee Premium (12.5%)	2022 Employee Increase	2022 City Premium (87.5%)	2022 City Increase
Single	\$ 696.48	\$ 713.82	\$ 17.34	2.49%	\$ 89.23	\$ 2.17	\$ 624.59	\$ 15.17
EE/Spouse	\$ 1,392.94	\$ 1,427.63	\$ 34.69	2.49%	\$ 178.45	\$ 4.33	\$ 1,249.18	\$ 30.36
EE/Child	\$ 1,253.66	\$ 1,284.87	\$ 31.21	2.49%	\$ 160.61	\$ 3.89	\$ 1,124.26	\$ 27.31
Family	\$ 2,089.43	\$ 2,141.46	\$ 52.03	2.49%	\$ 267.68	\$ 6.50	\$ 1,873.78	\$ 45.53

	Number of Employees	2022 Employer Cost	2022 Employee Cost	Total Cost PPO 3	Total Increase Employee per Year	Total Increase City per Year
Single	7	\$ 52,465.77	\$ 7,495.11	\$ 59,960.88	\$ 182.07	\$ 1,274.49
EE/Spouse	0	\$ -	\$ -	\$ -	\$ -	\$ -
EE/Child	10	\$ 134,911.35	\$ 19,273.05	\$ 154,184.40	\$ 466.65	\$ 3,277.35
Family	2	\$ 44,970.66	\$ 6,424.38	\$ 51,395.04	\$ 156.06	\$ 1,092.66
<b>Total</b>	<b>19</b>	<b>\$ 232,347.78</b>	<b>\$ 33,192.54</b>	<b>\$ 265,540.32</b>	<b>\$ 804.78</b>	<b>\$ 5,644.50</b>

Total PPO 3 Increase 2021-2022      \$ 6,449.28

Total All Plan Increase      \$ 45,324.48

2022 Total Cost for All Plans      \$ 1,865,859.48

## **RESOLUTION NO. 037-21**

### **A RESOLUTION AUTHORIZING A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT WITH KELLER LOGISTICS, INC. WITHIN NAPOLEON CRA #7; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Ohio Reinvestment Area Program, pursuant to Ohio Revised Code Chapter 3735, authorizes the City to grant real property tax exemptions on eligible new investments; and,

**WHEREAS**, the City by Resolution 114-01 adopted on October 1, 2001 that designated an area (CRA 7) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735 and, with the adoption of Resolution No. 65-02 adopted June 17, 2002 enlarged the area; and,

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

**WHEREAS**, the Director of Development certified the area as a community reinvestment area known as Zone No. 069-53550-02 (the "Area"); and,

**WHEREAS**, Keller Logistics, Inc. made application that will involve a total capital investment in real property currently estimated at \$6,500,000.00, plus or minus ten percent (10%), in development and construction of a light industrial building, approximate size being 100,000 square feet (total), and appurtenances at the site located on parcel number 28-0700780200, Independence Drive, Napoleon, Ohio; and,

**WHEREAS**, it was recommended by the Director of the County Community Improvement Corporation of Henry County, Ohio, contracted administrator of the CRA's for the City, that Keller Logistics, Inc. receive a one hundred percent (100%) abatement for ten (10) years on the proposed real property improvements; and,

**WHEREAS**, the appropriate school(s) were provided with all legally-required notices; and,

**WHEREAS**, the Napoleon Area City School District Board of Education, either waived the timeliness of the notice requirement(s) and approved the proposed agreement or, timely received the notice(s) and made approval; **Now Therefore**,

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

Section 1. That, the City approves and consents to a certain Community Reinvestment Area Agreement with Keller Logistics, Inc., in substantially the form as being currently on file with the City Finance Director, Agreement No. 2021-17, subject to any changes deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; said agreement having been reviewed by this Council.

Section 2. That, the City Manager is both authorized and directed to execute the Community Reinvestment Area Agreement as referred to in Section 1 of this Resolution in the name of and on behalf of the City.

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

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to expeditiously proceed with this development project for the economic welfare of the inhabitants of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the construction process in a timely manner, and for further reasons as stated in the Preamble hereof.

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

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

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

Attest:  
\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 037-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; and I further certify the compliance with the 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*

2021 COMMUNITY REINVESTMENT AREA AGREEMENT

between

CITY OF NAPOLEON, OHIO

and

KELLER LOGISTICS GROUP, INC.

Dated

as of

\_\_\_\_\_, 2021

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Appendix "A" – Application of the Enterprise for Exemptions

Appendix "B" – Improvements

Appendix "C" – The Real Property



This Community Reinvestment Area Agreement (the "Agreement") is made and entered into by and between the City of Napoleon, Ohio, a municipal corporation located at 255 W. Riverview Avenue, Napoleon, Ohio 43545 (the "City") and Keller Logistics Group, Inc. organized under the laws of Ohio, located at 24862 Elliott Rd., Defiance, OH 43512 (the "Enterprise"), under the circumstances summarized under the following recitals (capitalized words and terms used in the recitals and not otherwise defined shall have the meanings assigned to such words and terms in Section I of this Agreement):

WHEREAS, the City by Resolution adopted on October 1, 2001 designated an area (CRA #7) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735; and,

WHEREAS, the Director of Development determined that CRA #7 so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development on November 20, 2001, certified CRA #7 as a community reinvestment area known as Zone No 7 ("CRA #7"); and,

WHEREAS, the City encourages the development of real property in CRA #7; and,

WHEREAS, the Enterprise desires to construct and install a Project at the Facility in CRA #7 if incentives are available to support the economic viability of the Project; and,

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

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

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

WHEREAS, the Housing Officer for CRA #7 for the City has investigated the application of the Enterprise and has recommended the same to the City of Napoleon Council on the basis that the Enterprise is qualified by financial responsibility and business experience; further, that in granting the CRA Agreement, new construction or remodeling will be made in CRA #7 which will serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and,

WHEREAS, the determination of the tax incentive is calculated on the investment made in the construction of a light-industrial speculative building and paving after all the existing structures have been completely cleared from the project site. The value of the improvements being determined by the Henry County Auditor; and,

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

WHEREAS, the Board of Education of the appropriate School District(s) required to be notified has been notified in accordance with Sections 3735.671 and 5709.83 of the Ohio Revised Code and has been given a copy of the Application with the stated percentages of the value of the real property to be exempted, an estimate of the true value of that property, and the number of years that property will be exempted; and,

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

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

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

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

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

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

"Area" means Community Reinvestment Area Zone 069-53550-02 Napoleon #7 located in the City as certified by the Director of Development.

"City" means the City of Napoleon, Ohio

"County" means Henry County, Ohio.

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

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

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

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

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

"Four County" means the Four County Career Center, a Joint Vocational School District under Ohio law whose school district boundaries encompass the Facility.

"Housing Officer" means the person or entity designated as the Housing Officer by the City for the CRA #7.

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

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

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

"Project Completion Date" means July 31, 2023, even though the actual completion date may be earlier.

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

"School Board" means the Board of Education of the School District.

"School District" means the Napoleon Area City School District.

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

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

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

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

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

**Section 3. The Project.** The Project will involve a total capital investment in real property currently estimated at \$6,500,000.00, plus or minus 10% in development and construction of a light-industrial building, approximate size being 100,000 square feet, on the Real Property.

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

(b) The Project will commence by June 1, 2022 and all acquisition, construction, and installation of the Project will be completed by July 31, 2023.

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

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

(a) The Project, being speculative, is to draw an industrial interest in the Project and therefore lease said Project. Total creation of jobs is unavailable as it is dependent on the end use and lessor upon completion of the Project.

Provided, however, that the City recognizes that the Enterprise is constructing the Project on a speculative basis as an economic development initiative which will benefit the City, with the intent to sell or lease the completed facility to an end user that will provide the projected number of full time permanent jobs. Prior to entering into any sale or lease of the Facility, the Enterprise shall require the prospective purchaser or tenant to provide the City with the financial, projected employment, and other information deemed relevant for the City to vet it as a prospective employer, and if such prospective purchaser or tenant is accepted as an "Approved Employer" by the City, the Enterprise shall be deemed to have met its obligations under this Agreement, and the Enterprise shall not be required to repay any portion of the abated taxes if the prospective employer fails to provide the number of full time permanent jobs, as projected.

(b) It does not owe any delinquent real or tangible personal property taxes to any taxing authority or in the State of Ohio, and does not owe any delinquent taxes for which it is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or, if such delinquent taxes are owed, it currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against it. For purposes of this paragraph "delinquent taxes" are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

**Section 5. City Obligations.**

(a) The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

(b) If for any reason the City revokes the designation of CRA #7, the City shall continue to grant the entitlements under this Agreement for the number of years specified under this Agreement, unless the Enterprise materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation pursuant to this Agreement.

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

(a) Regarding the construction and renovations, the Enterprise will make a minimum investment of \$6,500,000, plus or minus 10%.

(b) The Enterprise shall use its best efforts to employ, or cause the employment of, residents of the County for any new job opportunities created at the Facility during the duration of this Agreement.

(c) The Enterprise shall provide, or cause to be provided, to the TIRC any and all information requested by the TIRC that is reasonably necessary for the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(d) The Enterprise shall pay such real and tangible personal property taxes on property located in the County that are not exempt pursuant to this Agreement, other tax abatement agreements, or by law. The Enterprise shall file all tax reports and returns required by law.

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

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

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

**Section 7. Exemptions.**

(a) The City, with consent of the School District and upon notification to the Four County, hereby grants the Enterprise a 100% exemption, pursuant to Section 3735.67 of the Ohio Revised Code for eligible real property, from real property taxes for a period of 10 years for the Improvements. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after January 1 of the first tax year for which the Improvements appear on the tax rolls of the Henry County Auditor. Nor shall extend beyond the ten (10) year anniversary of such date. The maximum investment for the Improvements to qualify for the exemption granted in this paragraph is \$6,000,000.00.

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

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

**Section 8. Annual Fee.** The Enterprise shall pay an annual fee equal to the greater of one percent of the dollar value of the incentives offered by this Agreement or \$500.00; provided, however, if the value of the incentives exceed \$250,000.00, the fee shall not exceed \$2,500.00

The City or its agent shall calculate the amount of the fee and shall mail an invoice for the fee to the Enterprise on or before September 15th of each year within which any taxes are abated pursuant to this Agreement. The invoice shall be paid by the Enterprise to the City or its agent within the thirty (30) days immediately following the invoice date.

**Section 9. Compensation Payments.** The Enterprise agrees to compensate a portion of the tax revenue foregone by the County, City, School District, Four County, and other political subdivisions or receivers thereof as a result of the exemptions as provided by this Agreement.

(a) The Enterprise shall annually pay to the City or its agent an amount equal to Twenty Five Percent (25%) of the dollar amount of the incentives offered by this Agreement; in other words, the total taxes that would have been payable had this Agreement not been entered into. The amounts due to the City Infrastructure Fund and the School District Separately and respectively, shall each be a percentage of the total amount of the total payment in lieu of taxes annually under this Section, as agreed to by the City and the School District.

<b>Years 1 through 10</b>		<b><u>Estimated Figures + or –</u></b>
<b>Entities Receiving</b>		
<b>Payments in Lieu of Taxes</b>	<b>Percentage of net Abatement Total</b>	<b>Payment in Lieu of Taxes</b>
Napoleon Area City School District	75%	\$11,641.16
Four County Career Center	7%	\$ 1,086.51
Napoleon Infrastructure gets:	18%	\$ 2,793.88
<b>TOTAL</b>	<b>100%</b>	<b>\$15,521.55 (estimated)</b>

(b) On or before September 15<sup>th</sup> following each year within which any taxes are abated pursuant to this Agreement, the City or its agent shall calculate the amount of incentives offered by this Agreement and the amount equal to 100% of the taxes foregone through this Agreement. Immediately thereafter, the City or its agent shall invoice the Enterprise for the amounts due and owing under the Enterprise's actual investment and abatement, as explained above.

(c) Within thirty (30) days immediately following each September 15<sup>th</sup> invoicing above, the Enterprise shall pay such invoiced amounts to the City or its agent for distribution to the affected political subdivision and schools as applicable.

(d) The City and the School district may respectively expressly agree in writing to reallocate, in whole or in part, any portion of each one's respective allocation under this Section. Any written agreement entered into pursuant to this paragraph shall be communicated to the City and the Enterprise and shall become effective upon notice being provided to the City and the Enterprise. Any agreement to reallocate shall adjust the City's distribution among affected entities, but this ability to reallocate and any act of reallocation shall never, by itself, increase the total amount due by the Enterprise under this Section 9.

(e) The payment of the compensation payments due to the City and/or the School District, are for the benefit, run in favor of, and are enforceable by the City and the School District respectively, is the exclusive intended third-party beneficiaries to the provisions and terms of this Section.

**Section 10. Events of Default and Remedies.** The occurrence of any of the following shall be considered an Event of Default by the Enterprise under this Agreement.

(a) If the Enterprise materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City shall terminate or modify by reducing the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement for the previous year; further, the City may, at its option, secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on the real property. In applying this paragraph, the Enterprise shall not be considered to be in material default so long as it has rented or sold the facility to an Approved Employer, as per section 4 (a) of this Agreement.

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

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

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

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

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

(g) The Enterprise fails to pay the annual fee required by Section 8 then this Agreement may be terminated.

**Section 11. Notices & Payments.** All notices required by this Agreement shall be in writing and either mailed by first class U.S. mail, postage prepaid, addressed to the person or persons to be so notified or delivered by personal delivery to such person. Notice shall be deemed given on the earlier of the day the notice is mailed or personally delivered.

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

All notices and applicable payments shall be delivered to the following addresses; original payments from Enterprise to the City shall be mailed to the City or its Agent:

(a) To the City:

City of Napoleon, Ohio  
c/o City Manager  
255 West Riverview  
Napoleon, Ohio 43545

With a Copy to:

Henry County CIC,  
c/o Executive Director  
104 East Washington Street, Suite 301  
Napoleon, Ohio 43545

(b) To the Enterprise:

Keller Logistics  
Mr. Bryan Keller, CEO  
24862 Elliott Rd.  
Defiance, Ohio 43512

(c) To the County Auditor:

Auditor  
County of Henry, Ohio  
660 N. Perry Street  
Napoleon, Ohio 43545

(d) To the School District:

Napoleon Area City School District  
c/o Treasurer  
701 Briarheath Ave.  
Napoleon, Ohio 43545

(e) To Four County:

Four County Career Center  
c/o Superintendent  
22-900 State Route 34  
Archbold, Ohio 43502

(f) To the TIRC:

Henry County CIC  
c/o Executive Director  
104 East Washington St.  
Suite 301  
Napoleon, Ohio 43545

**Section 12. Miscellaneous.**

(a) The Enterprise shall provide to the proper tax incentive review council any information reasonably required by the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(b) If for any reason CRA #7 designation expires, or the Director of Development revokes the certification of CRA #7, or the City revokes the designation of CRA #7, the exemptions granted by this Agreement shall continue as provided in this Agreement.

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

(d) This Agreement is not transferable or assignable without the written consent of the City, and the Enterprise acknowledges that the City may not give that consent if the School District objects to any transfer or assignment. Further provided, however, the exemptions provided in this Agreement may be applicable and assignable (upon notice to the City) to entities that are directly and immediately related to the Enterprise that may already have indirect ownership of the property subject to the exemption, without prior written approval from the City. In the event that a sale of the property occurs without written consent of the City and School District to transfer or assign the Agreement, this Agreement shall terminate at the time of sale without any requirement of the Enterprise to pay back any prior tax abatement given as a part of this Agreement.



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

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

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

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

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

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

(k) Time is of the essence.

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

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

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

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

**AGREED TO:**

**CITY OF NAPOLEON, OHIO**

By \_\_\_\_\_  
Joel L. Mazur, City Manager

**KELLER LOGISTICS GROUP, INC.**

By:  \_\_\_\_\_  
Bryan Keller, CEO

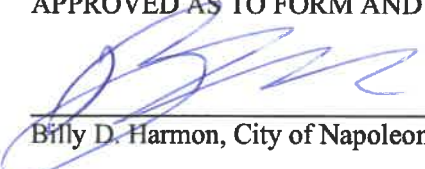
**CONSENTED TO:  
DISTRICT**

**NAPOLEON AREA CITY SCHOOL**

By:   
Ty Otto, School Board President

By:   
Michael Bostelman, School Board Treasurer

**APPROVED AS TO FORM AND CORRECTNESS:**

  
Billy D. Harmon, City of Napoleon Law Director

**Appendix "A"**

**APPLICATION CRA  
(POST-1994)**

**ATTACHED**

## Appendix A

**PROPOSED AGREEMENT** for Community Reinvestment Area Tax Incentives between the  
Community Improvement Corporation of Henry County located in the County of Henry and  
Keller Logistics Group, INC.

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

Keller Logistics Group  
Enterprise Name

Bryan Keller  
Contact Person

24862 Elliott Road  
Address

(419) 785-3219  
Telephone Number

- b. Project site:

Parcel #: 28-070078-0200

Bryan Keller  
Contact Person

Independence Dr., Napoleon, OH  
Address

(419) 785-3219  
Telephone Number

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

This building is being put up as a speculative building. We can not conclude what the exact end use will be, but this development will increase Napoleon's site inventory to promote investment into the community.

- b. List primary 6 digit North American Industry Classification System (NAICS) # 493110 Business may list other relevant SIC numbers. \_\_\_\_\_

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

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

Other - LLC

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

Bryan Keller

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

0

- b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes ☐ No ☒

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

N/A

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

Full-time = 430, and Part-time = 60 as of 7/31/21

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

0

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

N/A – speculative site development

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes \_\_\_ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes \_\_\_ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

Yes \_\_\_ No X

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: Keller Logistics Group is planning to construct a speculative 100,000 square feet industrial facility in Napoleon, Ohio on Independence Drive, with the hopes of drawing industry to the community. With the lack of available industrial sites in inventory within this size and price range, we hope to attract new business and job creation to Napoleon.

7. Project will begin on June 1, 2022 and be completed on or before July 31, 2023 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

As this project is speculative, job creation is highly dependent on the tenant that will fill the building, wage rates, and industry sector. This project is being completed as an effort to attract a new employer to the community and increase job availability.

b. State the time frame of this projected hiring: N/A yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):

N/A

9. a. Estimate the amount of annual payroll such new employees will add \$ N/A  
(new annual payroll must be itemized by full and part-time and permanent and temporary

new employees).

- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ N/A

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

A.	Acquisition of Buildings:	\$	<u>                    </u>
B.	Additions/New Construction:	\$	<u>\$6,500,000</u>
C.	Improvements to existing buildings:	\$	<u>                    </u>
D.	Machinery & Equipment:	\$	<u>                    </u>
E.	Furniture & Fixtures:	\$	<u>                    </u>
F.	Inventory:	\$	<u>                    </u>
<b>Total New Project Investment:</b>		\$	<u>\$6,500,000</u>

11. a. Business requests the following tax exemption incentives: 100 % for 10 years covering real property as described above. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)  
The taxes are passed directly to the end user and this abatement will help lower the cost, making this development an attractive site for a potential new employer. Such incentives allow us to keep our costs low and increase the industrial inventory in Henry County. A future tenant will also increase the job market and help spread the tax base.

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

The Applicant agrees to supply additional information upon request.

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

Bryan Keller Keller Logistics  
Name of Property Owner Group INC

8/3/21  
Date

Bryan Keller  
Signature

Bryan Keller CEO  
Typed Name and Title

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

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

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



## **Appendix "B"**

### **THE IMPROVEMENTS**

The Project will involve a total capital investment in real property currently estimated at \$6,500,000.00, plus or minus 10% in development and construction of a light-industrial speculative building, approximate size being 100,000 square feet, on the Real Property.

**Appendix "C"**

**REAL PROPERTY DESCRIPTION**

CONTAINING: 10.10 acres of land

Tax Parcel # 28-0700780200

Township: Liberty

ATTACHED

## Appendix C

### Parcel No. (28-0700780200):

Situated in the City of Napoleon, Township of Liberty, County of Henry and State of Ohio:

Being a part of the Northwest quarter (1/4) of Section 7, Town 5 North, Range 7 East, Liberty Township, Henry County, Ohio, and which is more particularly described as follows:

Commencing at an iron pipe found at the Northeast corner of the Northwest quarter (1/4) of said Section 7;

thence North 89°33'27" West (assumed bearing for the purposes of this description) on the North line of the Northwest quarter (1/4) of said Section 7, forty and zero hundredths (40.00) feet to an iron pin found on the West right-of-way line of Industrial Drive;

thence South 00°25'33" West on the West right-of-way line of Industrial Drive, one thousand two hundred nineteen and sixty-five hundredths (1219.65) feet to a point on the North right-of-way of Independence Drive;

thence North 89°31'57" West on the North right-of-way of Independence Drive, five hundred twenty-five and fifty-two hundredths (525.52) feet to an iron pin found and the point of beginning;

thence North 89°31'57" West on the North right-of-way of Independence Drive, four hundred forty-three and ninety-one hundredths (443.91) feet to a 5/8" x 30" iron pin with ID cap set;

thence North 00°24'32" East, nine hundred ninety-seven and fifteen hundredths (997.15) to a 5/8" x 30" iron pin with ID cap set on the Southerly limited access right-of-way for Ramp "A" of United States Routes 6 & 24;

thence North 87°37'04" East on the Southerly limited access right-of-way for Ramp "A" of United States Routes 6 & 24, eighty-six and forty-one hundredths (86.41) feet to a point;

thence South 85°36'33" East on the Southerly limited access right-of-way for Ramp "A" of United States Routes 6 & 24, three hundred thirteen and twenty hundredths (313.20) feet to a point;

thence South 77°43'30" East on the Southerly limited access right-of-way for Ramp "A" of United States Routes 6 & 24, forty-six and fifty-seven hundredths (46.57) feet to an iron pin found;

thence South 00°26'02" West, nine hundred seventy and forty-nine hundredths (970.49) feet to the point of beginning.

Containing 10.102 acres of land more or less, but subject to all easements, zoning regulations and restrictions of record.

Subject also, to a permanent utility easement thirty (30) feet in width on and along the entire Northerly side of the above described property. Said easement referred to being a part of that easement recorded in Volume 8, Pages 965-967, Official Records, Henry County, Ohio.

## **RESOLUTION NO. 038-21**

### **A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE IMPLEMENTATION OF AN UPGRADE OF THE WASH WATER BASIN CONTROLS, WHICH WAS NOT INCLUDED IN THE 2021 MASTER BID RESOLUTION, FOR THE CITY OF NAPOLEON, OHIO WATER AND WASTEWATER TREATMENT PLANTS, AND TO SOLE SOURCE SAID IMPLEMENTATION TO KOESTER CORP.; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon, Ohio Water and Wastewater Treatment Plants' current wash water basin controls are in need of upgrading; and,

**WHEREAS**, the wash water basin controls are very specialized and there are very few providers of such controls; and,

**WHEREAS**, a review of the limited providers revealed that Koester Corp. could provide the needed upgrades and support to the software and hardware that could integrate with the City of Napoleon's other systems and functions; and,

**WHEREAS**, Koester Corp. was not included in the 2021 Master Bid Resolution (Resolution No. 062-20) for Engineering Services; and,

**WHEREAS**, the cost to implement the wash water basin control updates exceeds twenty-five thousand dollars (\$25,000.00); and,

**WHEREAS**, the City of Napoleon desires to sole source this project to Koester Corp. due to Koester's intimate knowledge of the City's current systems, (Koester has been involved in the City's SCADA implementation in the Water Treatment Plant and Wastewater Treatment Plant for the existing program), as well as Koester Corp. being the only local company having the necessary, specialized support for equipment and software, which may expedite the project; therefore, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of twenty-five thousand dollars (\$25,000.00) for the update of the wash water basin controls at the Water and Wastewater Treatment Plants. Also, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 2. That, the City Manager is authorized to enter into a contract with Koester Corp. to conduct the update.

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

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further,

if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that the update can be timely made which affect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to implement the stated upgrade in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

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

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

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

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

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

Attest:

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

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 038-21 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*



# *City of NAPOLEON, Ohio*

## *Water Treatment Plant*

527 Welsted Street Napoleon, Ohio 43545-0151

Phone: (419) 592-8811

Web Page: [www.napoleonohio.com](http://www.napoleonohio.com)

### *MEMORANDUM*

To: **Joel Mazur, City Manager**  
From: **Jeff Weis, Water Superintendent,**  
**Jeremy Okuley, Wastewater Superintendent**  
cc: **Mayor & City Council**  
Date: **August 30, 2021**  
Subject: **Wash Water Basin Controls Upgrade**

Mr. Joel Mazur,

The City of Napoleon's Water and Wastewater Treatment Plants would like to proceed with the controls upgrade at the Wash Water basin with Koester Corporation. The purchase of the controls upgrade will be split between the Water and Wastewater plants as approved in the 2021 budgets. The quote for this work came in at \$28,044.00 which is under what was set aside in both Departments to cover the costs for the upgrade. Koester Corporation is currently working on the Wastewater plant controls upgrade and did the complete controls upgrade at the Water Plant. It is our recommendation to move forward with Koester Corporation since they are familiar with our systems as well as a company located in town.

Sincerely,

Jeffrey L. Weis

Water Treatment Superintendent

Jeremy Okuley

Wastewater Treatment Superintendent



TEL. (419) 599-0291  
FAX (419) 599-1150  
EMAIL [cdempsey@koester-corp.com](mailto:cdempsey@koester-corp.com)

813 N. PERRY STREET  
NAPOLEON, OHIO 43545

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*professional engineering • industrial systems*

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August 24, 2021

Jeff Weis  
Napoleon Water Treatment Plant  
527 Welsted Street  
Napoleon, Ohio 43545

Subject: Wash Water Basin Controls Replacement Budgetary  
Quote #: 21-113-CD

Dear Jeff:

Per your request, Koester Corporation is pleased to quote the Wash Water Basin Controls Replacement. We quote the following:

**Wash Water Basin Controls Replacement**

- One (1) Subpanel Replacement
- One (1) Interior Door Replacement
- One (1) 60A Main Fused Disconnect
- Three (3) Single-pole Power Distribution Blocks
- One (1) Surge Protector
- One (1) 2-pole fuse block for existing transformer primary protection
- Two (2) 1-pole circuit breakers for existing transformers secondary protection
- Two (2) PowerFlex 525 VFD's, 10HP, with circuit protection
- One (1) 24VDC Power Supply with circuit protection
- One (1) 24VDC UPS for PLC and communications
- One (1) Panel Light
- One (1) Panel Heater
- One (1) Ground Bar
- One (1) CompactLogix system including the following:
  - One (1) CompactLogix Processor, AB 1769-L24ER-QB1B
  - One (1) Isolated Analog Input Card, AB 1769-IF4I
- One (1) EtherNet Switch
- One (1) PanelView Plus 7, AB 2711P-T4W21D8S
- Two (2) Panel-mount HIM modules for VFD's
- Two (2) 3-position Selector Switch
- Ten (10) Control Relays
- Two (2) Pump Seal Relays
- One (1) 120V Receptacle
- One (1) Lot of Terminals, DIN Rail, and Wireway
- One (1) Lot of Labor to build, wire and test panel
- One (1) Lot of Labor to install new controls and run communications to the raw water panel in existing conduit



- One (1) Lot of Engineering to develop drawings and programming for the PLC, panel HMI, and Plant SCADA

**Price: ..... \$28,044.00**

Thank you for the opportunity to quote. If you have any questions, please feel free to call or e-mail.

Delivery: 6 – 8 weeks, ARO Prox.  
F.O.B.: Napoleon, OH, Prepaid & Add  
Terms: Net 30 Days

#### Limited Warranty

Koester Corporation will guarantee its workmanship to be free of defect, said warranty being in effect for fifteen (15) months from the date of shipment or twelve (12) months from "acceptance" of Koester product, whichever occurs first. "Acceptance" shall mean a written acknowledgment by a representative of the buyer or acceptance as defined by UCC 2-606 as adopted by the State of Ohio, that he has inspected the product after installation and "debug" and has found the product to be in satisfactory working condition. Koester will assign all warranties from its parts suppliers on the same terms and conditions.

If a defect in workmanship is noted during the warranty period, Koester will, at the option of Koester Corporation, repair the defect at the buyer's facility, or at Koester direction, the product will be returned to Koester for repair. All warranty covered repairs must be performed by Koester personnel, and will be performed at Koester cost.

KOESTER MAKES NO OTHER WARRANTY, EXPRESS, OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY, AND/OR FITNESS FOR A PARTICULAR PURPOSE. THIS WARRANTY DOES NOT EXTEND AND KOESTER SHALL NOT BE CHARGEABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES WITHIN THE MEANING OF UCC SECTION 2-715 AS ADOPTED BY THE STATE OF OHIO.

Regards,

Koester Corporation

Charles P. Dempsey  
Engineering Manager

CD/mw

## **ORDINANCE NO. 031-21**

### **AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO, THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO, AND KELLER LOGISTICS, INC., REGARDING THE CONSTRUCTION OF AN INDUSTRIAL BUILDING WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City desires to encourage commercial and industrial development and create and preserve jobs and employment opportunities within the City; and,

**WHEREAS**, based on the results of an examination of office and industrial space needs within the City, and induced by and in reliance on the economic development incentives provided in the Economic Development Agreement, Keller Logistics, Inc. expects to build an approximate one hundred thousand (100,000) square foot industrial building in the City; and,

**WHEREAS**, to facilitate the construction of the industrial building, which the City reasonably expects will result in the creation of new jobs and employment opportunities within the City, the City has agreed to provide certain incentives to the Keller Logistics, Inc., said incentives listed in the Economic Development Agreement, and sell a parcel of real property, which parcel is depicted on EXHIBIT A and referred to as the "Property" in the Economic Development Agreement, to Keller Logistics, Inc. for a purchase price of thirty thousand three hundred dollars (\$30,300.00) and other valuable consideration provided therein, including construction of the industrial building by April 1, 2023; and,

**WHEREAS**, the City has determined to offer the economic development incentives described therein to induce Keller Logistics, Inc. to construct a facility within the City which the City expects will result in the creation of new jobs and employment opportunities within the City and will improve the economic welfare of the people of the State and the City, all as authorized in Article VIII, Section 13 of the Ohio Constitution.

**Now Therefore,**

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

Section 1. That, the Economic Development Agreement between the City of Napoleon, Ohio, the Community Improvement Corporation of Henry County, Ohio, and Keller Logistics, Inc., substantially in the form as currently on file in the office of the City Finance Director, is hereby approved and accepted; moreover, the City Manager is both authorized and directed to execute said Agreement.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; 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. The reason for the Emergency Clause is the fact that this Ordinance is necessary to begin the construction contracting and subcontracting process, begin construction in a timely manner, avoid a foreseeable rise in steel pricing that may affect the feasibility of the project, 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. 031-21 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*

## **RESOLUTION NO. 032-21**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACQUIRE 12.91 ACRES OF LAND, LOCATED WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to City of Napoleon Charter Section 6.01, Council may provide, by ordinance or resolution, a method for the City to purchase, construct, lease, sell, or to otherwise dispose of real property and, tangible or intangible personal property, including the contracting therefor, that may be contrary to any provision of the laws of Ohio.

**WHEREAS**, the City of Napoleon desires to acquire a certain 12.91 acres of land, located within the City of Napoleon, Ohio; and,

**WHEREAS**, the City of Napoleon desires to acquire said land for further economic development of the City; **Now Therefore;**

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

Section 1. That, the City of Napoleon authorizes and directs the City Manager to execute any and all documents necessary for the acquisition of twelve and ninety-one one hundredths (12.91) acres of land which is located within the City of Napoleon.

Section 2. That, the properties listed are identified as at the location of the intersection of Commerce Drive and Interchange Drive, Napoleon, Henry County, Ohio; Parcel Number 28-070032.0000 and Parcel Number 28-070032.0300, consisting of twelve and ninety-one one hundredths (12.91) acres of land in total.

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the City to begin economic development of the property; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

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

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

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

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

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

Attest:

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

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 032-21 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*



# City of *NAPOLEON*, Ohio

255 West Riverview Avenue • P.O. Box 151  
Napoleon, Ohio 43545-0151

Phone: (419) 592-4010 • Fax: (419) 599-8393

Web Page: [www.napoleonohio.com](http://www.napoleonohio.com)

## MEMORANDUM

### *Mayor*

Jason Maassel

### *Members of Council*

#### **PRESIDENT:**

Joseph Bialorucki

#### **PRESIDENT PRO-TEM:**

Daniel Baer

John Ross Durham

Jeff Comadoll

Kenneth Haase

Lori Siclair

Molly Knepley

### *City Manager*

Joel L. Mazur

### *Finance Director*

Kevin Garringer

### *Law Director*

Billy D. Harmon

DATE: September 20, 2021  
TO: Members of City Council  
Mayor Jason P. Maassel  
From: Joel L. Mazur, City Manager  
SUBJECT: Luzny Property Purchase Update

Staff has continued to investigate the wetland issue at the property since the last meeting. Attached is an updated map of the property with the affected areas delineated. Also, below are a few items to note moving forward.

Since this property drains via a ditch to a creek that connects to the Maumee River, the Army Corps of Engineers has jurisdiction. We currently have TTL Associates completing the wetland delineation and will have a full report before closing on the property, if City Council would approve of the legislation. It has been determined that the affected land is considered category 1 wetlands, which is the lowest grade of wetland.

To mitigate wetlands, there is a ratio of the amount of land that needs to be converted. For every acre of wetland that is “taken” or removed, 1.5 acres of wetlands needs to be created elsewhere. In this case, there are about 1.66 acres of land affected on this property, so that means about 2.49 acres need to be mitigated.

The lowest pricing that we were able to find right now is \$48,000/acre for mitigation through The Nature Conservancy. To start the process, the City needs to submit a permit application to the USACE, but would have to go through the Ohio EPA, the State Historic Preservation Office and the US Fish and Wildlife Service.

If these estimates are accurate, then the total cost breakdown to purchase the property, complete the due diligence, complete the wetland study, mitigate the wetland and complete the cleanup of the property is below:

• Phase I Assessment and Wetland Study:	\$6,000
• Property Purchase:	\$95,000
• Closing Costs	\$3,000
• Property Cleanup:	\$17,500
• Agency Permit Fees	\$??????
• Wetland Mitigation:	<u>\$119,520</u>
	<b>\$241,020</b>

At this value, this would put the total property expenses at approximately \$18,669/acre, which is still at or below the fair market value of industrial property in Napoleon. I still estimate fair market value of this property at approximately \$20,000 - \$25,000/acre.

It is my recommendation to move forward with the purchase of the property for the following reasons: First, properly mitigating the wetlands puts the property back into a position to be developed. Fallow land inside the City limits is not productive for the community.

Second, this puts the City into a position to manage what type of development occurs at the site. This is a strategic location given its proximity to the solar field and location inside of the industrial area of Napoleon. There are still plenty of opportunities for productive development for the City.

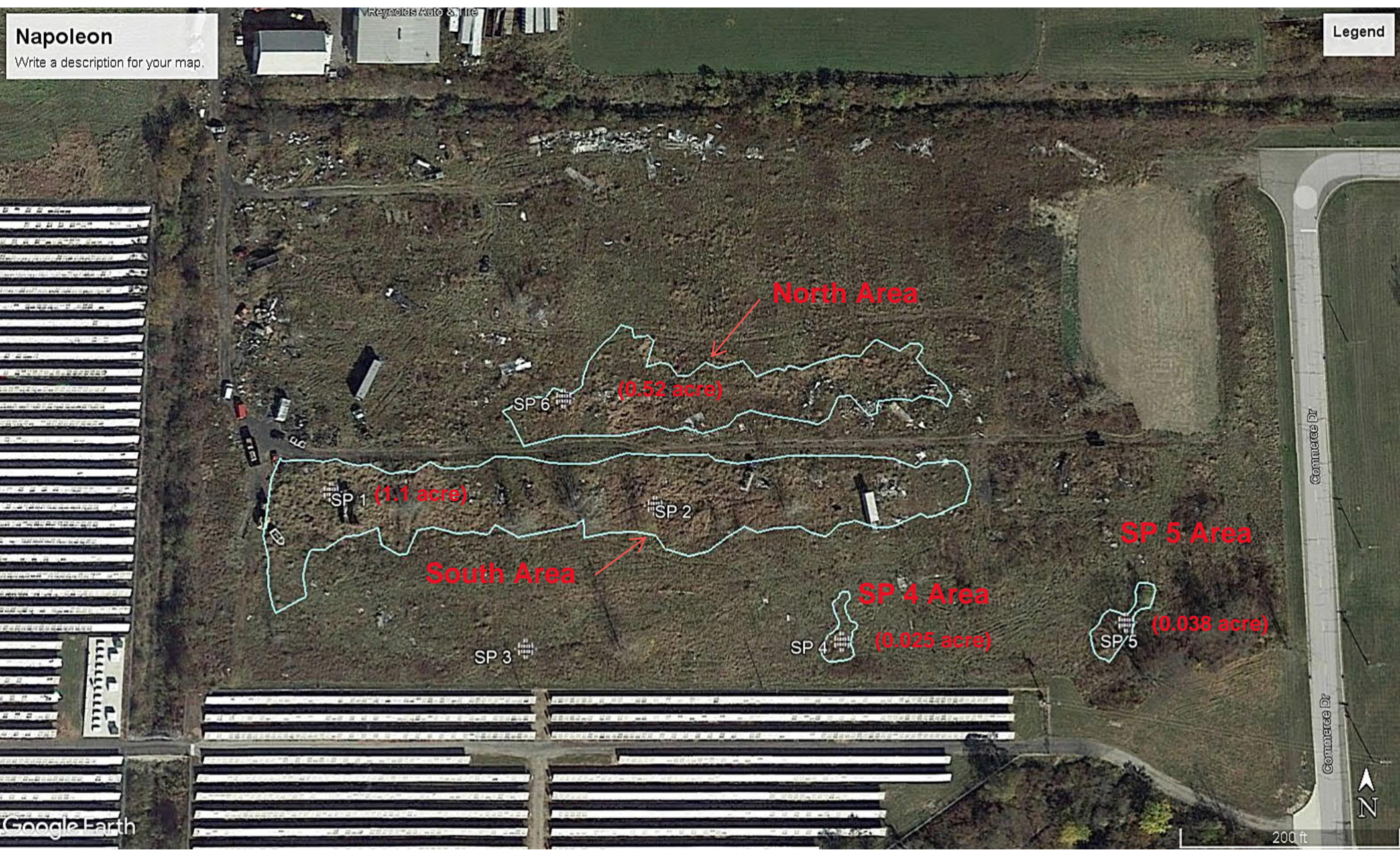
Third, ODOT was interested in the property once before. It is possible that they would be interested in the property again knowing that the wetland mitigation has occurred, and the property is for sale.

There are risks associated with moving forward. However, in my opinion, the cost to put this property back into productive reuse outweighs the expense of the work needed to make it happen. I recommend moving forward with the purchase.



Napoleon  
Write a description for your map.

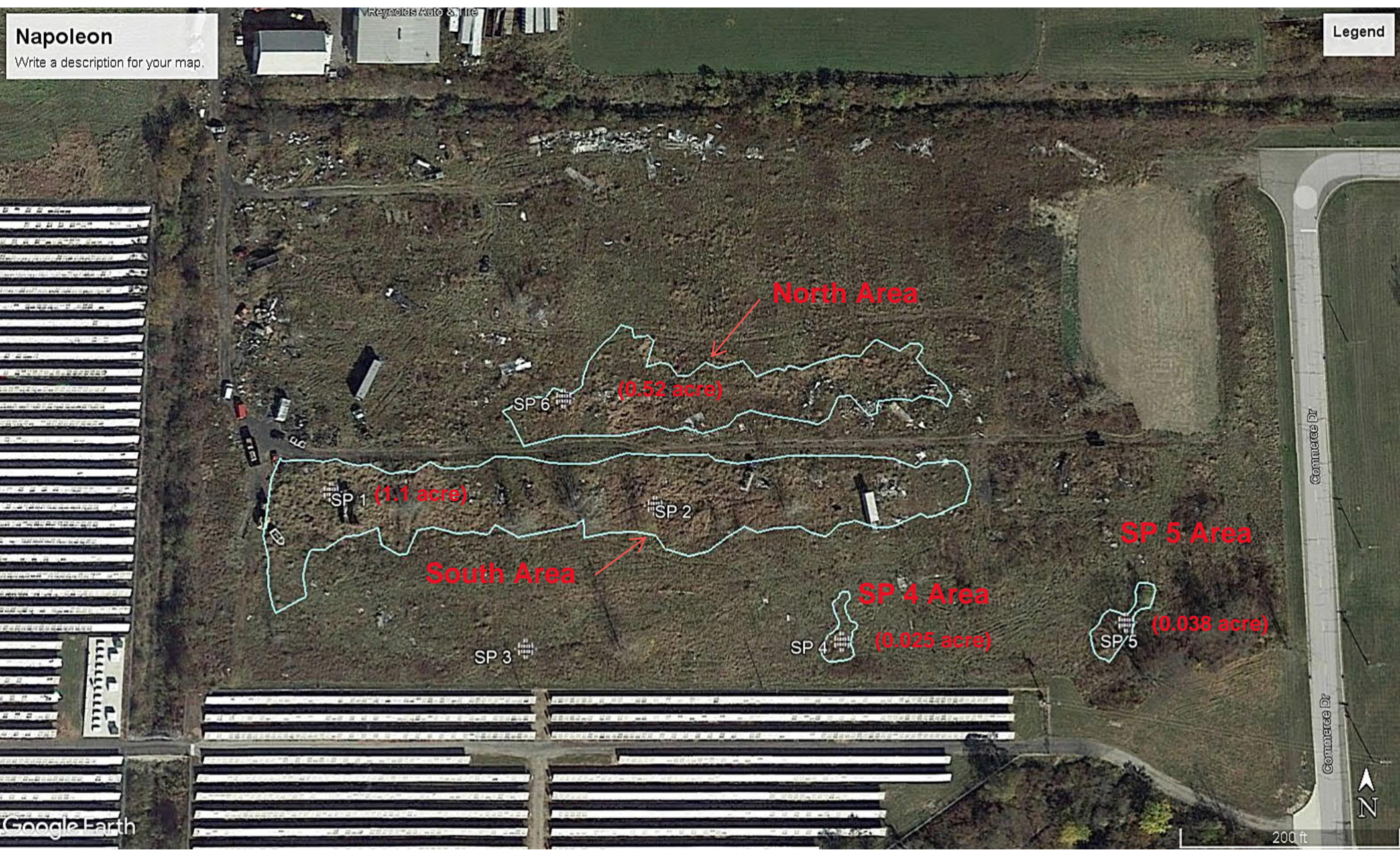
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Napoleon  
Write a description for your map.

Legend





**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	
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	0.1340
Dec 20	Feb 21	12,648,166	\$ 1,124,907.42	35,945,880	\$ 3,367,255.21	\$ 0.09368	\$ (0.07194)	\$ 0.02174	\$ 0.02337	0.1299
Jan 21	Mar 21	12,962,585	\$ 1,034,448.66	37,263,408	\$ 3,272,980.95	\$ 0.08783	\$ (0.07194)	\$ 0.01589	\$ 0.01708	0.1236
Feb 21	Apr 21	12,300,987	\$ 1,049,227.94	37,911,738	\$ 3,208,584.02	\$ 0.08463	\$ (0.07194)	\$ 0.01269	\$ 0.01364	0.1265
Mar 21	May 21	11,917,978	\$ 1,053,961.87	37,181,550	\$ 3,137,638.47	\$ 0.08439	\$ (0.07194)	\$ 0.01245	\$ 0.01338	0.1237
Apr 21	June 21	10,765,694	\$ 918,047.72	34,984,659	\$ 3,021,237.53	\$ 0.08636	\$ (0.07194)	\$ 0.01442	\$ 0.01550	0.1261
May 21	July 21	11,537,945	\$ 964,238.17	34,221,617	\$ 2,936,247.76	\$ 0.08580	\$ (0.07194)	\$ 0.01386	\$ 0.01490	0.1232
June 21	Aug 21	13,563,554	\$ 1,066,460.78	35,867,193	\$ 2,948,746.67	\$ 0.08221	\$ (0.07194)	\$ 0.01027	\$ 0.01104	0.1166
July 21	Sept 21	14,499,118	\$ 1,106,204.19	39,600,617	\$ 3,136,903.14	\$ 0.07921	\$ (0.07194)	\$ 0.00727	\$ 0.00782	

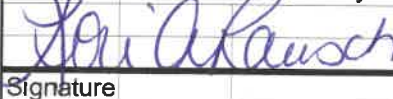
\*\* Reduction of \$100,000 from actual invoice from AMP to be taken from reserve as approved by Council to lessen PSCA for month due to COVID-19 Pandemic.

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

† November 2020 PSCAF is up because the approved credits/adjustments are now off of the three month rolling average

**PSCAF - Preparers Signature:**

Name - Lori A. Rausch, Utility Billing Administrator

Signature  Date 8/13/21

**PSCAF - Reviewers Signature:**

Name - Joel L. Mazur, City Manager

Signature  Date 8/17/21

**DETAIL INFORMATION OF POWER CHARGES July, 2021**  
**City of Napoleon**

**FOR THE MONTH OF:**      **July, 2021**

<b>Total Metered Load kWh:</b>	<b>14,548,085</b>
<b>Transmission Losses kWh:</b>	<b>-48,967</b>
<b>Distribution Losses kWh:</b>	<b>0</b>
<b>Total Energy Req. kWh:</b>	<b>14,499,118</b>
<b>Coincident Peak kW:</b>	<b>28,679</b>
<b>Municipal Peak kW:</b>	<b>29,131</b>
<b>Transmission Peak kW:</b>	<b>30,214</b>
<b>PJM Capacity Requirement kW:</b>	<b>27,922</b>

**Time of Pool Peak:**      **07/06/2021 @ H.E. 16:00**  
**Time of Municipal Peak:**      **07/06/2021 @ H.E. 14:00**  
**Transmission Peak:**      **July,09,2020 @ H.E. 17:00**

**City of Napoleon Resources**

**AMP CT - Sched @ ATSI**

Demand Charge:	\$2.625981 kW	12,400 kW =	\$32,562.17
Energy Charge:	\$0.090550 kWh	247,105 kWh =	\$22,375.34
Transmission Credit:			-\$50,504.82
Capacity Credit:	\$3.759500 kW	-12,400 kW =	-\$46,617.80
<b>Subtotal</b>			<b>-\$42,185.11</b>

**Fremont - sched @ Fremont**

Demand Charge:	\$3.862636 kW	8,767 kW =	\$33,863.73
Energy Charge:	\$0.030600 kWh	3,814,396 kWh =	\$116,718.81
Net Congestion, Losses, FTR:			\$6,532.66
Capacity Credit:	\$5.303203 kW	-8,767 kW =	-\$46,493.18
Debt Service:	\$4.960930 kW	8,767 kW =	\$43,492.47
Adjustment for prior month:			\$80.28
<b>Subtotal</b>		<b>3,814,396 kWh</b>	<b>\$154,194.77</b>

**AMP Hydro CSW - Sched @ PJMC**

Demand Charge:	\$55.353999 kW	3,498 kW =	\$193,628.29
Energy Charge:	\$0.027000 kWh	2,204,648 kWh =	\$59,525.50
Net Congestion, Losses, FTR:			\$1,296.48
Capacity Credit:	\$1.032173 kW	-3,498 kW =	-\$3,610.54
REC Credit (Estimate):			-\$19,290.67
<b>Subtotal</b>		<b>2,204,648 kWh</b>	<b>\$231,549.06</b>

**Meldahl Hydro - Sched @ Meldahl Bus**

Demand Charge:	\$31.544881 kW	504 kW =	\$15,898.62
Energy Charge:	\$0.027000 kWh	313,456 kWh =	\$8,463.31
Net Congestion, Losses, FTR:			\$84.04
Capacity Credit:	\$4.384782 kW	-504 kW =	-\$2,209.93
REC Credit (Estimate):			-\$2,742.74
<b>Subtotal</b>		<b>313,456 kWh</b>	<b>\$19,493.30</b>

**JV6 - Sched @ ATSI**

Demand Charge:	\$3.741000 kW	300 kW =	\$1,122.30
Energy Charge:		5,948 kWh =	
Transmission Credit:		-300 kW =	
Capacity Credit:	\$0.631800 kW	-300 kW =	-\$189.54
<b>Subtotal</b>			<b>\$932.76</b>

**Greenup Hydro - Sched @ Greenup Bus**

Demand Charge:	\$26.100000 kW	330 kW =	\$8,613.00
Energy Charge:	\$0.009000 kWh	186,440 kWh =	\$1,677.96
Net Congestion, Losses, FTR:			-\$429.47
Capacity Credit:	\$3.579939 kW	-330 kW =	-\$1,181.38
REC Credit (Estimate):			-\$1,631.35
<b>Subtotal</b>		<b>186,440 kWh</b>	<b>\$7,048.76</b>

**Prairie State - Sched @ PJMC**

Demand Charge:	\$12.014367 kW	4,976 kW =	\$59,783.49
Energy Charge:	\$0.006396 kWh	3,817,744 kWh =	\$24,419.80
Net Congestion, Losses, FTR:			\$2,118.98
Capacity Credit:	\$3.971777 kW	-4,976 kW =	-\$19,763.56
Debt Service:	\$22.988127 kW	4,976 kW =	\$114,388.92
Transmission from PSEC to PJM/MISO, including non-Prairie State variable charges/credits:	\$0.004533 kWh	3,817,744 kWh =	\$17,306.21
<b>Subtotal</b>		<b>3,817,744 kWh</b>	<b>\$198,253.84</b>

# DETAIL INFORMATION OF POWER CHARGES July, 2021

## City of Napoleon

### NYPA - Sched @ NYIS

Demand Charge:	\$4.084926 kW	940 kW =	\$3,839.83
Energy Charge:	\$0.018188 kWh	538,929 kWh =	\$9,802.09
Net Congestion, Losses, FTR:			\$1,154.60
Capacity Credit:	\$5.230000 kW	-935 kW =	-\$4,890.05
Adjustment for prior month:			\$302.44

<b>Subtotal</b>		<b>538,929 kWh</b>	<b>\$10,208.91</b>
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### JV5 - 7X24 @ ATSI

Demand Charge:	\$6.266852 kW	3,088 kW =	\$19,352.04
Energy Charge:	\$0.018756 kWh	2,297,472 kWh =	\$43,092.15
Transmission Credit:	\$6.249479 kW	-3,088 kW =	-\$19,298.39
Capacity Credit:	\$5.227497 kW	-3,088 kW =	-\$16,142.51
Debt Service (current month):	\$17.934524 kW	3,088 kW =	\$55,381.81

<b>Subtotal</b>		<b>2,297,472 kWh</b>	<b>\$82,385.10</b>
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### JV5 Losses - Sched @ ATSI

Energy Charge:		33,517 kWh =	
<b>Subtotal</b>		<b>33,517 kWh</b>	<b>\$0.00</b>

### JV2 - Sched @ ATSI

Demand Charge:	\$2.730000 kW	264 kW =	\$720.72
Energy Charge:		3,387 kWh =	
Transmission Credit:	\$4.802273 kW	-264 kW =	-\$1,267.80
Capacity Credit:	\$4.913826 kW	-264 kW =	-\$1,297.25
JV2 Project Fuel Costs not recovered through Energy Sales to Market :			\$393.86

<b>Subtotal</b>		<b>3,387 kWh</b>	<b>-\$1,450.47</b>
-----------------	--	------------------	--------------------

### AMP Solar Phase I - Sched @ ATSI

Demand Charge:		1,040 kW =	
Energy Charge:	\$0.036330 kWh	157,204 kWh =	\$5,711.21
Transmission Credit:			-\$3,379.41
Capacity Credit:	\$2.831077 kWh	-1,040 kWh =	-\$2,944.32

<b>Subtotal</b>		<b>157,204 kWh</b>	<b>-\$612.52</b>
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### Efficiency Smart Power Plant 2020-23

ESPP 2020-2023 obligation @ \$1.650 /MWh x 144,873.2 MWh / 12:			\$19,920.07
--	--	--	-------------

<b>Subtotal</b>			<b>\$19,920.07</b>
-----------------	--	--	--------------------

### Northern Power Pool -

On Peak Energy Charge: (M-F HE 08-23 EDT)	\$0.045111 kWh	520,801 kWh =	\$23,493.99
Off Peak Energy Charge:	\$0.026467 kWh	795,353 kWh =	\$21,050.60
Sale of Excess Non-Pool Resources to Pool:	\$0.044537 kWh	-437,281 kWh =	-\$19,475.14
Pool Congestion Hedge:			\$2,488.30

<b>Subtotal</b>		<b>878,873 kWh</b>	<b>\$27,557.75</b>
-----------------	--	--------------------	--------------------

### TRANSMISSION / CAPACITY / ANCILLARY SERVICES -

Demand Charge:	\$6.249480 kW	30,214 kW =	\$188,821.79
Energy Charge:	\$0.000729 kWh	12,201,646 kWh =	\$8,899.03
RPM (Capacity) Charges:	\$6.922249 kW	27,922 kW =	\$193,283.05

<b>Subtotal</b>			<b>\$391,003.87</b>
-----------------	--	--	---------------------

### OTHER CHARGES:

Dispatch Center Charges:	\$0.000019 kWh	14,548,085 kWh =	\$271.80
Service Fee A	\$0.000229 kWh	11,593,039 kWh =	\$2,654.81
Service Fee B	\$0.000580 kWh	14,548,085 kWh =	\$8,437.89

<b>Subtotal</b>			<b>\$11,364.50</b>
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### MISCELLANEOUS CHARGES:

Credit for PJM capacity revenues generated by Efficiency Smart projects			-\$3,460.40
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<b>Subtotal</b>			<b>-\$3,460.40</b>
-----------------	--	--	--------------------

**DETAIL INFORMATION OF POWER CHARGES July, 2021**  
**City of Napoleon**

Total Demand Charges	\$369,180.64
Total Energy Charges	\$338,115.58
Total Transmission/Capacity/Ancillary Services	\$391,003.87
Total Other Charges	\$11,364.50
Total Miscellaneous Charges	-\$3,460.40

**GRAND TOTAL POWER INVOICE**

**\$1,106,204.19**

**BILLING SUMMARY AND CONS**

2021 - SEPTEMBER BILLING WITH JULY 2021 /

**PREVIOUS MONTH'S POWER BILLS - PU****DATA PERIOD**

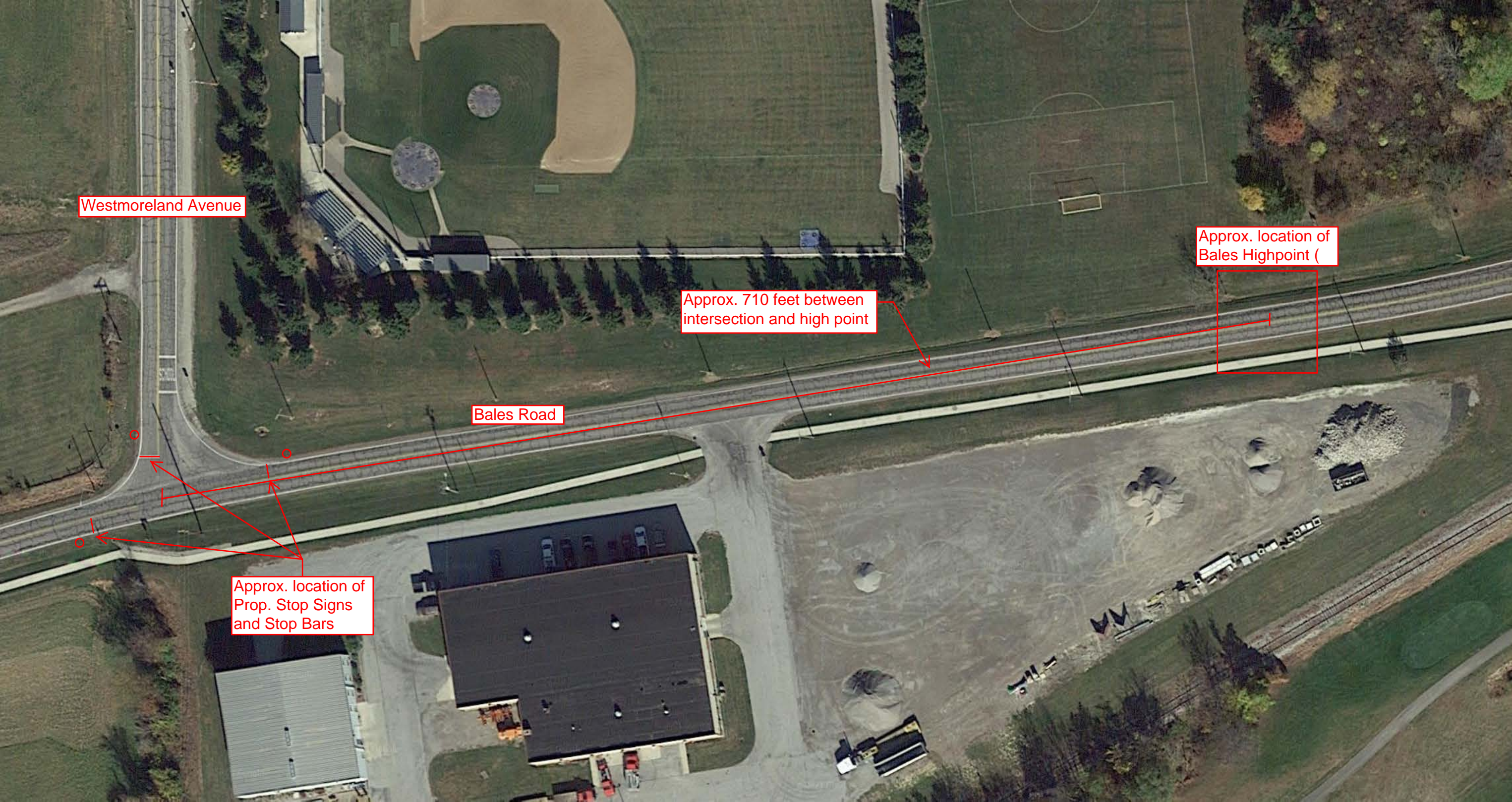
AMP-Ohio Bill Month

City-System Data Month

City-Monthly Billing Cycle

	=====WIND=====				===SOLAR===	===TRANSMISSION, SERVICE FEES & MISC. CONTRACTS===				
( PURCHASED POWER-RESOURCES -> (	NYPH HYDRO	JV-5 HYDRO	JV-6 WIND	AMP SOLAR PHASE 1	EFFNCY.SMART POWER PLANT	TRANSMISSION CHARGES	SERVICE FEES DISPATCH, A & B	MISCELLANEOUS CHARGES & LEVELIZATION	TOTAL - ALL RESOURCES	
( SCHED. @ NYIS	7x24 @ ATSI	SCHED. @ ATSI	SCHED. @ ATSI	2017 - 2020	Other Charges	Other Charges	Other Charges	Other Charges		
Delivered kWh (On Peak) ->	538,929	2,297,472	5,948	157,204	0	0	0	0	14,107,530	
Delivered kWh (Off Peak) ->									795,353	
Delivered kWh (Replacement/Losses/Offset) ->		33,517							33,517	
Delivered kWh/Sale (Credits) ->									-437,281	
Net Total Delivered kWh as Billed ->	538,929	2,330,989	5,948	157,204	0	0	0	0	14,499,119	
Percent % of Total Power Purchased->	3.7170%	16.0768%	0.0410%	1.0842%	0.0000%	0.0000%	0.0000%	0.0000%	100.0004%	
								Verification Total ->	100.0000%	
COST OF PURCHASED POWER:										
DEMAND CHARGES (+Debits)										
Demand Charges	\$3,839.83	\$19,352.04	\$1,122.30			\$188,821.79			\$558,205.98	
Debt Services (Principal & Interest)		\$55,381.81							\$213,263.20	
DEMAND CHARGES (-Credits)										
Transmission Charges (Demand-Credits)		-\$19,298.39							-\$71,071.01	
Capacity Credit	-\$4,890.05	-\$16,142.51	-\$189.54						-\$142,845.71	
Sub-Total Demand Charges	-\$1,050.22	\$39,292.95	\$932.76	\$0.00	\$0.00	\$188,821.79	\$0.00	\$0.00	\$557,552.46	
ENERGY CHARGES (+Debits):										
Energy Charges - (On Peak)	\$9,802.09	\$43,092.15		\$5,711.21		\$8,899.03			\$324,179.19	
Energy Charges - (Replacement/Off Peak)									\$21,050.60	
Net Congestion, Losses, FTR	\$1,154.60								\$10,757.29	
Transmission Charges (Energy-Debits)				-\$3,379.41					\$13,926.80	
ESPP Charges					\$19,920.07				\$19,920.07	
Bill Adjustments (General & Rate Levelization)									\$2,568.58	
ENERGY CHARGES (-Credits or Adjustments):										
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$19,475.14	
Net Congestion, Losses, FTR				-\$2,944.32					-\$2,944.32	
Bill Adjustments (General & Rate Levelization)	\$302.44								-\$22,518.49	
Sub-Total Energy Charges	\$11,259.13	\$43,092.15	\$0.00	-\$612.52	\$19,920.07	\$8,899.03	\$0.00	\$0.00	\$347,464.58	
TRANSMISSION & SERVICE CHARGES, MISC.:										
RPM / PJM Charges Capacity - (+Debit)						\$193,283.05			\$193,283.05	
RPM / PJM Charges Capacity - (-Credit)								-\$3,460.40	-\$3,460.40	
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$271.80		\$271.80	
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,654.81		\$2,654.81	
Service Fees AMP-Part B - (+Debit/-Credit)							\$8,437.89		\$8,437.89	
Other Charges & Bill Adjustments - (+Debit/-Credit)									\$0.00	
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$193,283.05	\$11,364.50	-\$3,460.40	\$201,187.15	
TOTAL NET COST OF PURCHASED POWER	\$10,208.91	\$82,385.10	\$932.76	-\$612.52	\$19,920.07	\$391,003.87	\$11,364.50	-\$3,460.40	\$1,106,204.19	
Percent % of Total Power Cost->	0.9229%	7.4475%	0.0843%	-0.0554%	1.8008%	35.3464%	1.0273%	-0.3128%	100.000%	
								Verification Total ->	\$1,106,204.19	
Purchased Power Resources - Cost per kWh->	\$0.018943	\$0.035343	\$0.156819	-\$0.003896	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.076295	
									(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 ->	





Westmoreland Avenue

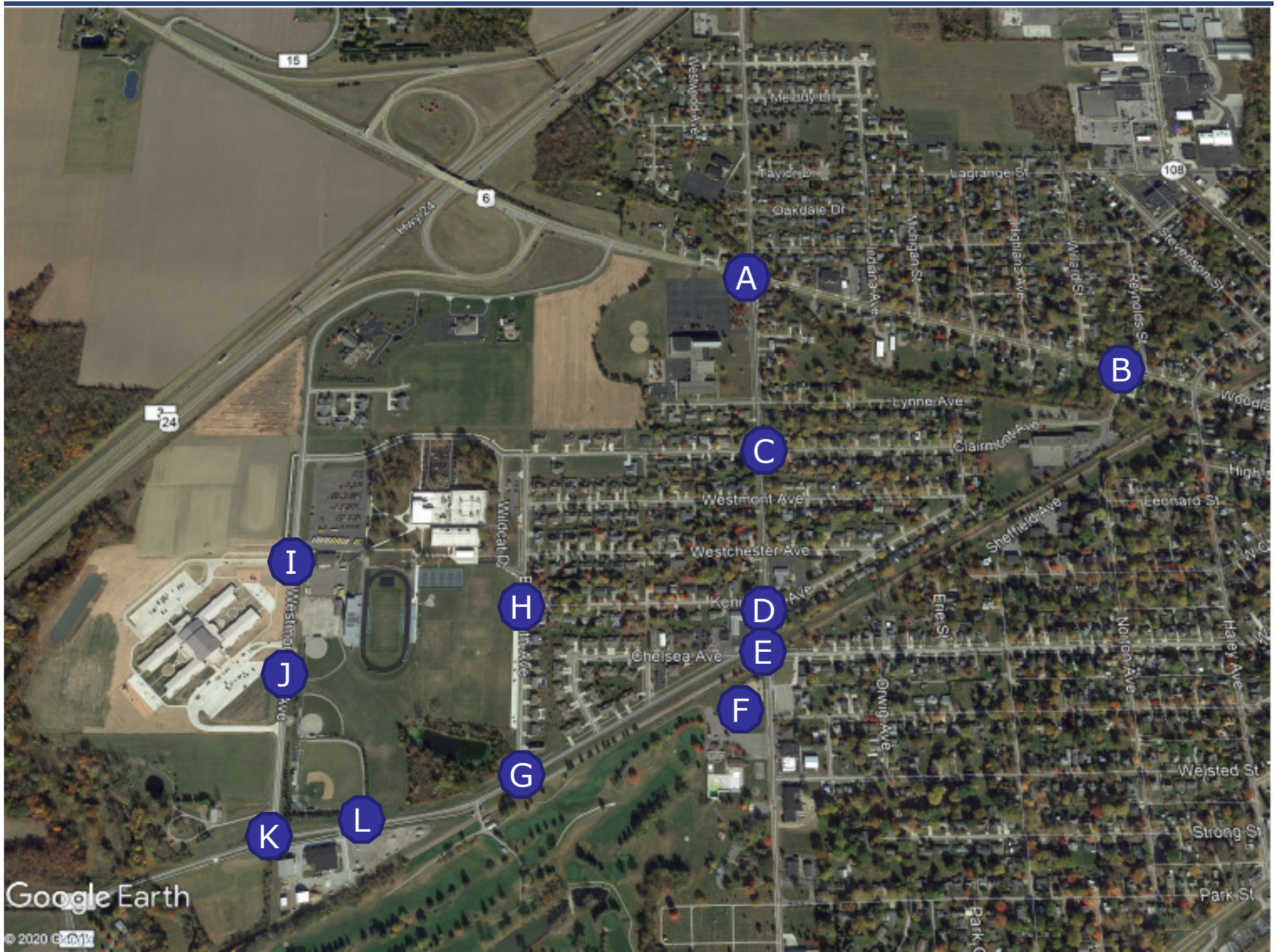
Approx. location of  
Bales Highpoint (

Approx. 710 feet between  
intersection and high point

Bales Road

Approx. location of  
Prop. Stop Signs  
and Stop Bars







# Countermeasures (12)

A - Crosswalk, Signage, & Beacon at Glenwood & Woodlawn	\$15,000
B - Crosswalk & Signage at Woodlawn & Clairmont	\$3,000
C - Crosswalk, Signage, & Beacon at Glenwood & Clairmont	\$15,000
D - Crosswalk, Signage, & Beacon at Glenwood & Kenilworth	\$15,000
E - Crosswalk, Signage, & Beacon at Glenwood & Washington	\$15,000
F - Sidewalk Extension on Glenwood Near Washington	\$10,000
G - Crosswalk & Signage at Briarheath & Bales	\$3,000
H –Crosswalk Enhancements at Briarheath & Kenilworth (?)	\$15,000
I - Crosswalk Enhancements at Westmoreland & Bus Garage	\$15,000
J – Cross. Enhance. at Westmoreland & Path from Remote DO	\$15,000
K -Traffic Control Device (3 Way Stop or Signals) at Westmoreland and Bales	
3 way lighted/flashing stop sign	\$2,500
Traffic Signal	\$150,000
L - Crosswalk Enhancements at Bales & County Hwy Dept Lot	\$15,000

*City of Napoleon, Ohio*  
MUNICIPAL PROPERTIES, BUILDING, LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE  
**SPECIAL MEETING MINUTES**  
Monday, September 13, 2021 at 7:00 pm

**PRESENT**

Committee Members	Molly Knepley-Chair, Lori Siclair, Joe Bialorucki, Mayor Jason Maassel
City Manager	Joel L. Mazur
City Staff	Chad E. Lulfs, P.E., P.S., Director of Public Works
Others	News media
Clerk of Council	Roxanne Dietrich

**ABSENT**

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**CALL TO ORDER**

Knepley, chair of the Municipal Properties, Building, Land Use and Economic Development Committee, called the meeting to order at 7:19 pm.

**APPROVAL OF MINUTES**

Hearing no objections or corrections, the minutes from the August 9, 2021 Municipal Properties Committee meeting were approved as presented.

**PROPOSED ADDITION OF STOP SIGNS AT THE INTERSECTION OF BALES ROAD AND WESTMORELAND AVENUE**

Mazur stated this has been talked about by Lulfs, Chief Mack, Napoleon Area Schools and other partners involved in the Safe Routes to Schools (SRTS) grant application. There was a map showing the points we were looking to address in the SRTS grant application. On this map, the intersection of Bales and Westmoreland is the letter "K"; there was discussion about putting in a traffic control device, 3-way stop or signals. The cost estimate for a 3-way LED lighted flashing stop sign is \$2,500. Going back to the Safe Routes to Schools plan, we are connecting a lot of missing pieces when you look at the proximity of this intersection to Jahns Road where we are adding the path. When the new school was completed, the traffic pattern changed in the morning and afternoons. In order to make the connectivity safe some of the sidewalks and crosswalks have to be reconfigured, specifically on the east side of Westmoreland. A sidewalk was just put in where the county parking lot is. Looking at the intersection on the south side of the road, there is quite an elevation change and we are looking at putting a sidewalk in. That intersection is a good crosswalk location to connect to the sidewalk. The west side of Westmoreland is outside of the city limits and seems logical to add a crosswalk on the east side since the sidewalk already exists there and can be connected easily. That is what we were planning on doing but it will take Council approval as that is part of the traffic ordinance for placement of stop signs. Since the school year has started, this has elevated as a priority with the reconfiguration of the school's traffic patterns. North of this intersection there seems to be some backup of traffic flow in the mornings and afternoons at the intersection specifically heading south of Westmoreland. Knepley commented it is very congested and is needed especially if you are going to be adding some crosswalks in, kids do take that sidewalk to school. Mazur noted we have a grant to pay for it. How quick do we want to move on this? If the committee is okay with it we can take to Council at a later date and when do we want to do it? Lulfs said if we move forward with this all we need to do is order the stop signs. Maassel said I think we should do this, the question we are going to get is "what about the other end of Westmoreland"? At one point I think we talked about putting traffic control at "K" but we were told at the time the geography was not suitable for signs there because of the propensity for accidents on icy days. Is that still a concern or not? Lulfs replied if you weigh the situation we have with the potential for that issue, I think the largest concern is the congested traffic. Maassel asked is there a way on Westmoreland to put in a right-hand only lane? Lulfs responded

it would be expensive but possible. It would be a matter of putting in the additional 12' to 14' of asphalt. Maassel asked do we have right-of-way there or is that part of St. Paul's ground? Lulfs thought there may be enough right-of-way there to fit it in, we may be crowding the ditch but I'm confident we can figure something out. Knepley pointed out people are getting stopped up there when they go to turn left. Lulfs added that is what we did in 2013 when we redid Scott Street we put in a right turn lane only to Lagrange. There is 50' from the center to the easterly right-of-way, 12' to 14' is needed. We will have to go back 200' to get enough length. In the proposed 2022 budget, we are currently looking at resurfacing Westmoreland. Maassel asked can this be added to the wish list of potential projects for 2022. Lulfs explained what is being proposed in the budget is resurfacing the section of Woodlawn from Glenwood to Westmoreland, Westmoreland and Bales. We are already over our normal budgeted amount and adding the turn lane in will increase that amount. Bialorucki asked how many houses are going to be going in in that area? Lulfs said in the Glenwood Addition there are 27 lots.

Motion: Maassel

Second: Bialorucki

to recommend approval of stop signs at the Intersection of Bales Road and Westmoreland

Mazur asked for clarification when. Maassel explained the committee makes the recommendation and that is taken to Council. Mazur said is the recommendation to add now or for the Safe Routes to School Maassel interjected it is to be added to the Council agenda for next Monday night. It is a Council decision. Mazur said I'm asking when to put them in, 3 years from now with the Safe Routes to Schools grant or for the city to pay for it before the grant? Maassel pointed out in your packet you had "K" at \$2,500 for three signs. Lulfs explained for the city portion of the three signs. The County is responsible for two. In talking with the County Engineer he is in favor of this project. Maassel confirmed one stop sign is \$2,500. Lulfs noted for a flashing LED stop sign. Maassel added so the sooner the better. My point is for the committee to approve and let Council decide if they want to spend the \$2,500 or not.

Roll call vote on the above motion:

Yea-Siclair, Bialorucki, Knepley, Maassel

Nay-

**Yea-4, Nay-0. Motion Passed.**

Lulfs noted the streets we plan on paving next year we are going to try to do during the summer. Siclair asked if the area on Bales Road is a school zone? Lulfs explained school zones are dictated by ODOT. ODOT does not require lighted school zone signs they require reflective signs. Siclair thought people may not recognize a school zone without flashing lights. Lulfs said the city made an effort years ago to reduce the flashing lights because you have to get power to them. This was discussed few years ago if we wanted to put more up and decided not to. Siclair suggested seeing how things go this year and see if it is a necessity with the new traffic pattern. Bialorucki asked in addition to the new stop signs, can Stop Ahead signs be put up? Lulfs explained when traffic patterns are changed, we are required by law to put the signs up with bags on them. Then warning signs are put up for a week saying we are going to have a change in the traffic pattern and after a week the bags are removed. At least on the Bales Road section I would recommend a Stop Ahead sign and would request the county consider lowering the speed limit.

#### **PROPOSED CHANGES TO FEES FOR CURB AND SIDEWALK REPLACEMENT PROGRAM**

Mazur reported the fees have not been updated since 2002. If a resident or business wants to replace their curb the city would reimburse them \$20/lf and for the sidewalk program we would reimburse \$1.50/sf if someone replaces their sidewalk. We do get a few calls. Lulfs stated we budget \$25,000 every year for this program and the year the program was used most, the cost was under \$10,000 and that included the school getting \$6,000. Maassel asked how much would it cost to do a square foot of sidewalk to city specs? Lulfs responded I can tell you how much it has gone up. The average cost for sidewalks





# 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:** City Council & Mayor  
Kevin Garringer, City Finance Director  
Jeff Rathge, Operations Superintendent  
Roxanne Dietrich, Clerk of Council  
**Date:** September 15, 2021  
**Subject:** Oberhaus Interceptor I/I Reduction Project  
(L.T.C.P. Project No. 20B) ~ Recommendation of Award

On Wednesday, September 15, 2021, bids were opened and read aloud for the above referenced project. Six bids were submitted and read as follows:

Fenson Contracting, L.L.C.	\$437,855.00
Hillabrand & Sons Construction	\$438,864.93
Bryan Excavating, L.L.C.	\$456,397.50
Hank's Plumbing & Heating	\$496,087.50
Geo. Gradel Company	\$498,035.00
Vernon Nagel, Inc.	\$532,204.75

The Engineer's Estimate for this project is \$500,000.00. This project consists of replacing the existing 15" & 12" clay interceptor sewer from Woodlawn Avenue near Clairmont Avenue along Oberhaus Creek to Woodlawn Avenue near Glenwood Avenue with a new 18" & 15" PVC Sanitary Sewer Interceptor. The work will be performed on recorded perpetual and temporary easements. The completion date for this project is June 18, 2022.

**Having reviewed the submitted bids, it is my recommendation that Council award Fenson Contracting, L.L.C. the contract for the Oberhaus Interceptor I/I Reduction Project (L.T.C.P. Project No. 20B) in the amount of \$437,855.00.** If you have any questions or require additional information, please contact me at your convenience.

CEL



# City of Napoleon, Ohio

## Department of Public Works

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## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** City Council & Mayor  
Kevin Garringer, City Finance Director  
Roxanne Dietrich, Clerk of Council  
Jeff Rathge, Operations Superintendent  
**Date:** September 15, 2021  
**Subject:** VanHyning Pump Station Replacement ~ Approval of Revised Plans & Specifications

This project was originally scheduled for 2020. Near the end of 2020 the project was advertised and bids were opened. However, we did not receive any bids that were within 10% of the Engineer's Estimate. Although the financing was carried over into 2021, the project was omitted from the Master Project Bid Ordinance. I apologize for the omission. Please direct the Law Director to draft the appropriate legislation to allow us to advertise this project for bids.

This project consists of replacing the pump station located on E. Riverview Avenue next to VanHyning Creek with a new pump station, wet well, and associated piping along with an alternate bid for a new 30" PVC Sanitary Sewer bored under the railroad. All required easements have been obtained and filed. The completion date is December 31, 2022.

Engineer's Estimate of Construction: \$1,625,000.00 – D.E.F.A. (O.W.D.A.) Low-Interest Loan

CEL

RULES  
AND  
REGULATIONS  
OF  
CITY COUNCIL

CITY OF NAPOLEON, OHIO

#CRR-2001

# HISTORY

**Adopted - January 3, 1994 - Ordinance No. 1-94**

**Repealed In Entirety And Adopted - October 3, 1994 - Ordinance No. 85-94**

**Amended - November 21, 1994 - Ordinance No. 104-94**

**Amended - January 3, 1995 - Ordinance No. 1-95 - Repealed Ordinance No. 104-94**

**Amended - June 2, 1997 - Ordinance No. 53-97**

**Amended - September 15, 1997 - Ordinance No. 78-97**

**Amended - December 22, 1997 - Ordinance No. 123-97**

**Amended - March 29, 1999 - Ordinance No. 18-99**

**Amended - October 4, 1999 - Ordinance No. 71-99**

**Repealed In Entirety And Adopted June 4, 2001 - Ordinance No. 67-01**

**Amended – July 21, 2003 – Ordinance No. 70-03**

**Amended – January 19, 2004 – Resolution No. 122-03**

**Amended – October 6, 2008 – Ordinance No. 078-08**

**Amended – April 6, 2009 – Ordinance No. 028-09**

**Amended – January 16, 2012 – Ordinance No. 007-12**

**Amended – June 15, 2015 – Ordinance No. 029-15**

**Amended – December 4, 2017 – Ordinance No. 068-17**



<b>RULE 1</b>	<b>MEETINGS, PLACE, TIME OF CONVEYING, QUORUM, ORDER OF BUSINESS .1</b>	
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<b>Rule 1.2</b>	<b>Public Meetings.....</b>	<b>1</b>
<b>Rule 1.3</b>	<b>Regular Meetings.....</b>	<b>1</b>
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<b>Rule 1.7</b>	<b>Quorum .....</b>	<b>2</b>
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Rule 1.8.6	Report from Committee .....	2
Rule 1.8.7	Second Reading Of Ordinances And Resolutions .....	2
Rule 1.8.8	Third Reading Of Ordinances And Resolutions .....	2
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**RULE 1      MEETINGS, PLACE, TIME OF CONVEYING, QUORUM, ORDER OF BUSINESS**

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**Rule 1.1      Place of Meetings**

All meetings of the council shall be held in the place designated as council chamber in the city municipal building, unless otherwise ordered by the council.

**Rule 1.2      Public Meetings**

Except as provided by charter, ordinance, resolution, rule or statute, all meetings of the council or committees thereof shall be public, and, upon request of any citizen desiring to be heard on any matter then under consideration by the council, the council may hear the citizen or, on motion, send it to a committee and hear such citizen at such time and for such period as council or the committee may determine. Persons desiring to be heard by any committee of council on any matter then under consideration may by consent of such committee be given an opportunity to be heard thereon. All public comments, whether at council or at committee meetings, shall be limited to five (5) minutes per person, unless council president or committee chairperson grants an extension. Each extension shall be for an additional five (5) minutes, unless council president or committee chairperson states at the time of granting the extension any other increment. All minutes and the record of the council shall be open to the public at all reasonable times.

**Rule 1.3      Regular Meetings**

The council of the city shall hold regular meetings at 7:00 p.m. on the first and third Monday of each calendar month at the municipal building. However, if the first or third Monday shall be an observed city holiday, the council shall meet on the following day.

**Rule 1.4      Special Meetings**

Special meetings may be called by a vote of council taken at any meeting thereof, or by the clerk of council upon written request of the council president, the mayor or any three (3) council members. Any such request shall state the time, place, date and purpose of the meeting. Notice in writing of each special meeting called, except by approved motion of council, shall be given to each council member and the mayor not less than twenty-four (24) hours prior to the meeting by serving the same to each of them personally, by leaving a copy thereof at his or her usual place of residence, or by electronic mail or by facsimile transmission when the council member or mayor authorizes electronic or facsimile notice. Service of notice may be waived in writing and shall be deemed conclusively to be waived by attendance at the special meeting. If the mayor or any council member is absent, notice in writing of the special meeting and the results thereof shall be given promptly after such meeting to each absentee in the manner hereinbefore provided. Public notice of each special meeting shall be given pursuant to Chapter 103 of the Codified Ordinances.

**Rule 1.5      Emergency Meetings**

Emergency meetings may be called when a situation or situations requires immediate official action as determined in the sole and final judgment of the person or persons authorized above to call a special meeting. An emergency meeting shall be considered a “special meeting” of an emergency nature. For such meeting, any notice requirement as required for a special meeting shall be an immediate notice.

**Rule 1.6      Adjournment**

Any regular or special meeting of council may be reconvened after adjournment or recess to another time, date or place without giving additional notice, so long as the time, date or place is announced at the meeting prior to adjournment or recess.

**Rule 1.7      Quorum**

A majority of the current members of council shall constitute a quorum for the transaction of business at any council meeting, but a number less than a quorum may adjourn a meeting and compel the attendance of absent members in such manner and under such penalties as council may provide.

**Rule 1.8      Order Of Business****Rule 1.8.1    The Clerk**

The clerk shall note the attendance of the council members, the mayor and administrative staff at the call of the meeting.

**Rule 1.8.2    Prayer****Rule 1.8.3    Pledge of Allegiance****Rule 1.8.4    Minutes**

(In the absence of any objections or corrections, minutes shall stand approved, see rule 2.1)

**Rule 1.8.5    Citizen Communication****Rule 1.8.6    Report from Committees****Rule 1.8.7    Second Reading Of Ordinances And Resolutions****Rule 1.8.8    Third Reading Of Ordinances And Resolutions****Rule 1.8.9    Any Other Business As May Properly Come Before Council (Pay Bills),  
(Miscellaneous), Action/Discussion, Etc.****Rule 1.8.10   Adjournment****Rule 1.8.11   Introduction Of Items By The Presiding Officer**

The presiding officer may, without objection, permit a member to introduce an ordinance, resolution, or motion out of the regular order or rearrange the agenda.

**Rule 1.8.12   Payment Of Bills**

The city bills shall stand approved unless a bill or bills are otherwise disapproved by motion of council. The city finance director, in director's sole discretion, may pay bills prior to approval when deemed necessary. This rule is not to be construed in any way to limit council's authority to review bills.

**Rule 1.9 Council Agenda**

Clerk shall set the council agenda with approval of the council president. Failure of the council president to approve within twenty-four (24) hours of the clerk sending the agenda constitutes approval. It shall be the duty of the clerk to have set aside conspicuously in the city record a portion to be entitled the "agenda". Under this title the clerk shall arrange and have printed in consecutive order by title ordinances and resolutions that are on for passage at the next meeting of council. When action upon any measure appearing upon the agenda is postponed to a day certain, such measure shall be considered on said day to which postponed whether or not it appears on the agenda of said day. The mayor or three (3) council members may add items to the agenda.

**Rule 1.10 Agenda for the Organizational Meeting**

In addition to the normal agenda the agenda for the organizational meeting shall include, in this order:

1. Call to Order by Clerk of Council.
2. Prayer and Pledge of Allegiance.
3. Swearing in (Oath of Office) of Mayor and Council Members Elect.
4. Election of President of Council.
5. Election of President Pro-Tem of Council.
6. Seating Order of City Council.
7. Appointment of Standing Committees of Council.
8. Appointment of Personnel Committee.
9. Setting of Meeting Dates and Times for Regular Meetings of Council.
10. Setting of Meetings Dates and Times for Standing Committees of Council.
11. Appointment of Clerk of Council.

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**RULE 2      OFFICERS AND EMPLOYEES OF COUNCIL**

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**Rule 2.1      Presiding Officer**

The president of council, and in the president's absence, the president of council pro-tem, shall preside over the meetings of the council until the president arrives. In the absence of both the president and president pro-tem the city clerk shall call the council to order; and if after the roll is noted and a quorum is present, the council shall choose one of its members as "presiding officer" who shall preside until the president or president pro-tem of council arrives. The president pro-tem or presiding officer shall discharge all the duties and be cloaked with all the powers of the president of council during, but not beyond, that specific meeting, except as provided in the city charter. (In no case shall the president pro-tem possess the power and authority of the mayor when the council president is in the dual capacity of acting mayor and council president.) The presiding officer shall sign all documents (i.e. resolutions and ordinances) as the presiding officer. Except as provided above, the presiding officer shall call all meetings of the council to order at the hour appointed and shall proceed with the order of business. In any case, if a quorum is present, the presiding officer shall give the members an opportunity for correcting the journal of the previous meeting as delivered. In the absence of any objections or corrections, the minutes shall stand approved. The presiding officer shall preserve order and decorum, prevent personal attacks or the impugning of members motives, confine members in debate to the question under discussion, and decide all points of order subject to an appeal to the council.

**Rule 2.2      Votes Necessary for Election of Officers and Employees**

Except as herein provided, no candidate for president or president pro-tem of council shall be declared elected unless the person shall have received a majority vote of all current members of council, and no person shall be employed by this council except pursuant to a majority vote of all current members of council. No vacancy that council is authorized to fill shall be filled except pursuant to majority vote of all current members of council. In the event of a tie vote of the current members of council when electing the president and/or present pro-tem as provided for in this Rule 2.2, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of council.

**Rule 2.3      Roll Call Votes**

Upon the roll call for the election of president and president pro-tem of council, or employee of council, or for filling any vacancy in the membership of council, each member shall respond by stating the name of the candidate of their choice eligible for such office or appointment. Once a response is given by a member, a motion may be made for nomination for appointment or position. If the motion receives a second (2nd), said person shall become eligible for such office or position. A vote in the open shall be taken among all current members of council for filling such office or position. Rule 2.2 shall control in determining who is elected.

## **Rule 2.4      Protocol for Election of President and President Pro-Tem**

In separate actions, the Clerk of Council shall request each member of Council for a name of a candidate for President of Council and a name of a candidate for President Pro-Tem of Council. This shall be asked by first in elected or appointed seniority order (Seniority Order defined as the number of total consecutive years served on City Council from the latest appointment or election date with no break in service), and then alphabetically by last name order for those with equal number of years.

When requested by the Clerk of Council for a nomination for President or President Pro-Tem of Council, each Council Member may: 1) state a name 2) may state their own name 3) may pass if name has already been previously stated and a motion made. Once a name is stated a motion will be requested for the stated name. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then that name will be eligible to be voted on. The Clerk of Council shall proceed to the next member of Council until all members have had their opportunity to state a candidate for President or President Pro-Tem of Council. Members of Council may nominate themselves for President or President Pro-Tem of Council. Once a given name is stated, and motion and second received, that given name does not need to be repeated by the next person in line.

A vote shall then be taken on each name given, starting with the first eligible name. Each Council Member will be asked to vote **Yes** or **No** on each name presented. The person receiving a clear majority of Yes votes shall be appointed to the office President or President Pro-Tem of Council. In the case of a tie vote on three (3) or more names, than a new vote shall be taken until one of those persons receives a clear majority vote. In the case of a tie vote on two (2) names only, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of Council. Members of Council may Vote for themselves for President or President Pro-Tem of Council.

## **Rule 2.5      Seating Order for Council**

Seating Order shall be from President to President Pro-Tem to Seniority Order, as listed in the example below, unless modified by a majority vote of Council:

### **COUNCIL SEATING ORDER**

Mayor	President
1st Senior	President Pro-Tem
3rd Senior	2nd Senior
5th Senior	4th Senior

A motion to approve to the Seating Order will be requested. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Seating Order of Council. If a simple majority is received, then Seating Order of Council stands approved.



## **Rule 2.6      City Clerk**

The council shall establish a procedure to select a name for clerk of council. Once a name is selected, if a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the clerk of council. If a simple majority is received, then the appointment of the clerk of council stands approved. Failure to get approval by city council would require the city council to submit a different name for appointment and vote. The clerk shall keep the record of the council, and he or she shall be the editor of the city record. He or she shall keep a proper file of all papers and documents that are a part of the transactions of the council, of meetings of committees, and all orders of the council, and shall make such records available to the public when required by law. He or she shall cause to be kept minutes of each meeting, which shall be kept in record form and made available for public inspection when required by law. The record of meetings shall be kept electronically or in the form of loose sheet records and need not be printed in the city record nor copied in any other book. The city record shall contain attendance of members at the meetings. In addition, the clerk shall report to council the absence of members from council meetings and shall perform such other and further duties as may from time to time by charter, ordinance, resolution, rule or statute be required of him or her. The city clerk, as editor of the city record, shall see that the following rules are observed in the preparation and introduction of ordinances and resolutions and in the editing and printing of the city record the clerk is cloaked with the power and authority to correct clearly typographical errors in all minutes, ordinances, resolutions, motions, or other measures, without prior or subsequent action of council.

### **Rule 2.6.1    Title of All Ordinance and Resolutions**

The title of all ordinances and resolutions shall be confined to a brief statement of the subject matter of the bill and shall be printed in bold face type.

### **Rule 2.6.2    Preambles**

Preambles or “whereas” in ordinances and resolutions shall be restricted to one paragraph, except where a “whereas” is an essential part of the ordinance or resolution.

### **Rule 2.6.3    Ordinances and Resolutions**

Ordinances and resolutions shall, in their preparation, be divided into short sections, whenever practicable, in order to permit amendments being made without printing so much of the original ordinance or resolution.

### **Rule 2.6.4    The Minutes**

The minutes, if any, proceedings and reports of any administrative boards or any committee, shall be prepared and kept in the clerk's office.

### **Rule 2.6.5    Cumulative Subject Index**

Once each year the clerk shall prepare for distribution and print in the city record a cumulative subject index covering the ordinances and resolutions passed by council.

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## **RULE 3      COMMITTEES**

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### **Rule 3.1      Standing Committees of Council**

The following standing Committees of Council have been established by Charter:

Rule 3.1.1    Finance and Budget

Rule 3.1.2    Safety and Human Resources

Rule 3.1.3    Electric

Rule 3.1.4    Water, Sewer, Refuse, Recycling and Litter

Rule 3.1.5    Parks and Recreation

Rule 3.1.6    Technology and Communication

Rule 3.1.7    Municipal Properties, Building, Land Use and Economic Development

#### **Rule 3.1.8    The Appointment of Standing Committees**

The council president shall select and appoint the standing committees, subject to approval of council. If council fails to act by January 31<sup>st</sup> next following the organizational meeting of council, the selections and appointments of the council president shall become effective. Prior to selection or appointment to the standing committees, the council president may allow in an open council meeting for members of council to request committee appointments, first being for the chair thereof. Requests made shall be in accordance with elected or appointed seniority on council (number of total consecutive years served on city council from the latest appointment or election date with no break in service, and then alphabetically by last name order for those with equal number of years). After chair requests are completed, the members in accordance with seniority shall be given the opportunity to select a non-chair position of the standing committees; thereafter, junior members in reverse order shall be allowed to request remaining open seats on the standing committees.

Once Committee members are selected, the President of Council should declare appointments made. A motion to approve to the Appointment of Standing Committees will be requested. If a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the Appointment of Standing Committees. If a simple majority is received, then the Appointment of Standing Committees stands approved. Failure to get approval by City Council would require the procedure to be follow again until a simple majority vote of Council is received.

Each standing committee shall consist of three (3) council members. Each council member shall serve as chairperson of one (1) standing committee and shall serve on two (2) other standing committees. Each committee shall be governed by the rules and regulations of council. Each committee shall investigate and study matters referred to it for consideration and shall report its findings and recommendations to Council as a whole. The mayor shall serve as an ad hoc member of the finance and budget committee, and the municipal properties, buildings, land use and economic development committee, with full voting rights in both committees.

In the event there is a lack of a quorum at any standing committee meeting, the most senior member of council who is not a member of the committee present at the meeting may act and continue to act as a pro-tem standing committee member thereto, with full voting rights therein, until such regular standing committee member arrives.

### **Rule 3.2      Committee Meetings**

A majority of the members of a committee shall constitute a quorum for the transaction of business. Council President, Clerk of council and Chairperson of standing committee shall set their respective regular monthly date and time of their standing committee. Once the regular monthly dates and times are set for the committee meetings, a motion may be made and a vote taken by council to approve and affirm the dates and times. The schedule shall be posted upon the bulletin board in the city's principal municipal building. Should the chairperson of a committee find it necessary to hold the meeting at another time or place, notice shall be provided pursuant to chapter 103 of the codified ordinances. All committee meetings shall be open, (except that, upon approved motion, an executive session may be entered into for a proper purpose) and committee report containing a record of the attendance of members of the committee and the action taken thereat shall be kept by the committee in a record provided for that purpose. Such record shall be kept on file with the clerk of council and open to public inspection as other public records. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of the committee, may, upon the recommendation of the committee cause the removal of the member from the committee by the president of council (except that the mayor may not be removed by the council president from committees that the mayor serves pursuant to the city charter). No legislation shall be amended while in committee, and it shall be the duty of the committee to recommend to council the approval, disapproval, or amendment of any legislation under consideration by the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval, or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present. Committee meetings may be called as study sessions whereupon, unless permitted by the chairman, no person from the audience will be given the floor to speak.

### **Rule 3.3      Committee Rules**

Except in case of obvious inconsistency or inapplicability, committee hearings shall be governed by the rules applicable to council proceedings.

### **Rule 3.4      Committee Reports**

No proposed ordinance, resolution, petition, or other matter shall be considered by a committee unless referred thereto by council, the council president or the mayor. No ordinance, resolution, petition, or other matter which has been referred, except as provided for in Rule 6.12, shall be approved or disapproved and reported out until it shall have first been considered at a committee meeting called as provided for herein. The question of the recommendation for approval or disapproval on any matter shall be put by the chairman upon motion of any member, which shall not require a second. If a majority of the members of the committee vote affirmatively on such matter shall be reported forthwith to council as a non-adverse recommendation, but if a majority of the members of the committee vote negatively on the question, the matter shall be reported forthwith to council as an adverse recommendation. The vote on all matters before the committee

shall be recorded in the committee minutes. When a majority of the committee has reported, recommending or not recommending action of the matter under consideration the minority may present a minority report. All such reports shall be in writing and signed by the members of the committee voting in favor of or against the report. Reports may merely consist of the recommendation of the committee, the body of council relying on the committee minutes for explanation. If a committee cannot reach an affirmation or negative recommendation after three (3) considerations, it shall be reported out as no recommendation, unless the time is extended by approval of council.

### **Rule 3.5      Ad Hoc Committees**

When no committee exists to cover a given topic for consideration, the president of council may, upon approved motion, appoint an “ad hoc” committee made up of those members of council deemed appropriate by the president. The president shall appoint a chairman thereof.

### **Rule 3.6      Committee Members**

Upon approved motion of council, committee members (except the mayor as a committee member on a committee he or she is required to serve on pursuant to the city's charter) at any time may be removed from any committee they are currently serving and be placed on a substitute committee.

### **Rule 3.7      Council Members Ad Hoc Members of Committees**

The council president may at will appoint ad hoc committees, subject to approval of council, except as may otherwise be provided by the city's charter, ordinance, or resolution regarding membership thereof. Notwithstanding the provisions of chapter 121 of the Ohio Revised Code, council members may attend committee meetings as an ex-officio ad hoc member thereto without the necessity of calling for a committee of the whole; moreover, such gathering shall not constitute or be construed as a regular or special council meeting, as such meetings shall follow the rules applicable to committee meetings; however, any council person, who is not a regular member of the convened committee, serving as such ex-officio ad hoc member thereof, should be a mere passive observer in a ministerial fact gathering capacity or informational session. Nothing in this rule shall be construed as to prohibit such council person from answering questions when inquired of by the committee, nor does it bar a council person from entering into discussions with the committee; however, no such council person, as an ex-officio ad hoc member, (except as provided in rule 3.1 that provides for a pro tem member) may make a motion, second a motion, or vote on any issue before the committee while in committee. Nothing contained herein shall be construed to bar such council person from participating in discussions, motions, voting or other action when the subject matter is considered by the council as a whole. This provision is not to be construed to prevent council persons appointed to ad hoc committees from carrying out their role as a committee member. Finally, (except as provided in rule 3.1 that provides for a pro tem member) the absence or presence of an ad hoc ex-officio council member at a committee meeting shall not affect the number required for a quorum in order to function as a committee.

### **Rule 3.8      Joint Sessions Of Committees, Boards, Commissions**

Notwithstanding the provisions of chapter 121 of the Ohio Revised Code, council members, committee members, board members or commission members may attend meetings of each other; however, if attended for the purpose of a prearranged discussion

of the public business by a majority of its members, it should be published as a joint session and called and conducted as such. Both bodies should call their respective body to order and have minutes taken and prepared for each. Visiting members of bodies, other than that body scheduled for an official session, may attend; however, if a quorum of the visiting body should happen to formulate, then those visiting attendees shall be mere passive observers in a ministerial fact gathering capacity or informational session. Nothing in this rule shall be construed to mean that council meetings are required to call “joint session” with committees of council while meeting as a council of the whole.

### **Rule 3.9      Personnel Committee**

A personnel committee, consisting of the mayor and two (2) council members appointed by the council president is established by the charter. Council President shall appoint two (2) Council members to the Personnel Committee. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Appointment of Personnel Committee. If a simple majority is received, then the Appointment of the Personnel Committee stands approved. Failure to get approval by City Council would require the Council President to re-submit names for appointment and vote.

The personnel committee shall, when a vacancy exists for the office of city manager, city finance director or city law director due to death, resignation, or removal, investigate and subsequently recommend in writing one (1) or more suitable persons for appointment. The members of the personnel committee shall select one (1) of its members as chairperson. All recommendations of the personnel committee shall be presented by the mayor to council as a whole.

### **Rule 3.10      Audit Committee**

Notwithstanding any rule to the contrary, the finance and budget committee of the city council shall also serve as the “audit committee” of the city. The audit committee shall serve as a liaison between management and its auditors, where the primary functions of such committee shall be to monitor and review the city’s accounting and financial reporting practices and to follow up on citations and recommendations made by its auditors. The audit committee meeting may but is not required to be published separate and apart from any finance and budget committee meeting; however, matters considered by the audit committee shall perform its functions at least quarterly each year; moreover, the committee should be made available to the auditors before and after each audit.

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**RULE 4      DUTIES OF MEMBERS**

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**Rule 4.1      Duties, Privileges, and Decorum of Members****Rule 4.1.1      Attendance**

The clerk shall publish in the city record the names of the members present and absent and if appropriate the time of arrival or departure.

**Rule 4.1.2      Duty To vote**

Every member present shall vote on all questions upon the call of the vote, except in case of conflict. A vote shall be yeas or nays or an equivalent thereof. No member shall vote on any question in which such member is financially interested, unless otherwise permitted by law, or which in any way involves personal or private rights. The mere abstention does not vacate the seat nor reduce or enlarge the required number of votes required for passage or defeat of any motion, ordinance, resolution or other measure.

**Rule 4.1.3      Recording Votes**

On the passage of every ordinance, resolution or motion and on the appointment of every officer, the vote shall be taken by yeas and nays or an equivalent thereof, entered in full upon the records, and published in the official journal. Upon the call of the yeas and nays the clerk shall call the names of members in the following manner:

- 1)      The member immediately to the right of the member who voted first (1st) at the prior regular council meeting shall be called first (1st), then followed by the remaining member nearest to their right until every member has voted or otherwise abstained.

**Rule 4.2      Right of Floor**

When any member is about to address the council, the member shall respectfully address themselves to the presiding officer, and when recognized by the chair shall confine themselves to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two (2) or more members ask recognition at the same time, the presiding officer shall name the member who is first to speak and the exercise of such discretion by the presiding officer shall not be subject to appeal under rule 4.5.

**Rule 4.3      Time Limits for Speaking**

No member shall be allowed to speak for a longer time than five (5) minutes at any one (1) time without permission of the council. No member shall speak more than once on the same motion until every other member desiring to speak on that motion shall have had an opportunity to do so, nor shall the mayor nor any manager or staff member speak longer than five (5) minutes upon the same motion, ordinance, or question without the consent of the council.

**Rule 4.4      Member Called to Order**

If any member, in speaking or otherwise, transgresses the rules of the council, the presiding officer shall call the offending member to order. The member so called to order shall refrain from further speaking unless permitted by the presiding officer to explain. Any member may, by raising the point of order, call the attention of the presiding officer to such transgression. The point of order shall be decided by the presiding officer without debate. Every such decision of the presiding officer shall be subject to appeal to the council by any two (2) members.

**Rule 4.5      Appeal from Ruling of Chair**

Any member may appeal to the council from a ruling of the presiding officer, the member making the appeal may briefly state his or her reason for the same, and the presiding officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote yea, the ruling of the chair is sustained; otherwise it is overruled.

**Rule 4.6      Reading from Written Matter**

Any member while discussing a question may read from books, papers, or documents, any matter pertinent to the subject under consideration without asking leave; provided, however, that such reading shall be subject to and included within the time limitation prescribed in Rule 4.3.

**Rule 4.7      Personal Privilege**

Any member may rise to explain a matter personal to himself and on stating that it is a matter of personal privilege, he or she shall be recognized by the presiding officer, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than five (5) minutes of time unless extended by consent of the council. Matters of personal privilege shall yield only to a motion to recess or adjourn.



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**RULE 5      MOTIONS**

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**Rule 5.1      Motions in General**

Council may take action by a motion approved by a vote of at least a majority of those attending the meeting, unless otherwise a greater majority is provided by charter provision, ordinance, resolution, or rule, and when action by ordinance or resolution is not otherwise required.

The use of a motion is ordinarily in the parliamentary procedure to expedite and control the deliberations of the legislative authority in the transaction of business. As a general rule, however, the council authority may act by motion where the legislative character of the action is not involved.

**Rule 5.2      Purpose and Form Of Motions**

Motions shall be used to expedite the orderly transaction of the business of council and shall not be substituted for resolutions or ordinances. A second (2nd) shall be required for any motion except as specifically provided for in a rule, but upon demand of any member any motion shall be reduced to writing. Any such motion may be withdrawn by the maker before it has been amended or voted upon. When a motion is made it shall be stated by the presiding officer before any debate shall be in order. All motions which have been entertained by the presiding officer shall be entered upon the minutes.

**Rule 5.3      Precedence of Motions**

When a question is before the council no motion shall be entertained except the following:

- Rule 5.3.1    To Enter Executive Session
- Rule 5.3.2    To Adjourn
- Rule 5.3.3    To Fix The Hour Of Adjournment
- Rule 5.3.4    For The Previous Question
- Rule 5.3.5    To Lay On The Table
- Rule 5.3.6    To Suspend Rules
- Rule 5.3.7    To Refer To A Committee
- Rule 5.3.8    To Amend

These motions shall have precedence in the order indicated. The Motion to adjourn and the motion for the previous question shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment; and all other motions shall be debatable.

**Rule 5.4      Questions**

Any member may ask the presiding officer to call the main questions and it is up to the presiding officer to recognize or not the member's request.



**Rule 5.5      Motion to Lay On The Table**

The motion to lay on the table shall dispose of the action unless removed from the table by the majority of all current members of council.

**Rule 5.6      Reconsideration by Motion Of Council**

After the decision of any question, any member who voted with the majority may move for reconsideration of any action at the same or the next succeeding meeting provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all current members of council. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the all current members of council (example for illustration only; to correct error).

**Rule 5.7      Reconsideration by Order of Mayor**

Upon failure of any ordinance or resolution, the mayor may order a one (1) time reconsideration by council, so long as such order is made at the same council meeting when the ordinance or resolution failed. No motion is required of council upon an order of reconsideration and, the council shall immediately reconsider the proposed ordinance or resolution at that meeting.

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**RULE 6      ORDINANCES AND RESOLUTIONS**

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**Rule 6.1      Character of Ordinance or Resolution**

The nature of the subject matter determines the character of the legislation as an ordinance or resolution and not the form or designation applied by council. If the substance of a legislative act is such that it should be an ordinance, and all the rules prescribed for the adoption or passage and publication of ordinances have been observed and complied with, it takes effect as an ordinance; and vice versa as to a resolution.

**Rule 6.2      Ordinances and Resolutions**

Each proposed ordinance or resolution shall be introduced in writing and the adoption, effective date, revision, amendment and signing thereof shall be as provided by the laws of Ohio, except as otherwise provided by the city's charter or, where not so otherwise provided by the charter, then, as council may provide otherwise by ordinance or resolution. Nevertheless, where the charter or council may not be contrary to Ohio law as it relates to adoption, effective date, revision, amendment or signing of ordinances or resolutions, due to the subject matter, as determined in case law by a court of competent jurisdiction, it shall be as provided by the laws of Ohio.

**Rule 6.2.1      Presiding Officer to Present Legislation**

The presiding officer shall present the ordinance and resolution to open the floor for discussion. Introduction shall be by title in the same manner as prescribed for passage (see rule 6.3). At any time a motion may be entered to further or dispose of the ordinance or resolution.

An ordinance or resolution shall be introduced only by written introduction. Said ordinance or resolution shall receive first (1st) reading and a vote taken thereof. If approved after first (1st) reading, said ordinance or resolution shall receive a second (2nd) reading at the next meeting of council. If said ordinance or resolution is approved at the second (2nd) reading, said ordinance or resolution shall have a third (3rd) reading for passage or defeat at the next meeting of council. Second (2nd) and third (3rd) readings may be dispensed with by motion and approval of council (suspension of rules). A majority of current council members is required for first (1st) and second (2nd) readings, and for any final passage of any ordinance or resolution. Ordinances or resolutions which are amended on the third (3rd) reading shall automatically receive the status of second (2nd) reading and shall receive an additional reading at the next meeting, unless said rule is suspended.

Nothing in this rule shall be construed as to prohibit the reading in full of any ordinance or resolution, and if the same is read in full, it shall not affect the validity thereof.

**Rule 6.2.2      Law Director Review**

Every ordinance and resolution shall be reviewed by the city's department of law before its enactment.

### **Rule 6.3      Passage Requirements/Suspension of Rules/Emergency Clause**

Except as may otherwise be provided in the charter and/or rule 6.2 regarding certain subject matter legislation, all ordinances, resolutions, motions or other actions, except procedural matters, shall be valid and effective when enacted or passed by the affirmative vote of a majority of the current members of council. Each ordinance and resolution shall be read on three (3) separate days, unless this requirement is dispensed with by an affirmative vote of at least two-thirds (2/3) of the current members of council. Readings shall be by title only, unless the council requires readings be taken in full by an affirmative vote of its members. Council may pass an ordinance or resolution as an emergency measure by the affirmative vote of two-thirds (2/3) or more of the current members of council. Except as may otherwise be provided in the charter, council may take action upon any other procedural matter by the affirmative vote of a majority of those council members present at the meeting. Motions may not be a substitute for an ordinance or resolution; however, the reverse is acceptable. Approval of appointments may be by motion. Removals may be by motion, regardless if the appointment was made in the form of an ordinance or resolution.

If such emergency measure fails to receive the affirmative two-thirds (2/3) vote or more of all current members, but receives at least a majority vote of all current members, the ordinance or resolution shall be considered approved for the current reading as a non-emergency measure. An emergency clause may be added at any time by proper amendment.

### **Rule 6.4      Signing and Delivery to Mayor; Veto**

Upon passage, every ordinance and resolution of council shall be signed by the presiding officer and shall be presented promptly to the mayor for his or her approval. If the mayor approves the ordinance or resolution as presented, he or she shall sign it. If the mayor does not approve the ordinance or resolution presented, in whole, he or she shall, during the same meeting when the ordinance or resolution was passed, veto such ordinance or resolution and during such meeting make a statement of his or her objections. Upon receipt of the mayor's veto and objections, council may reconsider its vote by approved motion utilizing any reconsideration process established. Upon reconsideration, if council approves the ordinance or resolution by two-thirds (2/3) of the current members of council, it shall take effect the same as if it had received the mayor's approval and signature. In the event the mayor is unable to attend a council meeting where an ordinance or resolution is being considered for passage, and the mayor has prior notice thereto, the mayor may exercise his or her veto by filing the same in writing, along with his or her objections, with the clerk of council prior to the meeting. If the ordinance or resolution is passed, the council clerk shall present the written veto and objections to the presiding officer on the mayor's behalf. The presentment of the same shall be treated as a valid veto and the procedure herebefore provided shall be followed as though the mayor was present. In the event that the mayor is absent from a council meeting and an ordinance or resolution is presented for passage without prior notice to the mayor, the mayor shall be permitted ten (10) calendar days from the date of passage to exercise a veto which may be exercised in writing in the manner herebefore provided. The failure of the mayor to strictly follow the veto procedure as contained herein shall constitute a complete waiver thereof and the ordinance or resolution shall stand enacted; moreover, the mere failure or refusal of the mayor or presiding officer to sign an ordinance or resolution shall not invalidate the ordinance or resolution.

**Rule 6.5 Publishing of Ordinance and Resolutions**

All ordinances and resolutions shall be published one (1) time after passage in a newspaper of general circulation in the city, and/or council may determine that publication shall be by other electronic media. Ordinances or resolutions containing words in excess of one word may be published merely by summary. Council may establish criteria for what constitutes an adequate summary. In the event of the publication of ordinances or resolutions by summary, there shall be a notice in such publication that a copy of the complete ordinance or resolution is on file in the office of the clerk of council for inspection during business hours and that copies of such ordinance or resolution shall be furnished to any person, upon request, for a reasonable fee. The city law director shall review all proposed summary form publication for legal accuracy and sufficiency prior to publication. The clerk of council shall cause the ordinance or resolution to remain posted in the principal municipal building for a period not less than ten (10) calendar days immediately following the notice. Nothing in this section shall be construed as to prohibit publication in accordance with the laws of Ohio; moreover, in the event there is no newspaper of general circulation in the city, or there are no electronic media available, council may provide some other method of publication or giving notice of ordinances and resolutions, which may include, but not necessarily be limited to, posting copies in two (2) public places within the city.

**Rule 6.6 A Resolution Enacting Clause May Be**

“Be it resolved by the council of the City of Napoleon, Ohio, with two-thirds (2/3) or more of its current members thereto concurring.”

or

“Be it resolved by the council of the City of Napoleon, Ohio.”

The above are merely suggested enacting clauses and are in no way to be construed as conclusive.

**Rule 6.7 An Ordinance Enacting Clause May Be**

“Be it ordained by the council of the City of Napoleon, Ohio.”

or

“Be it ordained by the council of the City of Napoleon, Ohio, with two-thirds (2/3) or more of its current members thereto concurring.”

or

“Be it enacted by the council of the City of Napoleon, Ohio.”

The above are merely suggested enacting clauses and are in no way to be construed as conclusive

**Rule 6.8 Except Those Submitted By Initiative Petition, Which Shall Be**

“Be it ordained by the people of the City of Napoleon, Ohio.”

**Rule 6.9 Form and Amendments**

All ordinances before introduction shall be in typewritten form. When practical, no ordinance or resolution or section thereof shall be revised or amended unless the new

ordinance or resolution contains the entire ordinance or resolution, or section or subsection revised or amended, and the original ordinance, resolution, section, or sections or subsections so amended shall be repealed. A section shall be construed as a section number or individual letter or subsection of a larger section thereof. A strikeout feature is an acceptable procedure to demonstrate change or modification in legislation.

**Rule 6.10      Reference to Committee Regarding Legislation**

Any ordinance or resolution referred to committee shall, after due consideration and at least one (1) meeting, report the same back with or without recommendations for approval or disapproval for introduction and/or action; if introduced then or previously, it shall be acted upon in accordance with these rules.

**Rule 6.11      Committee Referrals**

Any pending ordinance, resolution, petition, or other matter of a non-emergency status may, be referred by the council president to any committee to which previously referred under these rules, or to any appropriate committee so designated for purpose of study and/or recommendation. Unless otherwise objected to by approved motion of council the referral shall be deemed approved. Any ordinance, resolution, petition or other matter of an emergency status may be referred by the council president or mayor without necessity of approval of council. In any case, when referred back to the council, such ordinance, resolution, petition, or other matter shall have the same standing as it had at the time when referred. Nothing in this rule shall be construed as limiting the authority of council as a whole to refer any ordinance, resolution, petition or other matter to a committee. (See also rule 3.4)

**Rule 6.12      Relieving Committee**

Upon vote of the majority of the current members of council a committee may be relieved of it's duties to consider an ordinance or resolution and the council as a whole may proceed with the steps of passage or defeat of such ordinance or resolution.

**Rule 6.13      Advance Production of Ordinances and Resolutions**

When practical, copies of all first (1st) reading of ordinances and resolutions to be introduced for passage and adoption under suspension of the rules (without reading on three (3) separate days) shall be delivered to each member of the council for viewing at least twenty-four (24) hours prior to the date of introduction. No objection to this rule by the affected council member shall be a waiver thereof.

**Rule 6.14      Ordinances Appropriating Money**

No money shall be appropriated except by ordinance or resolution.

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**RULE 7      DEPARTMENT HEADS**

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**Rule 7.1      Attendance of Department Heads**

The heads of all departments, unless excused by the department director or president of council, shall be required to attend the regular and special meetings of council. Further, the city manager, city finance director and city law director, unless excused by the president of council or the body of council, shall be required to attend the regular, special meetings and emergency meetings of council and shall be provided with seats on the floor of the council chambers. They shall be required, at any such meeting, to answer such questions relating to the affairs of the city under their respective supervision and control as may be put to them by any member of the council. The mayor shall be entitled to take part in the discussion on all questions before the council.

**Rule 7.2      Clerk's Report on Pending Measures**

The city clerk shall keep the members of council informed regarding the status of pending ordinances and resolutions. All ordinances and resolutions to be acted upon by committees or the council on Monday should as a general rule be in the hands of the clerk not later than the preceding Thursday at 11:00 a.m.

**Rule 7.3      Approval of Mayor's Appointments**

Whenever the approval of council is required for appointments by the mayor, the president of council, upon request of the mayor for approval of any appointment, may forthwith appoint an ad hoc committee to which shall be referred the name of each person whose appointment is submitted for approval of council. If referred to an ad hoc committee, then not later than the second (2nd) meeting of council following such reference, the committee shall report to council its recommendation thereon. Thereupon council as part of the appropriate order of business shall proceed to vote upon the approval of each appointment, the question being "Shall the council approve the appointment by the mayor?" If a majority of all current members of council vote yea, the appointment shall be deemed approved. If the matter is not referred to a special committee pursuant to this rule, then council shall act upon the approval no later than the next council meeting.

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**RULE 8      COUNCIL CHAMBER AND RULES**

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**Rule 8.1      Use of Council Chamber**

The council chamber shall generally be used for meetings of the council or committees thereof. The city conference room may be used for committee meetings.

**Rule 8.2      Rules, Suspension, Amendment, and Other****Rule 8.2.1      Suspension of Rules**

Any provision of these council rules may be suspended at any meeting of the council, by a majority vote of all the current members, except when a greater number is required by law or by the rules. The vote on any such suspensions shall be taken by yeas and nays and entered upon the records.

**Rule 8.2.2      Amendment of Rules**

These rules may be amended or new rules adopted by ordinance or resolution, by a majority vote of all the current members to council.

**Rule 8.2.3      Other Rules**

The proceedings of the council shall be governed by the city charter and the ordinances and resolutions of the City of Napoleon, Ohio, including these rules. Where no local law or local rule exists, then the state law shall control. If no local or state law or local rule exists, then Robert's Rules of Parliamentary Practice shall control. It shall be the duty of the presiding officer to adhere to and enforce such laws and rules.

**Rule 8.2.4      Executive Session**

Council or its committees may, by entering into executive session, exclude members of the public and staff from a portion of a public meeting to discuss matters as stated below and other matters as authorized by law. Only members of the public body, its invited staff and invited guests may attend. Council or any given committee shall not exclude any of its members or the mayor from an executive session.

**1)      Personnel**

To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official or (to consider) the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the employee, official, licensee, or regulated individual request a public hearing; however, this provision does not allow the public body to consider the discipline of an elected official for conduct related to the performance of the person's official duties or to consider the person's removal from office.

**2)      Property**

To consider the purchase of property (real or personal property, whether it is tangible or intangible). Also, to consider the sale of property by competitive bid (real or personal property) if disclosure of the information would result in a

competitive advantage to the other side. No member may use this exception as subterfuge for providing covert information to prospective buyers or sellers.

3) Court Action

To discuss pending or imminent court action with the council's or committee's attorney. Court action is pending if a lawsuit has been commenced; court action is imminent if it is on the point of happening or is impending.

4) Collective Bargaining

To prepare for, conduct, or review collective bargaining strategy.

5) Confidential Matters

To discuss matters required to be kept confidential by federal law, federal rules, state statutes, or other applicable law.

6) Security Arrangements

To discuss specialized details of security arrangements where disclosure might reveal information that could be; used to commit, or avoid prosecution for a violation of the law.

7) Protect Utility

To discuss matters of a competitive nature relating to any city owned or operated utility.

8) Economic Development

To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of chapter 715, 725, 1724, or 1728 or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the revised code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

9) Any other matters allowed by the laws of the State of Ohio



No decision-making (formal action including actual voting) is permitted in executive session. Further, intertwined non-excepted matters are prohibited from discussion while in executive session. Minutes shall not be taken in executive session.

An executive session must always begin and end in open session. First there shall be a motion that states the purpose for the executive session, and the motion must be specific as to the matters to be discussed (i.e. to discuss the dismissal of a public employee), it is not sufficient to state "personnel." Second, after the motion, there must be a second and a roll call vote taken, with a majority of a quorum of the public body. The vote shall be recorded in the minutes. When the executive session has concluded, a motion and second should be received with a roll call vote taken to adjourn the executive session. It should be reported if any action or no action was taken. The adjournment and reporting of action or no action shall be recorded in the minutes.

### **Rule 8.3      Presumption of Validity**

A general presumption exists in favor of the validity of enactment by a municipal legislative body and continues until bad faith or abuse of legislative discretion by its members is clearly proven, or it is manifest that the legislative authority has exceeded its powers, or if the legislation bears no reasonable relation to the public health, safety, welfare, or morals. The burden of proving the invalidity of a municipal legislative enactment rests upon the one challenging its validity.

The general presumption of validity of municipal legislation extends to the validity of the procedure for its passage, the proper reason for its enactment, and the public purpose and necessity. The presumption of validity continues until the contrary is shown beyond a reasonable doubt.

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**RULE 9      COUNCIL BUSINESS EXPENDITURES/COMPUTERS**

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**Rule 9.1      Expenditure of Funds by Council Members**

Subject to budgetary constraints and with prior approval of the Council President, a council person may expend funds for a proper public purpose, without prior approval of the body of council. Except as otherwise may be permitted by ordinance, resolution, other applicable measure, or as stated above in this rule, all other expenditures made by council members shall be pre-approved by motion, or when required by law, legislation of council.

**Rule 9.2      Travel Expenses**

Travel policies and reimbursable expenses applicable to city employees pursuant to the city's policy manual and/or personnel code shall apply to council persons while on official city business.

**Rule 9.3      Information Technology Usage**

The mayor and council members shall be required to follow all policies contained in the city's policy manual and/or personnel code applicable to information technology usage. Electronic equipment and communications systems provided to elected officials, if any, are considered City property to be used for valid business purposes only. Any tax liability associated with this Rule, or non-conformance with this Rule, is that of the user of the information technology.

**Rule 9.4      Internet Access**

The mayor and council members shall be required to follow all policies contained in the city's policy manual and/or personnel code applicable to internet access or usage. Any tax liability associated with this Rule, or non-conformance with this Rule, is that of the user.

**Rule 9.5      Business Meeting Expenditures**

From time to time council as a whole or its committees may incur legitimate expenses while on or during city business (example: meals during a business meeting, work session or city sponsored activity), in the event of expenditure of funds, it will be reimbursed or payable by the city upon approval by council in the same manner as approval for payment of other bills that are authorized for a proper public purpose. Under no circumstances will alcoholic beverages be found to be a legitimate business expense for the purpose of this Rule and Rule 9.1.

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**RULE 10      GENERAL AND MISCELLANEOUS RULES**

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**Rule 10.1      Continuity of Legislative Authority**

The municipal legislative body, unlike the general assembly or the congress, is a continuing body. This is true regardless of the changing membership and reorganization of that body after each regular municipal election. As a continuing body it may complete unfinished business lawfully commenced by the preceding local legislative body. Contracts that are not signed during the term for which all the members of the legislative authority are elected are invalid. However, a succeeding council may ratify the acts of prior council by motion.

**Rule 10.2      Council Action**

The legislative power of the City of Napoleon, Ohio, is exercised by the enactment of an ordinance or adoption of a resolution, and by approval of proper motions.

**Rule 10.3      Expectations of Council – Decorum - Removal**

Rule 10.3.1: It is expected that Council members shall act in a professional and respectful manner to all appointing authorities, department heads, employees of the City of Napoleon and citizens of the City of Napoleon.

Rule 10.3.2: Council members shall respect the chain of command of the City of Napoleon and if approached by an employee other than an appointing authority the council member shall inquire as to whether the employee has followed the proper chain of command.

Rule 10.3.3: Council members shall maintain confidentiality of discussions, writings, or other forms of media or modes of communication that the council member knows or should know said matter should be kept confidential, subject to any public record statutes, sunshine laws, or any other duty to report.

Rule 10.3.4: All members of Council shall conduct themselves with decorum at all times while in the confines of the council chambers. Proper business casual attire shall be worn at all regular meetings of Council.

Rule 10.3.5: Upon the concurrence of a majority vote of Council, the first violation by a member of Council of council rules regarding expectations, order, or decorum shall result in the offending member receiving a verbal warning from the presiding officer detailing the infraction. In addition, with the concurrence of two-thirds affirmative vote of Council, the member may be expelled from the remainder of the meeting after having been notified of the violation(s) against him or her and provided an opportunity to address them.

Rule 10.3.6: Council may remove the Mayor or a Council member for gross misconduct, malfeasance, misfeasance, or nonfeasance in office; or for conviction while in office of a crime involving moral turpitude or for any felony conviction; or if adjudicated legally incompetent; or for a violation of his or her oath of office; or for persistent failure to abide by the Rules of Council. However, such

removal shall not take place without the concurrence (affirmative vote) of five (5) members of Council, and also not until the accused Mayor or Council member has been notified in writing of the charge against him or her at least ten (10) days in advance of a public hearing upon such charge, and at which time he or she (or his or her counsel should the Mayor or Council member choose to retain counsel) shall be given an opportunity to be heard and present evidence at a public hearing called by Council. An accused member of Council shall not vote on the question of his or her removal. Upon the removal of such officer, the vacancy thereby created in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such vacancy.

**Rule 10.4      Anonymous Complaints against City Employees and Personnel**

For Council to be able to properly respond to complaints it is imperative that they have a verifiable valid name, phone number and address. Any non-verifiable letters or other communications given to or sent to Council may be discarded pursuant to the proper records retention schedule, without further inquiry.

**ORDINANCE NO. 068-17**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE  
RULES AND REGULATIONS OF CITY COUNCIL FOR THE CITY  
OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

**WHEREAS**, City Council previously created an ad hoc committee entitled the “Council Rules and Review Committee” and said ad hoc committee met in regular meetings to review with staff the Rules and Regulations of City Council for the City of Napoleon, Ohio; and,

**WHEREAS**, after review and recommendation from the Law Director the Council Rules and Review Committee accepted proposed amendments from the Law Director and sent the issue of amendment of the Council rules to the full body of Council; and,

**WHEREAS**, City Council met at a regular meeting and discussed said amendments and thereafter the City Council moved for the Law Director to bring back appropriate legislation approving said amendments as listed in attached “Exhibit A”; and,

**WHEREAS**, City Council acknowledges that from time to time it must review the various rules and regulations of the City of Napoleon; and,

**WHEREAS**, City Council now desires to amend the Rules and Regulations for the City Council for the City of Napoleon; **Now Therefore**,

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

Section 1. That, the City of Napoleon does hereby amend the Rules and Regulations of City Council for the City of Napoleon, as set forth in “Exhibit A” which is attached and incorporated herein.

Section 2. That, it is found and determined that all formal action of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 3. That, unless otherwise stated, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely and efficient passage of said rules; therefore, provided the required number of votes for passage as emergency legislation, it shall be in



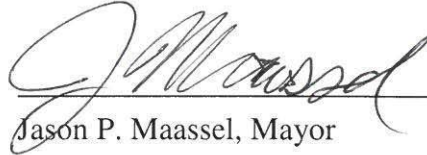
full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law

Passed: December 4, 2017



Travis B. Sheaffer, Council President

Approved: December 4, 2017



Jason P. Maassel, Mayor

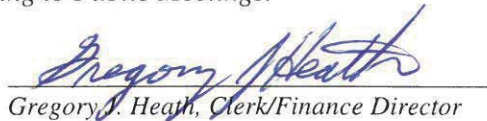
VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:



Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 068-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 9th day of December, 2017; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.



Gregory J. Heath, Clerk/Finance Director



**CITY OF NAPOLEON**  
**2022 BUDGET PROPOSED TIMELINE FOR COUNCIL'S APPROVAL**

<b>August 23</b>	<b>Finance and Budget Committee meeting</b> – Proposed 2022 Budget Calendar & 2022 Debt payments
<b>September 1</b>	Send Appropriation Request letter to Departments/Divisions
<b>September 27</b>	<b>Finance and Budget Committee meeting</b> – Review miscellaneous Appropriations for 2022 (Dependent on new Finance Director's completion)
<b>October 1</b>	Budget Requests due from Departments/Divisions
<b>October 1 – 8</b>	Departments/Divisions meet with City Manager and Finance Director regarding their requests  2022 Revenue Estimate prepared
<b>October 11-22</b>	Finance Director and City Manager review requests – provide recommendations
<b>October 25</b>	<b>Finance and Budget Committee meeting</b> -review 2022 Revenue Estimates & Initial Income Tax projections
<b>November 5 &amp; 6</b>	Department Budget Hearings with Council
<b>November 15</b>	First Reading of Budget – Mayor presents 2022 Budget to Council
<b>December 6</b>	Second Reading of Budget
<b>December 20</b>	Pass Budget

*City of Napoleon, Ohio*

## **TREE COMMISSION**

### **MEETING AGENDA**

**Monday, September 20, 2021 at 6:00 pm**

City Building, 255 West Riverview Avenue, Napoleon, Ohio

1. Call to Order
2. Approval of Minutes - August 16, 2021 (in the absence of any objections or corrections, the minutes shall stand approved)
3. Review Tree Call Reports
4. Update on Fall Contracts
5. Award Fall Planting Contract
6. Begin Spring Plantings List
7. Adjournment.

*Roxanne Dietrich*

Roxanne Dietrich ~ Clerk of Council



*City of Napoleon, Ohio*  
**TREE COMMISSION MEETING MINUTES**  
Monday, August 16, 2021 at 6:00 pm

**PRESENT**

Committee Members	Larr Etzler- Chair, Dave Volkman, Kyle Moore (arrived at 6:03 pm)
Council Representative	Molly Knepley
City Staff	Aron Deblin-Construction Inspector
Clerk of Council	Roxanne Dietrich

**ABSENT**

Committee Members	Gary Haase, Ed Clausing
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**CALL TO ORDER**

The Tree Commission meeting was called to order by Chairman Etzler at 6:02 pm.

**REVIEW TREE CALL REPORTS**

Deblin reported one call was received from 1121 Willard. The homeowner said there were dead limbs falling off of a tree and requested the tree be trimmed.

6:03 pm - Moore arrived.

**APPROVAL OF MINUTES**

Hearing no corrections or objections, the minutes from the July 19, 2021 meeting were approved as presented.

Etzler noted Clausing emailed pictures of a tree on 816 North Perry Street. The tree is in the grates and had a limb break off. Etzler said he looked at the tree today and someone removed the broken limb. It looks like the tree is starting to rot is why the limb broke off and the other side of the tree looks as bad. My recommendation would be to have the tree removed and have another tree replanted.

**FINALIZE FALL PLANTING LIST**

Deblin informed the commission letters were sent to homeowners. Two homeowners do not want a new tree planted, leaving a total of thirteen trees to be planted. There are ten on Park Street, one is for Arbor Day, there is one on Scott Street that is in a tree well and was broke off, and there is a straggler on Park Street from the spring planting that broke off.

**FINALIZE FALL TRIMMING LIST**

Deblin stated with the fall removal bids coming in so high, the fall trimmings will be limited to \$5,000. I will ask Lulfs if Tawa can come in and trim the areas where we have had complaints. Based on Tawa's previous quote, it would be about three days of trimming and do not feel that would be worth sending out bid packets for. Volkman agreed. Deblin noted that will put us further behind on the trimming cycle and propose that next year we do away with plantings to catch up on maintenance. Lulfs informed me he is going to try to request more money in the budget but, we do not know if that will happen. This is the third or fourth cycle and we still have not made it out of the Woodlawn to Riverview from Scott to Glenwood area. Moore noted that is an older neighborhood with bigger trees. Deblin added that is part of the reason the removals were so high. The first eleven removals were diseased or recommendations from Tawa in the spring. Two of those trees came in at \$8,000 because of their size and the contractor will have to rent a crane to keep the trees off of houses and drives.

Etzler said we can move on canceling the spring plantings now or we can talk about canceling them in January of 2022. Deblin suggested discussing once we know what our budget will be.

**AWARD FALL REMOVAL CONTRACT**

Deblin reported two bids were received. There are about twenty-six trees and forty tree stumps. The bid from A Cut Above the Rest was \$19,780.00. The second bid received from All Seasons was \$28,800.00 with a note the work cannot be completed in the 60-day window. Deblin pointed out \$16,000 of the bid was recommendations from Tawa in the spring. Some of the trees have Dutch Elm disease and some are just deteriorated. The tree on





# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

## Memorandum

**To:** Mayor & City Council, City Manager, City Law  
Director, City Finance Director, Department  
Supervisors, News media  
**From:** Roxanne Dietrich, Clerk of Council  
**Date:** September 17, 2021  
**Subject:** *Parks & Recreation Committee – Cancellation*

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, September 20, 2021 at 6:00 pm has been CANCELED due to lack of agenda items.

## AMP Update for Sept. 10, 2021

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

Fri 9/10/2021 4:22 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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



Sept. 10, 2021

### Smithland Hydroelectric Plant sets summer production record in 2021

*By Mike Migliore - vice president of power supply and marketing*

As the heat climbed during the summer, so did the output from the Smithland Hydroelectric Plant. During June, July and August 2021, Smithland produced 153,751 MWh, which is a 91.4 percent capacity factor. The average production of 72.2 MW per hour that occurred in August eclipsed the production totals in June, making it the second-best month for generation since the facility entered commercial operation in July 2017.



### AMP engages The Ferguson Group, schedules webinars on securing grant funding

*By Adam Ward - senior vice president of member services and external affairs*

Whether through an infrastructure bill, budget reconciliation or other activity, new federal and state grant funding opportunities are anticipated in the coming weeks and months. Recognizing a need to support and best position members for funding opportunities, the AMP Board of Trustees recently convened a task force to explore potential options. As a result of this effort, AMP has engaged the help of The Ferguson Group (TFG).

Headquartered in Washington, D.C., TFG has an established and proven track record of assisting communities in securing federal funding through the competitive grant process. Learn more about TFG [here](#). For AMP members, TFG will provide assistance through a tracking, notification and assistance program for federal and state grant funding opportunities that may be of interest.

To introduce TFG, AMP will host a kickoff webinar on Sept. 15 followed by three educational sessions. The sessions will be recorded and made available for those unable to attend, or who choose to watch at a later

time. Webinars will include:

- Kickoff
  - Sept. 15, 3:30-4:15 p.m.
- Grant Basics: An overview of the federal grants landscape, required registrations and how to position yourself for success.
  - Sept. 29, 3:30-5 p.m.
- Grant Identification: Master how to search for federal grants and strategically position projects ahead of a solicitation.
  - Oct. 28, 1-2:30 p.m.
- Grant Writing: Tips and tricks for writing and submitting a competitive grant application.
  - Nov. 10, 3-4:30 p.m.

Key services and benefits available to members include the following:

- Weekly grant e-newsletter alerts, which are a curated summary of grants posted and available on a variety of topics tailored to AMP membership interests. Note that if any members have topics and/or projects in need of funding, TFG will add them to the list of targeted topics.
- Access to TFG's database of successful grant applications.
- Access to TFG's grant funding guides and profile library.
- Access to TFG's team of grants experts.
- Individualized assistance (i.e., grant writing and personalized guidance) at a negotiated 15-percent discount. The negotiated rate sheet is available for members to view upon request.

If you have any questions about the services, want to provide grant topics to be added to the e-newsletter alerts, would like to register for any of the webinars, receive a link to the recorded sessions or would like to see the AMP member negotiated rate sheet, please contact Erin Miller at 614.540.1019 or [emiller@amppartners.org](mailto:emiller@amppartners.org).

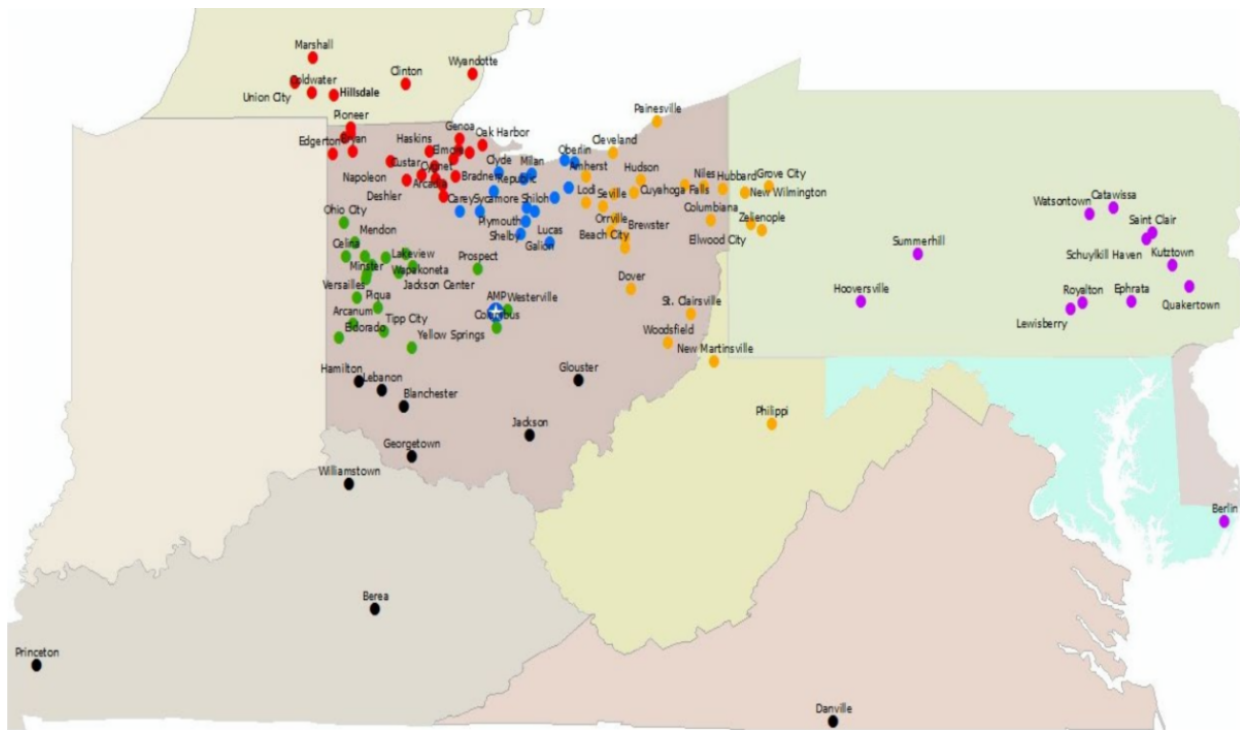
## **New Mutual Aid Green Sector coordinator named**

*By Jennifer Flockerzie - manager of technical services logistics*

Nate Hutchinson of Piqua Power System has been named the new Green Sector coordinator for the Mutual Aid Program. Participating member communities in the Green Sector should contact him for mutual aid requests moving forward. Nate's contact info is as follow:

Nate Hutchinson  
City of Piqua  
Cellphone - 937.241.6469  
Office phone - 937.778.5138  
[nhutchison@piquaoh.org](mailto:nhutchison@piquaoh.org)

Green Sector communities include: Arcanum, Celina, Columbus, Eldorado, Jackson Center, Lakeview, Mendon, Minster, New Bremen, New Knoxville, Ohio City, Piqua, Prospect, St. Marys, Tipp City, Versailles, Wapakoneta, Waynesfield, Westerville and Yellow Springs.



AMP's Mutual Aid Program was set up to provide assistance to participating member systems in the event of outages too widespread for one system to handle alone. Under the Mutual Aid Program, the participating communities are divided into six sectors. If assistance is needed, one call to the appropriate sector coordinator will set the wheels in motion.

The sector coordinator will gather data from all sources, including the AMP Dispatch Center, concerning the extent of the damages and report this information to the Mutual Aid chair, estimate the amount of workers and equipment needed to repair it, and contact participating AMP members to obtain the necessary workers and supplies and direct the support effort. Communities in or near the sector provide backup coordination and management under the sector coordinator's direction.

If you have questions about mutual aid or sectors, please contact me at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org).

## AMP to hold solar PPA update webinar

*By Paul Beckhusen - senior vice president of power supply and energy marketing*

AMP staff is hosting a webinar on Sept. 15 to provide an update on the status and next steps for the in front-of-the-meter solar purchase power agreement (PPA). An invitation to the webinar was sent to all members that submitted a non-binding letter of interest in the PPA. If you did not receive an invitation, or have a renewed interest in participating in the PPA, then please contact Harry Phillips at 614.540.0846 or [hphillips@amppartners.org](mailto:hphillips@amppartners.org), Sam Wolfe at 614.540.0920 or [swolfe@amppartners.org](mailto:swolfe@amppartners.org), or Jay Myers at 614.563.4917 or [jmyers@amppartners.org](mailto:jmyers@amppartners.org).

## Exploring Industry Trends: Residential solar+storage

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

Interest in residential behind-the-meter (BTM) solar+storage projects has been slowly rising in recent years. According to the Lawrence Berkeley National Laboratory (LBNL), the nation has seen an increase in attachment of storage to solar installations, going from less than 1 percent in 2016 to about 4.4 percent in 2019. They believe the increase is associated with the desire of residents to improve reliability and have emergency backup power in the event of an outage. Other drivers could include incentives, such as the federal investment tax credit (ITC), which was extended through December 2023 and





provides a 26-percent credit on the cost of solar+storage systems in years 2020-2022 and 22-percent credit in 2023 (if the battery is charged exclusively by the solar array).

Residential storage systems typically use lithium-ion batteries. The top-selling storage products include LG Chem RESU 10H (5 kW/8.4 kWh/1.7-hr. duration), and Tesla Powerwall (5 kW/13.2 kWh/2.6-hr. duration). Adding such battery storage to a residential rooftop solar project is estimated to add approximately 40 percent to the cost of a stand-alone residential solar system. Typical solar+storage systems can handle power needs for approximately 26 percent to 55 percent of daily customer load (depending on weather and overall household electricity consumption levels).

The information contained in this article was shared during the January 2021 Smart Electric Power Alliance (SEPA) Energy Storage Working Group meeting featuring speakers from LBNL. For more information or to join the SEPA Energy Storage Working Group, contact Robert Tucker at 202.871.7444 or [rtucker@sepapower.org](mailto:rtucker@sepapower.org).

AMP is committed to exploring the trends and technologies that may affect the power sector and impact our members in the coming years. AMP, through the Focus Forward initiative and in partnership with the Focus Forward Advisory Council, has developed resources to help members navigate BTM solar and BTM solar+storage, including interconnection templates, rate design and customer education guidance.

If you would like to participate in the Focus Forward Advisory Council, or would like assistance with developing your BTM policies, please contact me at 614.540.1019 or [emiller@amppartners.org](mailto:emiller@amppartners.org).

## **Less than two weeks left to register for the AMP Annual Conference**

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

If you have yet to do so, we encourage you to register for AMP's 2021 Annual Conference. This year's event will be held both in person and virtually, Sept. 21-22. The Annual Conference provides an opportunity to learn from industry experts and network with peers. Click here to register: [2021 AMP Annual Conference](#).

The AMP General Membership meeting and Board of Trustees elections will take place on Sept. 21.

The agenda for this year's conference features a variety of speakers and topics to provide a blend of interesting, educational and relevant information. Joining us this year will be:

- Manu Asthana, PJM Interconnection
- Patrick Bean, Tesla
- John Bear, Midcontinent Independent System Operator
- Commissioner Allison Clements, Federal Energy Regulatory Commission
- Ethan Cohen, Gartner
- Genevieve Cullen, Electric Drive Transportation Association
- John Di Stasio, Large Public Power Council
- Joy Ditto, American Public Power Association
- Missy Henriksen, Center for Energy Workforce Development
- Terry Huval, Transmission Access Policy Study Group
- Philip Jones, Alliance for Transportation Electrification
- Marty Kanner, Kanner & Associates
- Bill LeBlanc, E Source
- Mike Zenker, NextEra Energy Resources

To learn more about the AMP Annual Conference, register or see a full schedule of sessions, click [here](#). If you have questions about conference or registration, please contact me at 614.540.0916 or [jallalen@amppartners.org](mailto:jallalen@amppartners.org).

We look forward to seeing you at the AMP Annual Conference!





Following a vehicle accident that caused a broken pole on the evening of Sept. 8, the Village of Ohio City was forced to place a call for mutual aid. Celina Municipal Utilities responded to the call.

Thank you to all the responding communities for assisting with these restoration efforts!

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

## PMEA holds annual meeting

*By Michael Beirne - vice president of external affairs and OMEA executive director*

The Pennsylvania Municipal Electric Association held its annual meeting this week in State College. AMP was pleased to participate in the annual meeting. Jolene Thompson, AMP president/CEO provided remarks at the opening session; Paul Beckhusen, AMP senior vice president of power supply and energy marketing, gave an update on the behind the meter peaking project; and Michelle Palmer, vice president of technical services, participated in a discussion on training opportunities.



## 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.

**Sept. 13 9 a.m.**

Sharpen your Sword - Training like a Samurai Warrior in Safety  
Instructor: Kyle Weygandt

**Nov. 16 9 a.m.**

What? Me Worried? Behavior Based Safety  
Instructor: Kyle Weygandt

**Oct. 19 9 a.m.**

Respiratory Protection 101  
Instructor: Kyle Weygandt



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](mailto:jflockerzie@amppartners.org).



## Energy market update

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

The October 2021 natural gas contract increased yesterday \$0.117/MMBtu to close at \$5.031. The EIA reported an injection of 52 Bcf for the week ending Sept. 3, which was above industry estimates of +41 Bcf. Last year was an injection of 65 Bcf and the five-year average was also +65 Bcf. Storage is now 2,923 Bcf, 16.8 percent below a year ago and 7.4 percent below the five-year average.

On-peak power prices for 2022 at AD Hub closed yesterday at \$46.80/MWh, which was \$2.00/MWh higher for the week.

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

Week ending Sept. 10

MON  
\$38.01

TUE  
\$46.84

WED  
\$43.97

THU  
\$43.66

FRI  
\$40.28

Week ending Sept. 3

MON  
\$60.96

TUE  
\$47.46

WED  
\$38.19

THU  
\$37.45

FRI  
\$36.61

AEP/Dayton 2022 5x16 price as of Sept. 9 — \$46.80

AEP/Dayton 2022 5x16 price as of Sept. 2 — \$44.80

### AFEC weekly update

*By Jerry Willman*

The AMP Fremont Energy Center (AFEC) plant operated in 2x1 configuration for the week. The plant cleared offline for the day last Friday and Saturday and offline for the overnight hours Tuesday through Thursday based on PJM day-ahead economics. Duct firing operated for 21 hours this week. For the week, the plant generated at a 33-percent capacity factor (based on 675 MW rating).

### Who is the true target of business email compromise?

*By Jared Price - vice president of information technology and chief technology officer*

#### What is BEC?

In a business email compromise (BEC) attack, cybercriminals impersonate business professionals to trick victims into sharing information about their organization. This attack is an advanced form of spear-phishing: a phishing attack that targets a specific individual or department within an organization. In a BEC attack, cybercriminals impersonate a business partner, supplier or prospect. The cybercriminals' end goal is to transfer funds from an organization to themselves. A successful BEC attack can result in a huge loss for the organization involved.



#### Who is the target of a BEC attack?

Originally, the primary targets for BEC attacks were employees in high-level and financial roles. As a result, many organizations began to take extra security measures to protect these employees. However, as technology and cybersecurity change, so do the cybercriminals' tactics. Now, BEC attacks target employees of all types and levels. For example, cybercriminals have recently started to target employees in sales roles. Sales representatives are popular new targets because of their connection with financial departments for payment processing.

Even employees with no ties to financial departments can be targeted. Any relationship a cybercriminal creates within an organization can help them gain access to vital information. For example, administrative assistants often have access to high-level employees' business calendars. If a cybercriminal targets an overly trusting assistant, the cybercriminal could win themselves a meeting with an executive.

#### Remember these tips to stay safe:

- Be suspicious of any emails sent from people you do not know, even people who appear to represent a legitimate organization.
- Before sharing any information about your organization or coworkers over email, be sure to verify the sender's identity. You could ask for proof of who they are, where they work, or contact them by