

# FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

FEBRUARY 16, 2021

COUNCIL CHAMBERS

## ROLL CALL of 2020-2021 Councilmembers:

**PRESENT:** Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser

**ABSENT:** none

President of Council Harrington opened the meeting with the Pledge of Allegiance followed by a moment of silence.

## ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the February 2, 2021 Regular Session City Council meeting minutes, Councilwoman Warnecke seconded the motion. All were in favor. Motion carried. Filed.

**ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:** none

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

## ORAL COMMUNICATIONS:

### Holly Frische – water meters

Ms. Frische is before City Council with concerns about the past decisions that were made on the meter project, both as the former chair of the WATER AND SEWER COMMITTEE and as a citizen of the community who pays a water bill every month. She has watched the meter and software project play out over the last few years and it appears from additional research, listening to City Council meetings, and reading committee meeting minutes, that City Council and the Administration are looking to sell their water and sewer system to the private sector for the future. While she hopes that is not the case, recent actions last week from Mayor Muryn entering into a contract with a utilities service company that is owned by Suez, it seems that might very well be the long-term plan because of the nearly five million dollar (\$5,000,000.00) contract that includes an annual service and maintenance agreement of one hundred twenty-five thousand dollars (\$125,000.00) for the first year that steadily increases five percent (5%) each year thereafter. She had thought that when things moved forward via the additional legislation last year, that City employees were going to be installing the new meters, but now Mayor Muryn has committed to a maintenance agreement with a subcontractor. She reminded Council that a performance audit was completed via legislation before she left City Council the end of 2019 that had indicated the department is highly efficient and cost effective and that the State was very complimentary of the City's funds, so she is asking why there is a need to have a subcontractor from the private sector run the City's meters. Whenever a project is presented and approved by Council, it usually means a benefit to the community with increased services and/or cost savings. She asked where the cost savings are if the City will be duplicating services. With that contract being signed last week, it must mean that the City will be cutting staffing within the Water Department to justify the cost of a meter maintenance agreement. She sees no reason for the City to be bringing in a third party to handle the maintenance and operation of the meters. Findlay has a well-maintained Water Treatment and Distribution facility with fair rates for citizens and with a good staff that works like a well-oiled machine. Ms. Frische reminded Council that the Iriti Administration of 2009 upgraded the water meters to electronic readings. Part of that upgrade was supposed to also decrease staffing, but instead, the Meter Readers took on the additional responsibility of maintaining the readers. Over the last ten (10) years, the Water Department has maintained and improved the meters at the cost of doing business. Under the Mihalik Administration, appropriations of funds were needed to do some upgrades. In 2018, she was approached as chair of the WATER AND SEWER COMMITTEE by the Water Treatment Plant Superintendent with an urgent need to discuss meters and software because 2G was going to be obsolete. She appreciated his coming to her asking to get the project started and she was very open to the idea. Throughout the year, she touched base with him, and the City Engineer, to see when they were ready to start the discussions and have a committee meeting, but they were not ready for that.

### Discussion:

President of Council Harrington interrupted Ms. Frische informing her that her allotted four (4) minutes were up. Councilman Wobser moved to allow Ms. Frische to continue, seconded by Councilman Palmer.

Ms. Frische continued stating that there was a meeting in March to discuss meters and software, but the WTP Superintendent and the City Engineer were not prepared and were to reschedule that meeting for April, but the meeting never happened, and there were no additional meetings in 2019. She reminded Council that the billing software was upgraded before Dean Adler retired at the end of 2017/beginning of 2018. After his retirement, Tammy Kirkpatrick came onboard to run the billing department in which she indicated that she wanted a new system. Ms. Frische met with Ms. Kirkpatrick and her staff and discovered that the main concern was that the system ran slow taking two to three (2-3) minutes to load when customers came in to pay or had questions on their bills. There was also a concern that another company may not provide adequate service and support for the system which was puzzling to her, so she went to the City's Computer Services Department who had recently installed the black fiber system that should have taken care of the networking issues. The City's Computer Service Department had been looking into it, but did not come up with a conclusion on how to repair it. She spoke with the WTP Superintendent who mentioned that he had a lot of projects that he wanted to possibly do that would come out of the capital debt. The meter and software project that he mentioned to her was for fifteen million dollars (\$15,000,000.00) in which she was taken off-guard, so she asked him to send her a plan of the project that he would like to discuss. She also went to the City's Auditor's Office to ask questions about the process of taking on debt to understand what the Water Department might be asking for which led to a meeting she had with the WTP Superintendent, City Engineer, and City Auditor Staschiak to further discuss the steps needed to move forward with the meter and software project and what capital debt would be needed if that was going to be the route that was taken.

The meeting ended with the WTP Superintendent needing to obtain a price to purchase instead of finance through Suez, obtaining a second bid from another vendor, contacting Verizon about 2G, and completing a cost benefit analysis. He forwarded her his 2019-2024 list plan of what he wanted to accomplish. Legislation came before City Council on August 2019 for software only without it being discussed at a WATER AND SEWER COMMITTEE meeting. That legislation was tabled and a performance audit was requested by City Auditor Staschiak, Councilman Wobser and herself. The 2020-2021 City Council term started with Councilman Greeno, who previously worked for the City for many years on the water side, assuming the reins of the chair of the WATER AND SEWER COMMITTEE. She reviewed the meeting minutes for this very high priced ticket item and did not see where a second bid was being considered, evaluated, or even looked at. As a citizen who pays taxes and pays a monthly water bill, she finds that to be extremely concerning. Council has not vetted this project to the public and transparency was lost from the word "go". When she seeks Mayor Muryn flip-flopping legislation from software to meters in less than twelve (12) months, it is clear that something is going on. When the City Auditor stands before Council on the record for the public to hear and presents documentation on the process going out for bid that may have been mishandled from email communications he received with Council turning an ear to that problem. President of Council Harrington interrupted Ms. Frische to inform her that she has now had eight (8) minutes of time.

Councilman Wobser asked Ms. Frische to summarize quickly. Ms. Frische continued stating that the committee meeting recommendation was for the Administration to move forward without bids or options or weighing-in discussion with the committee in order to vet the project with the committee spending millions of dollars and there was that there was no discussion about the entire sewer and water department operations is concerning, especially with all the capital projects that are being looked at, she does not find that they are being considered with this large ticket item. Filed.

**PETITIONS:** none

**WRITTEN COMMUNICATIONS:** none

**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

**Findlay Municipal Court Activities Report** – January 2021. Filed.

**Findlay Police Department Activities Report** – January 2021. Filed.

**City Income Tax Monthly Collection Report** – January 2021. Filed.

**Findlay Fire Department Activities Report** – January 2021. Filed.

**City Auditor Staschiak – summary financial reports**

**A set of summary financial reports for the prior month follows including:**

- Summary of Year-To-Date Information as of January 31, 2021
- Financial Snapshot for General Fund as of January 31, 2021
- Open Projects Report as of January 31, 2021
- Cash & Investments as of January 31, 2021

Discussion:

City Auditor Staschiak pointed out that the new format for the snapshot portion of this report includes some colored graphs. He was inspired by the Administration to come up with some graphs on what his department does. The first section of the graph is the budgeted revenue vs expenses which indicates that the Administration has stayed well under budget over the last decade. The graphs below that provide a quick look at how the City is doing against their reserves. The green bar is the practice minimum reserve policy which is good in terms of cash balances. The insurance fund indicates that there is less than one million dollars (\$1,000,000.00) available which has been the target since it was implemented under City Auditor Robert Sprague's term. The yellow bar is a cautionary area, but not critical. Thanks to the last year's appropriation, the severance payout is also green which is good. As the numbers change, the graph colors will change indicating where the City is at. He hopes that Council finds the new format helpful, but asks that Council let him know if they would like it enhanced in any way. He is open for suggestions. Filed.

**City Engineer Thomas – MLK Parkway Improvements, Project Number 32803100**

By authorization of Ordinance No. 2020-099, a bid opening was held for this project on December 18, 2020. Bids were received from ten (10) potential contractors with bid amounts ranging from \$1,301,755.02 to \$1,908,307.92. The lowest and best bid was received from Helms and Sons Excavating of Findlay, Ohio. The bid results were submitted to the Hancock County Commissioners. The City has received funds from the Commissioners so that the City can enter into a contract with the low bidder to perform the work. Funds need to be appropriated into the project so that a purchase order can be approved and contracts can be signed. Legislation to appropriate funds is requested. Ordinance No. 2021-015 was created.

FROM:	Hancock County Commissioners	\$ 1,418,966.72
TO:	MLK Parkway Improvements #32803100	\$ 1,418,966.72

Filed.

**Mayor Muryn – renewal of City's insurance policies**

The City's insurance policies expire in July of this year. The City desires to rebid these policies for the renewal period of July 2021 through July 2025. Legislation to bid and enter into a contract(s) to renew various insurance policies is requested. Ordinance No. 2021-016 was created. Filed.

**Mayor Muryn - Financial Summary.** Filed.

**Treasurer's Reconciliation Report** – January 31, 2021. Filed.

**Mayor Muryn – Hancock County Combined General Health District appointment**

Mayor Muryn is requesting Council's confirmation on her appointment of Barbara Pasztor to the Hancock County Combined General Health District Board. Her term will expire on December 31, 2025. Requires Council's confirmation.

Discussion:

Councilman Russel asked Mayor Muryn to provide information on Ms. Pasztor. Mayor Muryn noted that she is probably someone Council has interacted with and didn't realize it. She is the Vice President of Patient Care Services and the Chief Nursing Executive for Blanchard Valley Health Systems. Prior to that, she was the Vice President of Emergency Services with New Hanover Regional Medical Center in North Carolina. She has had a long career, starting as a nurse at the University of Toledo, and oversaw life flight operations working with Saint Vincent's Medical Center and the University of Toledo Medical Center, as well as a number of other facilities within the area before coming to Blanchard Valley as Vice President of Patient Care Services from 2011-present. She has been serving as one of the City appointees to the Hancock County Board of Health as part of their merger process and has been a great representative of the City of Findlay while on that board recently serving as Board President.

Councilman Hellmann noted that his wife had glanced over Mayor Muryn's appointment request and recalled working with Ms. Pasztor twenty-five plus (25+) years ago underscoring many of the items Mayor Muryn pointed out. She sounds like a very well accomplished lady. Mayor Muryn added that she has served as a nurse and has been in many emergency critical healthcare situations, so she knows how to work under pressure and has also been in an administrative roll, so she has a very good perspective of public health operations which is important, especially in leading the Health Board through the years and any future potential projects. She will be a wonderful representative.

Councilman Russel moved to approve the appointment, seconded by Councilman Hellmann. All were in favor. Filed.

**Board of Zoning Appeals minutes** – November 12, 2020 and January 14, 2021. Filed.

**COMMITTEE REPORTS:**

The **WATER AND SEWER COMMITTEE** met on February 3, 2021 to discuss the Bluebonnet/Bittersweet sewer project. *We recommend that the project go forward after discussion.*

Councilman Slough moved to adopt the committee report, seconded by Councilman Palmer. All were in favor. Filed.

The **WATER AND SEWER COMMITTEE** met on February 3, 2021 to discuss a possible project on Twp Rd 212. *The committee discussed the project and recommend no action at this time.*

Councilman Hellmann moved to adopt the committee report, seconded by Councilwoman Warnecke. All were in favor. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the I-75/CR 99 Interchange (PID #102375) project no. 32811100. *We recommend approval as stated. Ordinance No. 2021-005 was created for this. It received its first reading during the January 2, 2021 and its second reading during the January 19, 2021 City Council meeting.*

Councilman Slough moved to adopt the committee report, seconded by Councilman Greeno All were in favor. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the first 2021 Capital Improvement appropriation. *We recommend approval of the 2021 Capital Improvements Plan as presented. Ordinance No. 2021-007 was created for this. It received its first reading during the January 19, 2021 City Council meeting.*

Councilman Wobser moved to adopt the committee report, seconded by Councilman Slough All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Sean Farmer to rezone 610 South Blanchard Street from C1 Local Commercial District to R4 Duplex/Triplex. *We recommend to approve R4 zoning to 610 South Blanchard Street. Ordinance No. 2021-017 was created.*

Councilman Shindledecker moved to adopt the committee report, seconded by Councilman Greeno. All were in favor. Filed.

**LEGISLATION:**

**RESOLUTIONS:** none

**ORDINANCES:**

**ORDINANCE NO. 2021-005** (*I-75 and County Road 99 Interchange*) **requires three (3) readings** **third reading - adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

Councilman Hellmann moved to adopt the Ordinance, seconded by Councilwoman Warnecke. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-005 and is hereby made a part of the record.

**ORDINANCE NO. 2021-007** (*first 2021 Capital Improvement appropriation*) **requires three (3) readings** **second reading - adopted**  
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2021 DEPARTMENT EQUIPMENT LIST, APPROPRIATING AND TRANSFERRING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Wobser pointed out that during the APPROPRIATIONS COMMITTEE meeting, City Engineer Thomas explained where he was wanting to spend the money for this first set of appropriations which is not much different than what has been seen in years past. For reasons that have always discussed, the City has the ability to appropriate funds now due to there being cash available allowing this to go forward and bid projects early to obtain cost savings.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Slough. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-007 and is hereby made a part of the record.

**ORDINANCE NO. 2021-009** (*DORA project*) **requires three (3) readings** **second reading**  
AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE FINDLAY DESIGNATED OUTDOOR REFRESHMENT AREA (D.O.R.A.), MAKING CERTAIN FINDINGS AND DETERMINATIONS, AND ENACTING REGULATIONS TO THAT EFFECT.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-010** (*benching/mitigation agreement*) **requires three (3) readings** **second reading**  
AN ORDINANCE AUTHORIZING THE CITY OF FINDLAY, OHIO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE HANCOCK COUNTY COMMISSIONERS. A COPY OF SAID MEMORANDUM OF UNDERSTANDING IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-011** (*Ra Nik Ltd. agreement*) **requires three (3) readings** **second reading**  
AN ORDINANCE AUTHORIZING THE CITY OF FINDLAY, OHIO TO ENTER INTO AN AGREEMENT WITH RA NIK LTD. WHEREBY RA NIK LTD. SHALL DONATE ALL OF ITS RIGHTS, TITLE AND INTEREST IN AND TO SAID PROPERTY AS SET FORTH HEREIN AND ATTACHED HERETO AS EXHIBIT A.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-012** (*accept and approve the Amber Waves Development annexation*) **requires three (3) readings** **second reading**  
AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF MARION, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF SECTION 6 SOUTH, T1N, R11E, A TRACT OF LAND CONSISTING OF 8.584 ACRES OF LAND, MORE OR LESS (HEREINAFTER REFERED TO AS THE AMBER WAVES DEVELOPMENT ANNEXATION).

Second reading of the Ordinance.

**ORDINANCE NO. 2021-013** (*rezone the Amber Waves Development annexation*) **requires three (3) readings** **second reading**  
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS I-1 LIGHT INDUSTRIAL (HEREINAFTER REFERED TO AS THE AMBER WAVES DEVELOPMENT ANNEXATION).

Second reading of the Ordinance.

**ORDINANCE NO. 2021-014** (*mobile health unit*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-015** (*MLK Pkwy improvements*) **requires three (3) readings**

**first reading - adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if this is money that has been received from the County and that the City is just managing the project and asked if there is any reason why it should not be passed tonight. City Engineer Thomas replied that it is one (1) of five (5) transportation projects that the City and County have entered into a Memorandum of Understanding for. The project was paid for by the County Commissioners. The City is responsible for bidding the project and providing construction and inspection during construction. They got all the plans done and the City put it out to bid in December and submitted the pricing to the County Commissioners who paid the City. That money now needs to be moved into the project so he can obtain purchase orders and get contracts signed. There are no City funds involved other than five hundred dollars (\$500.00) to put a legal ad in the newspaper. This appropriation ordinance is for funds from the County and does not involve any City funds.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Greeno. Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann. The Ordinance received its second and third readings. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Haas. Ayes: Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-015 and is hereby made a part of the record.

**ORDINANCE NO. 2021-016** (*extend current contracts for City insurance policies*) **requires three (3) readings**

**first reading**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO TO EXTEND CURRENT CONTRACTS FOR INSURANCE COVERAGE FOR AIRPORT LIABILITY, AUTOMOBILE, BOILER MACHINERY, CONTRACTOR'S EQUIPMENT, CRIME INSURANCE, POLICE PROFESSIONAL LIABILITY, PUBLIC OFFICIAL'S ERRORS AND OMISSION LIABILITY, REAL AND PERSONAL PROPERTY BE EXTENDED UNTIL JULY 2025, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2021-017** (*610 S Blanchard St rezone*) **requires three (3) readings**

**first reading**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 610 SOUTH BLANCHARD STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL DISTRICT" TO R4 DUPLEX/TRIPLEX".

First of the Ordinance.

**ORDINANCE NO. 2021-018** (*NASPO #MA152*) **requires three (3) readings**

**first reading**

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO AN AGREEMENT WITH VERIZON WIRELESS NASPO #MA152 TO CONTINUE TO PARTICIPATE IN A JOINT COOPERATIVE PURCHASING PROGRAM FOR THE CITY OF FINDLAY'S WIRELESS SERVICES, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:**

City Auditor Staschiak informed Council that the City Auditor's Office has had some accounts payable challenges over the last couple of years. He showed Council several large binders of compliance documentation that the City Auditor's Office maintains for audits with State Auditor's Office. Some contracts that have come to their office have had to go back to Council because they have been incomplete or something has needed to be changed causing the City Auditor's Office to not be able to pay on what was presented to them. Changes have been anywhere from a penny (\$.01) for a Federal grant to thousands of dollars. He has received documentation back today from the contract that was just signed by Mayor Muryn and that was sent back to the water servicing company. He has not had enough time to review it, but it is clear that he needs Council's help in order to move forward and pay it. He needs three (3) things from Council in the form of legislation:

1. Council appropriated an additional four hundred thousand dollars (\$400,000.00) tonight to this project to add to the existing five hundred thousand dollars (\$500,000.00) making the total project amount as nine hundred thousand dollars (\$900,000.00). The contract that is signed for 2021 is closer to one million five hundred thousand dollars (\$1,500,000.00) than it is to nine hundred thousand dollars (\$900,000.00) and continues for five (5) years. With this involving the Water Fund, the rules are a little different on how a Fiscal Officer treats the money since the money is significantly more than nine hundred thousand dollars (\$900,000.00) for just the meters and is a five (5) year agreement. The total dollar amount for the meters for five (5) years is just over four million five million dollars (\$4,500,000.00).
2. A separate part of the agreement is for servicing at a cost of one hundred twenty-five thousand dollars (\$125,000.00) per year that goes up five percent (5%) per year, plus additional costs as determined, so total cost will be closer to one million five hundred thousand dollars (\$1,500,000.00) with a contract that will probably exceed five million dollars (\$5,000,000.00) over a five (5) year period. Council has only appropriated a portion of the first year requirement.

3. He is not authorized to pay with funds that were appropriated for something else. In some cases, that is a fine line. All the documentation from City Council on this states that he is replacing the meters system. The contract is for a meter system and a servicing contract which are two (2) different things. They are clearly defined as two (2) different things. The documentation to support it was received today stating that Safety Director Schmelzer's communications with this company demonstrate that they are two (2) different things.

In order for him to pay this, he needs appropriation legislation from Council 1) instructing him to pay the full amount that is close to one million five hundred thousand dollars (\$1,500,000.00) 2) that Council is okay with him paying beyond the first year as it is a five (5) year agreement 3) that Council is okay with and intends for those funds to go towards not only the scope of replacing the meters, but also pay towards the scope of a servicing contract with regard to those meters. If legislation is passed by Council addressing those three (3) issues, he has no problem with moving forward, the City Auditor's Office Accounts Payable employee will have the documentation that is needed, and the Deputy Auditor will have what she needs for an audit.

Discussion:

Councilman Wobser asked City Auditor Staschiak for the three (3) items he needs from Council. City Auditor Staschiak replied 1) an appropriation of money telling him that there is one million five hundred thousand dollars (\$1,500,000.00) for him to pay this year's portion 2) that Council understands that this goes beyond one year and that it is Council's intent that the appropriation is only a one year commitment of a five (5) year agreement. The servicing company that the City has contracted with consistently refers to a five year agreement 3) that Council is okay with funds being spent not only on meters, but also on a separate servicing agreement. Meters total four million five hundred thousand dollars (\$4,500,000.00) and the servicing agreement goes from one hundred twenty-five thousand dollars (\$125,000.00) in the first year up to one hundred fifty thousand dollars (\$150,000.00) in the fifth year. If he has legislation that allows him to do that, the City Auditor's Office will have everything they need and can move forward.

Councilman Hellmann asked if the City Auditor's request should be reviewed by the APPROPRIATIONS COMMITTEE or the Law Director due to them being significant discretions.

Mayor Muryn pointed out that Councilmembers that have been involved with this project since the beginning of it know that there has been a number of specific meetings where the project was discussed at length. There was a COMMITTEE OF THE WHOLE meeting where all Councilmembers were welcome to attend. That meeting went through and laid out what it would look like as a five (5) year project. She clarified a couple of City Auditor's previous statements. The documentation (agreement) with Suez lays out the phasing of the project in the agreement which does not commit the City to purchasing those items in any specific order. It acknowledges that the City understands that this is a larger project than what the City is purchasing right now and by looking at it as a larger project, there are some benefits that need to be planned accordingly. For instance, if the City wants to ramp up the project faster or slow it down, there is language in the agreement stating that the City will not be committed to things in the specified years that was talked about. The Maintenance Agreement is the support for the system which allows for transparency into the system. As many systems have, there is software needed to be able to have insight into that system. It is one hundred twenty-five thousand dollars (\$125,000.00) a year which is something that has been talked about throughout the discussions. It is something that allows feedback with the systems, allows customers to create an account and be able to see their information (i.e. usage) on a monitor. It will allow them to see when they may or may not have a high usage amount. By having the advanced system, it provides transparency. The reason the City needs to take action on this is because 2G is going away and current transmitters are failing at a very consistent and high rate. Currently, there are a number of citizens that are not getting accurate readings on their meters because the transmitters have gone bad and are only reading them every other month. A citizen contacted her stating that they own a duplex where their water bill typically is three hundred dollars (\$300.00) a month, but that the City's transmitter was broke and had not been out to read their meter and received a thirteen hundred dollar (\$1,300.00) bill because the toilet was running for two (2) months with no warning because the system and infrastructure that the City is supposed to be maintaining and should have been maintaining over the last couple of years has failed and was not replaced. The can was kicked down the road and the City is now having to excel the project. While the City could have gone out and replaced every meter and every transmitter and bought the Cadillac, we instead took the time to explore different options to determine how to phase it in and still have the appropriate infrastructure. The first year of this project will cost a little more because of the set up of the network throughout entire community needing to have the DCUs that feed the system so that City staff does not have to go out to every single house to open the water meter pick and check their readings or drive around with limited access. This is not a multi-year contract that the City is committing to, but instead are looking at it as we should to have an understanding that if the City decides to replace all of them, what it would look like. The City is not privatizing the water system. It is a utility that would be a huge benefit to be able to offer to the community at a low rate with the City making a small amount of money in order to be reinvest into the infrastructure and are not utilizing it as a way to fund a bunch of other items. Meters are being bought as part of the project as the issues with them have been known for a number of years. There is a lot of confusion with the public on this which is the City's responsibility to clarify it which is what has been done for the last two (2) years. The City needs to continue to move forward with this. The Law Director has been involved with all documentation, including agreements on this project as she would not sign anything without his review. The Safety Director has also been involved with the process and has assisted in the discussions on it. This project is a big complicated process that has been talked about for a very long time. Council has authorized the Administration to move forward on the project, so at that point, the Administration went back to the company and negotiated a contract. Both she and the Law Director, whom Council gave authority to execute the contract, have done that. It has been reviewed and it is appropriate, and now needs to continue to move forward.

Councilman Wobser asked Mayor Muryn if there is any desire for her and/or the Water Treatment Superintendent to sell the City's water system. Mayor Muryn replied no. Councilman Wobser asked if the one hundred twenty-five thousand dollar (\$125,000.00) service and maintenance agreement is something new and is something the City currently does not have. Mayor Muryn replied that the reference to a fifteen year (15) agreement is for a warranty for the product. City Engineer Thomas added that there are some maintenance fees and that the City does not currently have the customer dash board that Mayor Muryn had mentioned. It will be something new.

Councilman Wobser asked if the one hundred twenty-five thousand dollar (\$125,000.00) service and maintenance agreement will be something above and beyond what customers currently have now. Service Director Thomas replied that is correct. Mayor Muryn added that it is required in order to operate the system. It is a standard fee that is not negotiable. Inflation is typically about three (3%) annually and is capped at a five percent (5%) increase because technology is rapidly advancing, so different features may be developed and need to be utilized. A required licensing fee is needed in order to operate the system. Councilman Wobser asked if the City can get out of the contract at any point. Mayor Muryn replied that is correct. There is language in the agreement to protect both parties. For instance, if the City were to place an order for twenty (20) meters and then call them the day after and cancel it, there is language to protect both parties involved. The City is not committing to any future purchases that would cause issues for the City. Councilman Wobser asked City Auditor Staschiak if he has to look at this project as a worst case scenario. City Auditor Staschiak replied that he does not look at it by worst case scenario, but looks at it based on State Statutes he has to follow through the compliance documents the Deputy Auditor has to maintain. The agreement states that there are fees involved if there are any cancellations. When the City Auditor's Office looks at agreements, if the agreement is dated for a five (5) year period, it is a five (5) year agreement. If the funds state that it is a certain dollar amount each year over a certain period of time, in a normal agreement that is not Water Fund, money not only has to be appropriated or accounted for on how it will be paid over that period of time and set aside. In this case, he does not have to certify those funds that are physically there for the next four (4) years because it is revenue coming in, but he cannot pay anything that comes out of the Water Fund. General Fund money cannot be transferred to pay for this, but it is clear from the language that it is not that simple. The City cannot just stop. While he doesn't disagree that there are protections in the agreement for both parties, it might be worth Council's while to review the contract from a legislative authority point of view. The WATER AND SEWER COMMITTEE could also look at it. They should take a look since the money is coming from there to understand what is happening. Councilman Wobser replied that anyone who looks through the contract may have different views on it. City Auditor Staschiak replied that he just needs permission to pay. Councilman Wobser noted that contract language is what it is. Negotiations are done to the best of one's ability. He asked City Auditor Staschiak if he agrees with the Mayor and the Law Director on the way they have interpreted this and if he is okay with everything and can move forward. City Auditor Staschiak replied no. In order for him to pay there are certain things that he has to do. He cannot pay for an item that was appropriated one way and then contracted another way. Council's legislation states that the City Auditor is to pay for meters, but the agreement is for meters and a new service agreement with a fancy dashboard which are two (2) different things. The funding of the dashboard is laid out separately in the contract. Councilman Wobser asked if everything is in the same contract. City Auditor Staschiak replied that the State Auditors are going to come in and ask him where his authority was to pay for the service agreement. The legislation authorizes him to pay for meters. Councilman Wobser replied that would mean it was a separate agreement and the City signed only one document. City Auditor Staschiak replied that there are two (2) documents that are signed. Councilman Wobser asked Mayor Muryn if there were two (2) documents or just one (1). Mayor Muryn replied there are two (2) documents. There is a Scope of Work document and a Master Services agreement. City Auditor Staschiak reiterated that he needs three (3) documents for clarification. Council is the funding authority who has funded nine hundred thousand dollars (\$900,000.00). Over the course of this year, agreements have been signed costing just over one million four hundred thousand dollars (\$1,400,000.00) and he needs something stating that is okay. He needs Council to look at the agreement and that Council says it is okay for him to pay for meters and a servicing agreement. All he needs is clarification through legislation or something in writing. He has not received anything in writing from Council telling him that the money was for anything other than meters. Councilman Wobser asked City Auditor Staschiak if he wants it separated out in two (2) different pieces of legislation. City Auditor replied he needs Council to tell him it is okay to pay it in the form that the Mayor has negotiated it, signed a contract and sent it back to the company with the City now being obligated to pay.

Councilman Hellmann asked City Auditor Staschiak if he has brought this up to the Law Director. City Auditor Staschiak replied that he received it Friday, but did not receive the documents on what was actually negotiated until late today, so he has not had time to discuss it with Law Director Rasmussen. There needs to be discussions between the legislative authority (City Council), the law (operate within legal boundaries), financial (operate within financial boundaries) and administrative. He was not included in any of that process and had not seen the document until the last minute. The City Auditor's Office needs to receive the information sooner. It is not fair for this to be put on him at the last minute and have to come to Council in this fashion. Councilman Hellmann replied it is not fair to Council either.

Councilman Russel noted that meter systems, including the meters, transmitters, DCUs, and installation have been talked about. Discussions were not just for meters. Meters do not run in a vacuum and need communications software that communicates meter to transmitter and transmitter to billing systems. The integration to billing systems was discussed. When Council approved previous legislation to move forward, the entire process was talked about. He asked if adding the word "system" to "meter system" would solve the problem and if so, he is in favor of bringing back the previous ordinance and add the word "system" and move on. He echoed Councilman Wobser's frustration on this.

President of Council Harrington asked Councilman Russel if he is recommending Council pull the previous legislation and amend it. Councilman Russel replied no he is not recommending to pull that legislation, but that it sounds like that is what is being requested in order for this to be able to move forward. His understanding is that City Auditor Staschiak wants to add the word "system" to "meter", but his interpretation is that Council is talking about the entire scope of the project from meter to meter software and everything in between.

Councilman Hellmann asked what the conclusion to this is. He asked if the word "system" is going to be added and brought back to Council next meeting.

Councilman Greeno asked if an APPROPRIATIONS COMMITTEE, a WATER AND SEWER COMMITTEE, or if a COMMITTEE OF THE WHOLE meeting needs to be scheduled for this where all Councilmembers can be involved in it. He asked Council what their preference is.

President of Council Harrington summarized that Council passed an ordinance tonight giving authorization to the City Auditor's Office to pay for water meters and not a water system. Per City Auditor Staschiak, it did not include the Service Agreement with the Mayor and Law Director arguing that it does include it. He asked Council if they would like to have legislation for the maintenance of the system or change tonight's legislation to include it. City Auditor Staschiak wants clarification so that if and when he pays it as instructed by Council that the State audit does not have an issue with it.

Councilman Russel believes the maintenance contract sounds like a software contract which is a capital expense. It is a general expense out of the Water Fund. The fact that capital money is owed for a replacement project including transmitters, etc., regardless if there is general services contract or not, does not have a lot of relevance on the capital plan. Council has given permission via a passed ordinance for the Administration to execute a project, so this should move forward. While there can be further discussion on it, it will just be further discussion about legislation that has already been approved at a previous time. He asked Law Director Rasmussen if there is a contract in place with a company known as Suez to move forward and not renegotiate the contract. The City Auditor is asking for permission to pay and has nothing to do with re-visiting it or explaining it at a COMMITTEE OF THE WHOLE meeting. Law Director Rasmussen replied that it is a contract. What the legislation says does not work well with the City Auditor Staschiak permitting payments. The City already has the contract and can have legislation that resolves City Auditor Staschiak's issues and then this will be done.

Councilman Russel moved to create legislation on what City Auditor Staschiak has requested, seconded by Councilwoman Warnecke. Legislation to clear up the matter within the City Auditor's Office will be created.

Discussion:

Councilman Greeno asked if the new legislation will be for the servicing contract. City Auditor Staschiak reiterated what he needs from Council: 1) that Council only appropriated nine hundred thousand dollars (\$900,000.00), but the meters for 2021 are one million two hundred thousand dollars plus (\$1,200,000.00+) 2) the service agreement is in addition to that and (3) it goes beyond one year . . . President of Council Harrington interrupted stating that the Mayor stated that it does not go beyond one year. City Auditor Staschiak replied it is a five (5) year agreement. It is how the City Auditor's Office would be audited.

Councilman Wobser noted that the City Auditor's Office has to look at this as a full extent of the potential contract which could run for five (5) years. He asked if the one million four hundred thousand to one million five hundred thousand dollar (\$1,400,000.00-1,500,000.00) that City Auditor Staschiak is referring to is accurate. Mayor Muryn replied that she will send out the documentation that was previously shared at a WATER AND SEWER COMMITTEE meeting that indicated some potential phasing of this project which is shared in the scope of work (potential phasing of the project). It does not permit the City to do it in those phases. There is specific language in it that states it can be adjusted as the City see fit to meet the needs, demand, the City's ability to implement it, and cost (she does not want to have to pay a bunch of money if it goes south in a month or two). Councilman Wobser asked if the nine hundred thousand dollars (\$900,000.00) that is currently appropriated is enough for where this project is at today. Mayor Muryn replied that is correct, but that it does not cover all of the transmitters that currently are not working. It is what is in our ability to execute without additional manpower at this time. Councilman Wobser asked if one million four hundred thousand dollars (\$1,400,000.00) were to be appropriated, if that amount would not be able to be spent to get done this year because the City does not have the manpower to get it implemented this year. Mayor Muryn replied that is potentially correct.

**NEW BUSINESS:**

Mayor Muryn thanked City snow plow crews for their service the last couple of days who most likely are sleeping right now knowing they have to go back out at 4:00am to salt and maintain the roads. The City has not had a storm like this for a while. The crews did a fantastic job. All hands were on deck as they went around town loading buckets of snow out of areas where it was piled up. They will continue to clear those piles out over the next couple of days. Any messages to the crews would be appreciated as they work long hours and take a lot of pride in their work. It is a thankless job that they often only hear complaints about.

Councilman Russel echoed Mayor Muryn's thanks to the snow plow crews as it was a significant storm, but yet the City woke up to clean streets. 2020's COVID challenged many municipalities, but Findlay handled it well because we have the right equipment, made the capital purchases, and have the right employees to operate that equipment which speaks volumes that the City has been running well over the past numerous years. The end result is a strong management with the ability to allow a strong Public Works Department to have clean streets after a storm like we just had. The Public Works Department is a testament to how the City of Findlay has been operated over the past number of years.

Councilman Wobser noted that Sheriff Heldman called a level 3 this morning which essentially cut off all business in the County, however, the City was in pretty good shape and asked if there is any way inside the city limits could opt-out of level 3 snow emergencies to allow businesses to continue. The level 3 cut off twenty-four (24) hours of business in the city that did not need to be done because we were ready for it. Mayor Muryn replied that can be discussed with the Sheriff's Office. It is important to recognize that we do have a large number of City of Findlay team members that come from the County or even outside of the County. There are approximately twenty thousand (20,000) individuals coming from outside the County into Hancock County each day to work, and approximately thirteen thousand (13,000) that go outside of the County, so there is a lot of movement. While many have become accustomed to working remotely or via zoom that has been somewhat helpful, a number of businesses were closed and impacted by the decisions which were disappointing, but necessary. She will reach out to Sheriff Heldman to discuss it, but perhaps the City can help the County out a little more so that they can have better roadways as well. While the County did a great job plowing, roads out that way, they tend to drift making it difficult to drive on. Councilman Wobser replied that zoom calls do not help a local business sell their products or meals in a restaurant.

Mayor Muryn noted that COVID is still out there and asked everyone to continue to be wise in their precautions. Vaccines are continuing to come in, but it will be a long process of distributing them.

Councilman Wobser: **STRATEGIC PLANNING COMMITTEE** meeting on Tuesday, March 2, 2021 at 5:30pm in the first floor Council Chambers of the Municipal Building (CC). Members are: Hellmann, Palmer, Russel, Shindledecker, Wobser



Councilman Russel moved to adjourn, seconded by Councilman Niemeyer. All were in favor. Meeting adjourned at 8:00pm.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT