

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

June 5, 2018

COUNCIL CHAMBERS

PRESENT: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser

ABSENT: Watson

President Monday opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Councilman Harrington moved to accept the May 15, 2018 Public Hearing minutes to rezone 2131 Spruce Drive (Ordinance No. 2018-038). Councilman Slough seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the May 15, 2018 Public Hearing minutes to rezone 113 Alexander Place (Ordinance No. 2018-037). Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the May 15, 2018 Regular Session City Council meeting minutes. Councilman Slough seconded the motion. All were in favor. Motion carried. Filed.

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Zoning amendment request – 221 Lima Avenue

Garry and Janis Parsell would like to change the zoning of 221 Lima Avenue to M2 Multi-Family, High Density. It currently is zoned R2 Single Family, Medium Density. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

Zoning amendment request – 239 E Foulke Avenue

John Redman, Redwoman LLC, would like to change the zoning of 239 East Foulke Ave to R4 Duplex/Triplex, High Density. It currently is zoned R2 Single Family, Medium Density. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

WRITTEN COMMUNICATIONS:

James Michael Horn – dogs defecating in our public parks

Councilman Harrington received an email from Mr. Horn stating the following:

I'm sorry for the late email, but I have been busy. We have neighbors in Eagle Ridge Estates, that purposely take their dogs to Emory Park so that their dogs can defecate and they not have to pick it up. With my kids and other using the park extensively, I find that to be a major health issue and with signs up that state dogs are not allowed to run loose, which many still do, I believe it to be more important that there be signs which identify all dog owners are responsible for picking up after their dogs. Hopefully with a penalty of some sort.

Discussion:

Councilman Harrington requested that the letter be read. The Council Clerk read the letter in its entirety.

Councilman Harrington recommended that this be referred to the Parks and Recreation Board and possibly put up some signs in the area. It sounds like it has been an ongoing problem that has caused, not just Mr. Horn, but also a number of other neighbors to be pretty upset about it. Mayor Mihalik does not feel it needs to go to a committee. This is something we have the ability to do so we will go out and make sure that the proper signs are posted. Councilman Harrington noted that Emory Adams is a very large park and asked where the signs will be posted which is why he thought the Parks would want to discuss this. Mayor Mihalik replied they can be put at the entrances. Referred to the Administration. Filed.

ORAL COMMUNICATIONS:

Ed Albright – Ohio Municipal League/CareWorks program

Mr. Albright is with the Ohio Municipal League. He is the Deputy Director and also the Vice President of the Ohio Municipal League Service Corporation. In the last year or two, the Ohio Municipal League has taken it upon themselves to look inward and outward to go through all the contracts that they currently have or have had and are reviewing all of those. As a consequence of that, they changed the Workers Comp provider. It is now CareWorks of Ohio after a large vetting between the Service Core Board and the OML Board. He asked Council if they have any questions for him.

Discussion:

Councilman Wobser noted that he has read through the press releases on this situation and finds it interesting that one of the issues OML had with CompManagement is there inability to communicate well with the OML. In the press release, it was mentioned that Mr. Albright could not tell us what you were finding and why OML chose CareWorks. He asked Mr. Albright why that is and why OML got rid of CompManagement. Mr. Albright replied there are parts of the contract that is confidential. They are under the same kind of gag orders that the OML is under. The OML is not allowed to discuss contracts outside the realm of the authoritative Board of the Service Corporation. In the core case, there are two (2) old contracts from CompManagement that are public documents since they are part of the Court record. He can email them to anyone who requests them. Councilman Wobser asked what OML's reason for changing was. Mr. Albright replied the decision came from the Board that consists of five (5) members. He is one (1) of the Board members. The OML was told that there were problems with the services to the small villages, which is one (1) problem. The way the contract was written, there is verbiage in it that the OML did not like and CompManagement is willing to change. CompManagement refused to address the concern of the MCO which the OML wanted to do in another document, but they wanted to everything included in one (1) document. OML did not want to do that. That is the major reason for the change.

Councilwoman Frische asked why the change was made mid-contract. Mr. Albright replied the OML did not terminate the contract. The contract is until September or November of 2018. The problem is the way the contract timeline works out. Open enrollment was May and the contract would not end until November. The OML had to make a decision to stop running with CompManagement and go to CareWorks simply because of the way the timeline worked out, there was no clean break. OML offered to pay them in full for the entire length of the contract, relieve them of all responsibilities of the contract and CareWorks will pick it up and make the whole financially. No matter when OML would switch to CareWorks, there would be a problem because of the way the BWC does their sign up for Workers Compensation and the way the current contracts are written. Councilwoman Frische noted that OML had the contract with CareWorks and the OML was obviously underneath that and asked how many have stayed with the new company and how many have stayed with the old one. She asked if there are any numbers coming in to figure out what to do. Mr. Albright replied there are no numbers from CareWorks or CompManagement yet. The traditional one ended this past week. Retro, which is another program that Mr. Feck, whom will be speaking next, is well aware of, goes to the end of July. The OML does not have any real numbers yet. Councilwoman Frische asked if the City is bound to go with CareWorks. Mr. Albright replied that if the City stays with the League and has signed the proper documentation, the City would go with CareWorks which is the League's program. There is also another program under CompManagement, but he is unsure how that works because he is not involved with and will have Mr. Feck respond to that. Councilwoman Frische asked if Mr. Albright could provide the old contract and whatever CareWorks is providing to the OML for a contract so that Council can see the differences. Mr. Albright replied he can provide the old ones, but not the current ones because the contracts are written and the non-disclosure agreements. He cannot share those. Councilwoman Frische asked if Council can see the latest ones. Mr. Albright replied he cannot. Councilwoman Frische asked how Council will know it is a better. Mr. Albright replied he is hoping you relied on the Service Core Board and the OML Board. The City should be getting two (2) prices: one (1) from CompManagement and one (1) from CareWorks as to what the City will be paying. Councilwoman Frische replied she has not seen a price from CareWorks. Council was told that the CompManagement contract was going to be honored through the rest of the year and then would go with CareWorks who would honor that two (2) year pricing. She asked if there are differences in what they offer, what they cover, or will the City get its own bid. Mr. Albright replied the City should be getting a bid from CompManagement and one from CareWorks. Councilwoman Frische asked the Administration if the City has received those bids and provide it to Council. Law Director Rasmussen replied the City received some numbers from CareWorks and the City Auditor should have the numbers from CompManagement. It is not a fixed price, but is a close price on the City would be paying based on performance. Councilwoman Frische asked if that is the same as what CompManagement did. She thought they provided a flat price.

Councilman Wobser noted that he is not an expert in Workers Compensation nor with MCOs or TPAs as it is a very complicated subject which is not surprising when getting into healthcare. Mr. Albright mentioned that CareWorks does not know at this point in time how many entities are going to be with them, but yet the City is going to be involved with their pool and asked how they have their pricing worked out. Mr. Albright replied they closed the program down last week, but he has not been told what those numbers are. He is certain there is a pool in play, but he has not received the information yet. Mr. Feck may have that information. Councilman Wobser said if that is the case, then things have changed and they may have gotten more or less than what they were expecting and asked if that changes the pricing of the pool. Mr. Albright replied he is not an expert and would defer to Mr. Feck on that.

Paul Feck – OML group retrospective program administered by CareWorks Comp

Mr. Feck is with CareWorks Comp who is a third party administrator (TPA). He is the Senior Manager of Client Services for CareWorks Comp. They administer group rating programs and group retro programs. As Mr. Albright mentioned, the OML recently came on board with CareWorks Comp. The City has been in a group retrospective program. CareWorks sent the City an invitation for the January 1, 2019 group retrospective rating program. When looking at how the program works, there are some bare minimum programs that have to be met with things like premium to be able to have a group, then CareWorks has some standards beyond the bureau minimum. With the group metro program, the Bureau has met their standard and CareWorks has met their standard, so CareWorks began to send the group retrospective rating offers a little over a month ago for a program to be filed at the end of July. They are roughly one-third (1/3) of the way through the enrollment cycle and are about three times (3x) over the premium requirements needed to have a program. They have an account executive staff that he manages that go out and meet with a lot of cities who are looking at different programs they might have or looking at the numbers. Those meetings are now taking place. Some of those initially signed up for the CompManagement program and after meeting with them, they end up CareWorks which is why it gets difficult to state where they will end up enrollment-wise two (2) months from now. Their offers have been out for about a month. Their competitor has probably had theirs out for a couple of months. With what they have already received, they easily have a group retro program. CareWorks offers group retro programs for private and public employers. In looking at the overall history since group retro came about, which was about eight (8) or nine (9) years ago, CareWorks programs have performed better than CompManagement through that time with the percentage of rebates employers have received back. CompManagement's program offers about thirty-six percent (36%) in premium rebates and CareWorks is around forty-two percent (42%) which is about twenty-one to twenty-two percent (21-22%) better than CompManagement which stems from different ways they manage a group retro program.

There are claims management strategies for any city just to keep their Workers Compensation costs down. The goal is to keep everyone healthy and get them back to work so they can be productive. Beyond that, when in group retro, the Bureau has some additional factors that they apply to the cost of the claims, so due to that, CareWorks manages claims differently knowing what those factors are. They have quarterly meetings where they look at all the claims that are occurring with all the entities that are in the program. If they see trends where claims are increasing in a particular city or particular department, they have a safety arm where they would get in touch with that city and try to talk through it. Their goal is to let them know they are seeing a trend and try to stop it before a large claim might come about. Also during those meetings, they also try to identify larger claims where they can apply some different strategies to keep costs down. They have had great success with the group retro programs that the Bureau offers.

Discussion:

Councilman Wobser asked what the July 1st deadline is. Mr. Feck replied it is July 31st is the group retrospective rating program which is the program the City is invited into. Councilman Wobser asked if the City needs to make a decision before July 31. Mr. Feck replied he would recommend making the decision slightly before July 31 because they have to file the groups on July 31. They have to put together rosters and paperwork that they have to compile to the Bureau, so he recommends deciding a couple of days prior to that at the latest. Councilman Wobser asked if the City has time to choose between CompManagement and CareWorks. Mr. Feck replied that is correct. The deadline is July 31st. Councilman Wobser asked if he is correct that CareWorks prices are around twenty-one to twenty-two percent (21-22%) better than CompManagement. Mr. Feck replied he was referring to premium rebates. Councilman Wobser asked if CareWorks is giving higher premium rates back. Mr. Feck replied that is correct. Councilman Wobser asked if the City should expect a twenty-two percent (22%) increase in premium rates under CareWorks care. Mr. Feck replied with group retro it is something where when you get into the rebates, it is determined on how the members of that group perform that year they are in the group. Councilman Wobser asked if the group consists of all the different entities that are part of CareWorks pool. Mr. Feck replied that is correct. Councilman Wobser asked how many are in CareWorks pool. Mr. Feck replied that they are about one-third (1/3) of the way through the enrollment process, so it is unknown right now. They are meeting with the employers now. They are meeting each week with additional cities. They are well over any minimum with those that have enrolled. About two (2) weeks after the April announcement, their group retrospective rating program sent invitations, so it is premature in that process. Enrollment is going well with it. Councilman Wobser asked if CareWorks gets a really great pool where they are very safe and have very little workers comp claims, does the savings potentially go to twenty-five percent (25%) or the opposite where the pool consists of bad people and the pool gets worse. Mr. Feck replied the makeup of the pool and the claims that pool has will determine what the rebates are. We are hoping the claims don't happen, but if they do, CareWorks has management of those claims just to practice what goes in which is what is driving the higher rebate level. How they are administering the program has a large part in that as well. Councilman Wobser asked if the pool ultimately determines what that number is. Mr. Feck replied the pool's claims determine it. Councilman Wobser asked if the pool determines the rebate. Mr. Feck replied the pool has claims and those claims are going to be the determinate, but it also is determined by how those claims are managed. Councilman Wobser asked if that is a service CareWorks provides. Mr. Feck replied the City will want to have low claims cost, so CareWorks will try to get in there and minimize the claims that happening and try to stop claims that are happening and try to manage them.

Councilman Hellmann asked Mr. Feck to briefly describe his company (i.e. how many employees there are, where is the company located, what is their expertise, years of experience, etc.). Mr. Feck replied he is with CareWorks Comp who is a third party administrator. They are under the York Family companies that is a national third party administrator. They have approximately one thousand (1,000) employees in Ohio with the majority of them in Dublin. He is located in Dublin which is a suburb of Columbus. They have an Accounts Executive staff of thirteen (13) individuals who visit with clients on the TPA side. That group on average has about fifteen (15) years of experience. He manages that group. He has twenty-six (26) years experience. They have been in the Workers Compensation field for the last seventy (70) years.

Councilwoman Frische asked what the Bureau minimum is. Mr. Feck replied the Bureau has a retrospective rating program of one million dollars (\$1,000,000) in standard premium. Councilwoman Frische asked why CareWorks needs to hit three million dollars (\$3,000,000) if they already met the one million dollars (\$1,000,000) minimum. Mr. Feck replied the Bureau's minimum requirement is one million dollars (\$1,000,000) and will be approximately three million dollars (\$3,000,000) from what they received and have verbal commitments from good amount more that they are waiting to receive. Councilwoman Frische pointed out that Council recently met individually with the Administration about potentially changing over to CareWorks. Part of the concerns is getting information. She asked if CareWorks will be able to give to the City's HR Administration and have better communication or devolve more information on employee claims than what is currently being given. Mr. Feck replied does not know what the current situation with that is, but their normal practices is that they are going to work with the City to see who should be receiving data (i.e. claims, financial reports, etc.) based on how the City is doing. They do base projections on what they think the City's premiums will look like in the upcoming year and will work with the City to tailor what information they want who to receive. Councilwoman Frische replied she was talking specifically claims. For example, the City has a particular employee claim that is a possible taking advantage of the program. She asked how CareWorks handles those situations. Getting information on Workers Comp claims was one of the main concerns discussed in the meetings with the Administration. Currently, the City Auditor's Office manages it and CompManagement manages the whole policy. She asked if both sides can get that information from CareWorks to avoid hiring additional Attorneys to get the information on claims. Mr. Feck replied yes on claims. Councilwoman Frische asked if everybody can have the information on both sides without an issue even with HIPPA. Mr. Feck replied that is correct.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Findlay's Finest LLC, 1926 Tiffin Avenue, Suite A & Patio, Findlay, Ohio for a D5 and D6 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Findlay's Finest LLC, 1926 Tiffin Avenue, Suite A & Patio, Findlay, Ohio.

A check of the records shows no criminal record on the following:
Lamar D. Henderson

A check of the records shows the attached on the following:
Shawn A. Roddy

Councilman Slough moved for no objections be filed. Seconded by Councilman Harrington.

Discussion:

Councilman Russel asked what the significance of the recommendation from Council is. Law Director Rasmussen replied that if Council does not recommend, they object and it goes to a hearing. Councilman Russel asked where that hearing takes place. Law Director Rasmussen replied the first hearing is usually held locally and then if there is an appeal, it usually goes down to the State. Councilman Russel asked if there is an objection and then a hearing, who attends and testifies at the hearing, and who hears it. Law Director Rasmussen replied the witnesses would talk about two (2) minor violations if they did or did not happen in a bar, outside a bar, was there any other activities that person was engaged in violation of liquor laws. In this case, it does not appear that his violations appeared in a bar. It is difficult to win it if you do not have that kind of information and would definitely not win it at the State level. We have won every one here, but those were individuals that have drug activity either in a bar or were the owner of a bar.

Councilman Hellmann asked how many issues this individual had. There are many dates listed. Law Director Rasmussen replied they had two (2) issues. The other dates listed are status conferences and so forth. What you are looking at is an aggravated disorderly conduct where they filed a no-contest plea and would have been found guilty which is a misdemeanor of the fourth (4th) degree. The other was a disorderly conduct minor misdemeanor.

All were in favor. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for C&D Fern Café Ltd, dba Fern Café, 452 E. Sandusky St, 1st floor, Findlay, Ohio for a D1, D2 and D3 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – C&D Fern Café Ltd, dba Fern Café, 452 E. Sandusky St, 1st floor, Findlay, Ohio. A check of the records shows no criminal record on the following:

Darrin N. Karcher
Cierra N. Karcher

Councilman Slough moved for no objections be filed. Seconded by Councilman Shindldecker. All were in favor. 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 April 30, 2018
- Financial Snapshot for General Fund as of April 30, 2018
- Open Projects Report as of April 30, 2018
- Cash & Investments as of April 30, 2018

Discussion:

City Auditor Staschiak noted that on page 3 of the snapshot, the City started the year with a projected deficient budget. He is able to give some relief to that in looking at how the health insurance is doing. We may be able to move forward with the first (1st) premium holiday for the month of July. The health insurance is doing wonderfully. Filed.

Treasurer's Reconciliation Report – April 30, 2018. Filed.

City Planning Commission agenda – June 14, 2018; minutes – May 10, 2018.

Discussion:

Councilman Hellmann pointed out that a change of use or conditional use permit noted as 03-2018 with a company out of Arizona to put in a residential drug rehab facility at 1800 Manor Hill Road. He attended that meeting and has field a couple dozen phone calls since then. There is quite a bit of concern about it. Some of the activity that is being proposed there and the residents' concerns who have collected over two hundred sixty-five (265) signatures from ten (10) different streets. The concern is what would take place there. There are several condominium associations there and a lot of seniors in the neighborhood. This will be discussed at the June 14, 2018 City Planning Commission meeting. He talked with Matt Cordonnier about extending how the City advertises change of zoning use which came up during the public hearing last City Council meeting for the Spruce Drive request. It is the same situation here with very limited knowledge until the neighborhood went to work and let everyone know as only the abutting property owners were notified. He asked if there should be a policy to extend the notification out to a further radius.

Councilman Hellmann added that the group that were in attendance during the City Planning Commission meeting were confused by the Council seat name tags not knowing who they were talking to and making reference to Councilmembers when it was actually the City Planning Commission members who were actually here and wondered if it is the budget to provide name tags for when the City Planning Commission is here that they could have name tags so that the public knows who they are speaking to.

Safety Director Schmelzer referred back to Councilman Hellmann's question about extending the notification of property rezones. There are a number of ways people communicate, one being if they live close, they drive by the property, so it may make sense to take a standard size relator sign or something similar and put the case number, department number, or something to that effect for potential rezones or conditional uses so that it does not matter whether it got potentially sent to a spam folder, lost in the mail, or whatever reason, if it is posted on the property, it most likely will be noticed by the residents and may also save some postage costs.

Councilman Wobser pointed out that the alley vacation on Hawthorne (or at least that area) has been discussed for several weeks. He noticed in the minutes that the discussion was in favor of it, but then the vote turned it down. He asked what the reason was. The conversation seemed to be very pro, but the vote was completely the opposite. Service Director/Acting City Engineer Thomas replied there was a motion and a second to approve it, then there was some further discussion about in the past with alley vacations and not having everybody on board if that affects it or not. It mattered when it came to the vote. The vote was no. He personally voted no because there were four (4) adjacent property owners where one (1) of them did not want to do it and the other three (3) said yes. He is unsure why the other three (3) changed their minds or voted the way they voted. He has no insight on what they were thinking. Councilman Wobser noted that three (3) of the four (4) property owners were in favor of the vacation and asked if it is a general rule that they all have to agree to the vacation to have it approved. Service Director/Acting City Engineer Thomas replied it was three (3) out of the four (4) but the frontage was fifty/fifty (50/50). He had the south side, the three (3) had the north side. It depends on how you want to look at it. Filed.

Service Director/Acting City Engineer Thomas – Blanchard River Greenway Trail Extension (PID 106715), Project No. 31980300

With the adoption of Resolution No. 013-2017, an application for funding was submitted to the Ohio Department of Transportation (ODOT) for Federal Transportation Alternatives Program (TAP) funds. The City has received approval of the funding from ODOT for the work extending the existing Blanchard River Greenway Trail from the existing dead-end at the rear of 1100 East Main Cross Street to Bright Road. TAP funds normally require a twenty percent (20%) match to ODOT's eighty percent (80%) of the construction cost. For this funding year, the match was reduced to five percent (5%) to ODOT's ninety five percent (95%) of the construction cost. The current project construction estimate is four hundred twenty-one thousand fifty-two (\$421,052). The City's matching share of twenty-one thousand fifty-two dollars and sixty cents (\$21,052.60) is included in the 2019 Capital Improvement Plan. Legislation authorizing the Service Director to enter into the project agreement with ODOT is requested. Resolution No. 011-2018 was created. Filed.

Service Director/Acting City Engineer Thomas – Blanchard Street and Lincoln Street Bike Lane/Shared Lanes (PID 104247), Project No. 32876000

With the adoption of Resolution No. 013-2016, an application for funding was submitted to the Ohio Department of Transportation (ODOT) for Federal Transportation Alternatives Program (TAP) funds. The City has received approval of the funding from ODOT for the work along Blanchard Street and Lincoln Street. TAP funds normally require a twenty percent (20%) match to ODOT's eighty percent (80%) of the construction cost. For this funding year, the match was reduced to five percent (5%) to ODOT's ninety-five percent (95%) of the construction cost. The current project construction estimate is one million two hundred sixty-three thousand one hundred fifty-seven dollars (\$1,263,157). The City's matching share of sixty-three thousand one hundred fifty-seven dollars and eighty-five cents (\$63,157.85) is included in the 2019 Capital Improvement Plan. Legislation authorizing the Service Director to enter into the project agreement with ODOT is requested. Resolution No. 012-2018 was created. Filed.

Service Director/Acting City Engineer Thomas – Sandusky Street Waterline Extension to Dold Farms, Project No. 35780400

By authorization of Ordinance No. 2018-020, a bid opening was held for this project on May 22, 2018. Bids were received from six (6) potential contractors with bid amounts ranging from one hundred sixty-nine thousand twenty-eight dollars to two hundred three thousand dollars nine hundred ninety-six dollars (\$169,028-\$203,996). The lowest and best bid was received from Helms and Sons Excavating of Findlay, Ohio. This project is included in the 2018 Capital Improvements Plan and the total project estimate is within the budgeted amount. Previously, twenty thousand dollars (\$20,000) was appropriated to the project for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate and transfer funds is requested. Ordinance No. 2018-054 was created.

FROM: Water Fund \$ 180,000
TO: Sandusky Street Waterline Extension to Dold Farms Project No. 35780400 \$ 180,000

Service Director/Acting City Engineer Thomas – Blanchard River Greenway Trail Extension (PID 106715), Project No. 31980300

Letters of interest have been reviewed for this project to select a consulting firm for the design of the project. The highest ranking firm for the project was Strand Associates Inc. The design for this project is included in the 2018 Capital Improvements Plan. Previously, an amount of twenty thousand dollars (\$20,000) was appropriated to the project for startup. An appropriation for the remaining design fees is required at this time. Legislation to appropriate and transfer funds is requested. Ordinance No. 2018-055 was created.

FROM: CIT Fund – Capital Improvements Restricted Account \$ 60,000
TO: Blanchard River Greenway Trail Extension (PID 106715) Project No. 31980300 \$ 60,000

Filed.

Service Director/Acting City Engineer Thomas – Miracle Field Expansion, Project No. 31984700

Last year, the Miracle League selected the City of Findlay as the host for the inaugural Miracle League All-Star game. This is a great opportunity for the City to host families from across the country to showcase the community. Part of the effort is to expand the very popular playground and add a shelter house that will overlook the Miracle Field and future baseball field. At the end of last year, there was some discussion about City capital contribution to the expansion, however, the Mayor did make progress in discussions with the State of Ohio regarding investment in this worthy case. The State has included funding in HB 529 for a one hundred thousand dollar (\$100,000) appropriation through ODNR. We have been in contact with ODNR and are in the process of completing the paperwork for reimbursement. ODNR strongly prefers the owner of the property be the sponsor. Legislation to appropriate from the Capital Fund to match the amount the City will be reimbursed is requested. This will allow the Miracle League group to continue the effort for construction. The total project will be over two hundred thousand dollars (\$200,000) and will greatly enhance the park. The funds will need to be available for construction in July. Additional information about the expansion and the events around the All-Star game is available. Legislation to appropriate and transfer funds is requested. Ordinance No. 2018-056 was created.

FROM: CIT Fund – Capital Improvements Restricted Account \$ 100,000
TO: Miracle Field Expansion Project, Project No. 31984700 \$ 100,000

Discussion:

Councilwoman Frische requested that the letter be read. The Council Clerk read the letter in its entirety.

Councilman Wobser asked if the City ends up paying nothing on this. The City is paying \$100,000 and is getting reimbursed \$100,000 and are funding the money to the Miracle League. He asked who the City is writing the check to. Safety Director Schmelzer replied the money will be put in the project and then will be reimbursing and/or paying the contractor for the purchase of the equipment with the project fund. Mayor Mihalik added that both Representative Sprague and Senator McColley were very instrumental in the community receiving this very generous appropriation from the Capital Improvements Fund from the State. When you seen them, please thank them on behalf of all the children and families that have been enjoying the Miracle Field now for a couple of years.

Councilwoman Frische added that it sounds like they have done a great job raising another one hundred thousand dollars (\$100,000) for the project.

Service Director/Acting City Engineer Thomas – Concord Ct/Milton St/Summit St/Woodworth Dr/Merriweather Dr waterline replacement projects

By authorization of Ordinance No. 2018-019, a bid opening was held for this project on May 25, 2018. The projects are included in the 2018 Capital Improvements Plan and the Engineer's estimated cost of construction was six hundred sixty-five thousand dollars (\$665,000). The lowest and best bid was six hundred one thousand nine hundred seventy-seven dollars and twenty-five cents (\$601,977.25) received from Helms and Sons Excavating of Findlay, Ohio for Summit Street and Merriweather Drive and Hoehenbrink Excavating of Findlay for the other three (3) projects. Previously, twenty thousand dollars (\$20,000) was appropriated to each of the projects for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. The amount being requested is slightly higher than the amount in the Capital Improvements Plan because while plans were being finalized, Water Distribution requested that the limits on a couple of the projects be changed. Legislation to appropriate funds is requested. Ordinance No. 2018-057 was created.

FROM:	Water Fund	\$ 617,700
TO:	Concord Court Waterline Replacement, <i>Project No. 35780700</i>	\$ 107,700
TO:	Milton Street Waterline Replacement, <i>Project No. 35781000</i>	\$ 105,000
TO:	Summit Street Waterline Replacement, <i>Project No. 35781300</i>	\$ 155,000
TO:	Woodworth Drive Waterline Replacement, <i>Project No. 35781400</i>	\$ 205,000
TO:	Merriweather Drive Waterline Replacement, <i>Project No. 35781600</i>	\$ 45,000

Discussion:

Councilman Russel asked if these projects are ready to go and if funding is needed as soon as possible. He asked what the timeline on them are. Service Director/Acting City Engineer Thomas replied funding is not needed as soon as possible. If Council wants to provide the funding as soon as possible, he is sure the contractor would get started, but is nothing that has to be approved yet tonight.

Councilwoman Frische had a couple of individuals ask her about Woodworth Drive. She asked what part of Woodworth Drive it is. If it is between 12 and 224. Service Director/Acting City Engineer Thomas replied it is north of Fostoria Avenue. It is a loop.

City Income Tax Monthly Collection Report – May 2018. Filed.

COMMITTEE REPORTS:

A COMMITTEE OF THE WHOLE meeting was held on Tuesday, May 15, 2018 to discuss the estimated tax payments program.

Councilman Slough moved to adopt the committee report. Councilman Hellmann seconded the motion.

Discussion:

Councilwoman Frische pointed out that the goal of the committee meeting was to make a decision and asked Councilman Hellmann got his answers and how the rest of Council feels with either waiting to see if there is a policy or ending the current practice. Councilman Hellmann replied he really doesn't have an answer because when he asked for the meeting, it was more for educational purposes. The meeting was very helpful in gaining an understanding. The presentation given was very thorough with the white board and having the handouts there.

Councilman Wobser noted that one of the things that came out of that meeting was that Mr. Thomas mentioned that he was going to have an outline of his process on how he determines who is approved for these and who is not. He asked if he has gotten that done yet. He had stated several times in the meeting that he is busy. He asked if it has come out to the Tax Board. Mayor Mihalik replied that the Income Tax Board has not met. It was mentioned at the Committee of the Whole meeting that Julian and Grube was not interested in or going to comment on the policy that we've provided them which is not the case. They said they would be happy to comment on it. We have received some initial conversations with them and are having a good dialog and hope to have something to present to the Income Tax Board relative to the policy at the next meeting. The outline will most likely be submitted to the Board meeting as well. Councilman Wobser asked if there are discussions going on with Julian and Grube on how the policy is administered or is just simply on the format of how he is presenting it. Mayor Mihalik replied there is discussion being had on the material that has been put in the comments and making sure that everybody is clear and understands what is actually being done, so there is clarification being made on a couple of different points. Councilman Wobser asked if they are adding additional clarity for understanding. Mayor Mihalik replied we are working together to provide that to them so that everyone is on the same page.

Councilman Harrington asked when the next Income Tax Board meeting is. Mayor Mihalik replied at the end of the next quarter. Councilman Harrington asked if Council should expect what Councilwoman Frische is asking for after that. He asked if they should be prior to coming back to Council with the information. Mayor Mihalik replied she is unsure if they are coming back to Council and does not know how logistically that looks. We will get our comments from Julian and Grube and are so glad they are willing to give us their suggestions that way, we met the intent of what was originally in the management letter which is what we originally wanted to do, so we are looking forward to that and then taking that to the Income Tax Board for a conversation. Council will be privy to what the outcome of that conversation is.

Councilwoman Frische is glad to hear that Julian and Grube is weighing in on clarifying their verbiage. She would like the Income Tax Board to provide Council with a process of approval/denial if the City will continue the program. She asked that it be a part of the agenda at the end of the quarter along with Julian and Grube's comments. Mayor Mihalik replied that is correct.

All were in favor. Filed.

The **WATER AND SEWER COMMITTEE** to whom was referred a request to continue discussions on the Deer Landing Waterline Oversizing Project via Ordinance No. 2017-098, AS AMENDED.

We recommend that Council lift previous committee report from the table and pay \$151,287.74 per Engineering Department's analysis of the job invoice. Ordinance No. 2018-053 received its first reading during the May 15, 2018 City Council meeting.

Councilman Slough moved to adopt the committee report. Councilman Harrington seconded the motion. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser. Nays: Frische. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 011-2018 (*Blanchard River Greenway Trail Extension (PID 106715)*) requires one (1) reading **first reading** **adopted**
A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AUTHORIZING THE USE OF TRANSPORTATION ALTERNATING PLAN (TAP) FUNDS TO EXTEND THE EXISTING BLANCHARD RIVER GREENWAY TRAIL FROM THE DEAD-END AT THE REAR OF 1100 EAST MAIN CROSS STREET TO BRIGHT ROAD PID106715 - PROJECT NO. 31980300, AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Resolution, seconded by Councilman Hellmann. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

RESOLUTION NO. 012-2018 (*Blanchard St & Lincoln St bike lane/shared lanes (PID 104247)*) requires one (1) reading **first reading** **adopted**
A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AUTHORIZING THE USE OF TRANSPORTATION ALTERNATING PLAN (TAP) FUNDS FOR IMPROVEMENTS ALONG BLANCHARD STREET AND LINCOLN STREET PID104247 - PROJECT NO. 32876000, AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Resolution, seconded by Councilman Hellmann. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser, Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

ORDINANCES

ORDINANCE NO. 2018-047 (*annual bids & contracts*) requires three (3) readings **second reading**
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2019, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2018-048 (*118 Center St rezone*) 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 REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 118 CENTER STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY, HIGH DENSITY" TO "R4 DUPLEX/TRIPLEX".

Second reading of the Ordinance.

ORDINANCE NO. 2018-049 (*E Lincoln St ROW vacation*) requires three (3) readings **second reading**
AN ORDINANCE VACATING A CERTAIN STREET RIGHT-OF-WAY (HEREINAFTER REFERED TO AS EAST LINCOLN STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

ORDINANCE NO. 2018-053 (*Deer Landing waterline oversizing project*) requires three (3) readings **second reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Harrington moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Russel. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser, Harrington. Nays: Frische. The Ordinance received its third reading. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser, Harrington, Hellmann. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-053 and is hereby made a part of the record.

ORDINANCE NO. 2018-054 (*Sandusky Street Waterline Extension to Dold Farms, Project No. 35780400*) requires three (3) readings **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2018-055 (Blanchard River Greenway Trail extension) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

ORDINANCE NO. 2018-056 (Miracle Field expansion) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

ORDINANCE NO. 2018-057 requires three (3) readings
(Concord Ct/Milton St/Summit St/Woodworth Dr/Merriweather Dr waterline replacement)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilwoman Frische referred back to earlier discussion on Workers Comp and medical plans. She sent an email to the Mayor, Law Director, HR Director, and the City Auditor regarding to discussion of last week and wanting to switch to CareWorks. She would like to have an ordinance to allow the Mayor to enter into a contract with CareWorks because Ordinance No. 2018-045 states that the Auditor can enter into the contract. She asked if that is correct. Law Director Rasmussen replied an ordinance is not needed. The Mayor is the contracting officer, so she does not need an ordinance authorizing her to do it. Councilwoman Frische asked if the ordinance that was passed stating the Auditor originally was needed. Law Director Rasmussen replied that was needed because the Auditor is not a contracting officer so he has to be authorized to be the contracting officer. Councilwoman Frische asked if we are moving the management of Workers Comp and healthcare to the HR Director on the Administration side. Law Director Rasmussen replied he cannot speak to that. He believes that is what she wants to do, but he is not going to speak for her. Mayor Mihalik added that the plan is to move forward with CareWorks in a collaborative manner and in a better working relationship than what we have had in the past. As we have talked about for the last several years, safety is a priority for the City of Findlay. It is actually a value that we hold dear. It is so much so that we measure performance relative to safety on events and lost days on the five percent (5%) drop on a five (5) year rolling average that Council has seen before. We believe that continuing with the OML's retrospective rating program is the way the City of Findlay should continue to do and operate. We believe there are better ways internally of handling some of the issues and better ways to communicate, and look forward to working with the Auditor's Office to make that happen. We also look forward to working with CareWorks in a more collaborative manner. We had several issues relative to CompManagement not necessarily around the idea of sharing personal health information that has been insinuated here. The issue is the process. We need to get people back to work and get them the treatment they need to get them back to work as quickly as possible in a safe way. We need to work together to effectively manage this program. In the last couple of weeks up until our insertion has not really happened. She looks forward to having a meeting with the City Auditor to collaborate and do better than what we have in the past. It is her hopes that Council will support that decision.

Councilman Wobser noted that to him, this is a business decision. It all comes down to dollars and cents and ultimately what is best for our employees of the City. The Mayor mentioned that safety is an issue and that she was not getting information from CompManagement that you required, but at the same time, all of her perimeters have come down over the years, so it seems like we have gotten safer while they were here. He is trying to figure out why we are making this change with a company that seems to have done a very good job for us. He is trying to figure out why we are making this decision so that we are making the best decision. Mayor Mihalik replied the savings of our plan relative to the group retrospective rating plan, although it may be misleading, has everything to do with our experience which ties directly back to performance on the job relative to safety. As the Law Director stated, it has to do with the group as a whole. Our issues with CompManagement revolve around communication over the way that it is currently managed are concerning, without getting into too much detail, people who abuse the system. The issue we have had with CompManagement is that they treat the administration of BWC as a transactional situation and not something not necessarily that is best for the City and/or its employees. There is no excuse for us to have any one in particular employee with fifteen (15) Workers Comp claims in a twenty (20) year period. There is no excuse for that. If this individual is working in an unsafe condition, then that needs to be brought to our attention.

That information was not being shared. In fact, the question came up from a supervisor which is how we got to know about it. There is a better way to do things. We have had a really good history with the OML's retrospective rating plan. The OML has made a business decision. She would like as a majority of the communities who are with the OML, is to continue that relationship with and new and improved vendor. Ultimately, what we are trying to do is improve outcomes which is what we are doing with this particular performer. Councilman Wobser asked if this particular issues has been discussed with the perimeters that you are allowed to with CareWorks and did they tell you they could handle this differently. Mayor Mihalik replied yes.

Councilman Wobser asked if the contract with CareWorks has been signed. Mayor Mihalik replied no. The existing contract is still in place with CompManagement through a particular date. She is unsure what the date is. Councilman Wobser asked if we are still working with Mr. Feck's July 31st deadline. Law Director Rasmussen replied the switchover on the management agreement is July 2nd for the management of the claims. Paul Fleck (from the audience) added that the managed care piece is July 2nd and there is a TPA piece as well. He does not know the start date for the TPA. Law Director Rasmussen added that July 2nd is CompManagement's end date for managing the claims.

Councilwoman Frische asked if Council has to decide if we are switching over by July 2nd. Mayor Mihalik replied that they have already made that decision. Councilwoman Frische asked if a decision has been made and have entered into a contract. Mayor Mihalik replied she has not entered into a contract with them.

Councilman Wobser asked if he is correct that the Mayor has not entered into a contract yet and has only made a decision to go with CareWorks. Mayor Mihalik replied she has not entered into a contract. Councilman Wobser noted that the other part of the conversation was that the Mayor wants to give that program to the HR Director. Mayor Mihalik replied that she would like to have our HR Director have a more predominate role in the administration of this program. Because of the size of our organization and the expertise that Mr. Essex, she believes that it is time for that to happen. We can not do it on our own and will still require a collaborative approach with the Auditor's Office. There are financial aspects with the BWC that we don't do and would not pretend to want to do. Our efforts in the last few weeks are trying to drive a better outcome than what we have had in the past. It is a sensible approach. She looks forward to a better working relationship in the future. Councilman Wobser asked if Mr. Essex and/or the Mayor's Office is taking over the administration of the contract because the Mayor is now the signing authority of the contract with CareWorks. Mayor Mihalik replied she would like Mr. Essex to be the main point of contact involving employee issues relative to BWC. Councilman Wobser noted that in the past, the City Auditor provided reports on the performance of that contract and how the City is doing (i.e. rebates, etc.). He asked if that will still come from the City Auditor or from Mr. Essex. Mayor Mihalik replied it will be a report prepared for the City of Findlay as a whole, not just the City of Findlay's Auditor's Office. Councilman Wobser asked if the City Auditor will just write checks. Mayor Mihalik replied that she looks forward to having him do more than just that. It is her hope that they can work together to administer this program in the best interest of our employees which up until this point has not been happening. There is a lot of room for improvement.

Councilwoman Frische asked the Auditor's Office, who is currently managing the healthcare and the BWC components, how many employees it takes to manage that. City Auditor Staschiak replied there are three to four (3-4) employees involved with just the Workers Comp component plus the work they do with the relationship with CompManagement. The interesting thing is, despite what has been inferred or said, injuries happen in the field and were notified of the injuries by supervisors through sometimes Mr. Essex and sometimes through the supervisor directly. There is never a case where his office has not informed the Administration of a claim or injury because we're not the source or the end point for the injury. The statement has been made tonight that there is fifteen (15) claims for a particular individual. He held up a piece of paper stating he has the case here with him tonight and only counts nine (9) with at least two (2) of them disallowed. It is his hopes to deal with specifics and facts when talking through this issue.

Councilwoman Frische pointed out that safety is one of the key words Council hears in changing this over. She asked the HR Director if there currently is a policy in place for accidents on or off the job site and if there is a form that is filled out and given to him so that he knows what the accident was and how to address the issues of safety. HR Director Essex replied there is an incident form that employees fill out and have a certain time to turn it in. Those normally go to him. If it is a Workers Comp claim, the original will go to the Auditor's Office. There is a process. Councilwoman Frische asked if he gets the safety aspect to improve on the job safety and if he currently is able to accomplish that. HR Director Essex replied he does not understand the question. Councilwoman Frische asked if getting the incident reports provides the tools to improve the safety in the departments. HR Director Essex replied yes. He does investigations and can see what caused the incident and use that information in the future. If it is something that is unusual or reckless, then we will look at that and talk to CompManagement and it could cause a means for discipline, so there is a process.

Councilman Wobser asked if the Mayor has seen a contract from CareWorks. Mayor Mihalik replied no. Councilman Wobser noted that no comparisons can be done on the rates which ultimately, Council is concerned about. The Mayor is responsible for signing the contract as she is the contract authority on it and Council's concern should be the money. It is nice to hear that Mr. Feck is going to increase the City's premium rebates by twenty-two percent (22%), but we do not know the details yet because the contract is not available to look at. He asked if Council will have the ability or if the Mayor will inform Council on how the two (2) compare. We have already received the information from CompManagement and will receive what is coming from CareWorks. Mayor Mihalik replied we already have information on the difference between the two (2) TPAs. She will share that information with Council once it is finalized. Councilman Wobser replied that it is a business decision and he understands that from the Administration's standpoint, it is to run the City better and that our employees are safer. If CareWorks does a better job than the current company, then that is what we are hoping is the case because we do not know as they are a brand new company to us, so from Council's position, all they can really look at is the money which is what he is interested in. Law Director Rasmussen replied that the projections are available. The Auditor's Office should have those from CompManagement and the Administration has those from CareWorks. They can be provided to Council. There is also another document that shows more TPAs and rates them and do save money on that projection. The reason the Auditor does not see fifteen (15) claims is because some of them are old enough that they are not even in our history. His office is who informed the Administration that there were fifteen (15) which is the kind of thing they need to wrap their arms around. Whether its an issue of training, supervision, or whatever, there should not be fifteen (15) claims in twenty (20) years.

City Auditor Staschiak noted that anytime the Administrative personnel talks about concerns of an employee due to Worker's Comp claims, he would be concerned with regard to the law and how clear the law is. You do not use the fact that a person has a Worker's Comp claim as a basis for removal, so let's tread lightly here. He is not referring that was said, but is concerned around that circle. Law Director Rasmussen replied that he is refer it without referring it. City Auditor Staschiak asked the Council President if he can finish his statement. Council President Monday replied to go ahead. City Auditor Staschiak recalled that at the last Council meeting, he told Council that he had signed all the documents that were necessary to maintain the City's Workers Comp program in its current form per Council's authorization under Ordinance No. 2018-045 which was passed on April 17, 2018. Agreements were signed April 19th making Comp Management our TPA and MCO and the approximately six thousand dollar (\$6,000) fee was paid at that time, so we did sign the documents and paid the fee. It has been shared with me by several of you that the Mayor and the Law Director caught you in a round robin style meeting on May 24th specifically to discuss Workers Comp. Yesterday, after the deadline, he received notice the Bureau of Workers Comp stating the MCO was changed to CareWorks under the signature of the Mayor. He has a copy of it. By overriding the documents that he signed, the Law Director and Mayor have had a direct impact on the operations and processes of the City Auditor's Office. He requested the financial analysis from the Administration and have received nothing. To his great concern, his office was told by CareWorks today that no full financial or similar analysis had been requested of them by the Administration prior to that change. Our review made it clear that staying with CompManagement was the best option at this time. After pressing CareWorks for additional information, his office was able to obtain data today that continues to support the decision that he had made. The relationship between the City of Findlay, BWC, the TPA and the MCO are very, very complex which is what he spoke of during the last Council meeting. He has been very transparent in two (2) of the last three (3) meetings with regard to the entire BWC program choice process. He has a great story to tell based on the work between the City Auditor's Office and CompManagement since he took office in 2011. In working with those groups, we have all reduced the experience modifier from ninety-seven percent (97%) to seventy-one percent (71%) reducing our base premium costs from two dollars ninety cents (\$2.90) to one dollar eighty cents (\$1.80) per one hundred dollars (\$100.00) of payroll. We have reduced potential risks, real additional cash risk, from an unlimited amount to forty-six thousand three hundred fifty dollars (\$46,350.00) over the next year should we have continued on with this program. The figures we were able to obtain from CareWorks didn't cap the liability, so we do not know what it is as they could not give us that cap. We have a real premium savings, since he took office and working together, totalling one million two hundred thousand dollars (\$1,200,000.00) and a total savings in excess of two million dollars (\$2,000,000.00). Again, I have a great story to tell when talking about Workers Comp. The Mayor and the Law Director have taken over the process and have overridden the authority given to him by Council via Ordinance No. 2018-045.

Additionally, the Law Director has an outside law firm involved. We have employees who need assistance today and they do not know what to do. I should say we have one (1) employee in particular who needs assistance today and he does not know what to do. If the Mayor and the Law Director are to administer this program, there is significant liability to be concerned about. It appears the authority given me by Council under Ordinance No. 2018-045 has been overridden, so his simple question for Council is who is in charge of this program?

Councilwoman Frische asked if what City Auditor Staschiak just was read was something he wrote, and if so, if he could forward a copy to her so she can digest it later. Her biggest concern out of that was that the Mayor entered into contract but just told Council she didn't. Mayor Mihalik replied that she has not officially entered into a contract. Councilwoman Frische asked what is official and what is unofficial. She asked what the Mayor has done. Law Director Rasmussen replied that she had to May 25th select an MCO, so she selected the MCO. Councilwoman Frische asked if that is a contract. Law Director Rasmussen replied it is an enrollment form. Councilwoman Frische asked if we can still get out of that. Law Director Rasmussen replied not for two (2) years. Mayor Mihalik noted that the Administration made attempts to have conversations with the Auditor about their concerns relative to CompManagement and those went unanswered and/or deflected to defer to a Council meeting and look at Council minutes. The last meeting we had, there were some serious accusations levied against the OML. At the meeting prior to that, the ordinance if you continue to read it says nothing about CompManagement. The ordinance that Council passed authorizes the Auditor to enter into the OML group retrospective rating plan. It is disingenuous to say that was a decision made to stick with CompManagement. If it was specifically CompManagement, then it should have said that in the Ordinance.

Councilman Wobser asked who we paid six thousand dollars (\$6,000.00) to. Was it to OML or to CompManagement. City Auditor Staschiak replied as we have every year, we wrote the six thousand dollars (\$6,000.00) check after Council passed the legislation to CompManagement. Councilman Wobser asked if that is money the City will get back from them because we are going use someone else. Law Director Rasmussen replied that was money that was already owed which is why CareWorks is not charging us. They are not charging their commission for that period. After that, they are not going to raise their commission rate for the next two (2) years. Councilman Wobser asked the City Auditor who he signed a contract with and asked if it was OML. City Auditor Staschiak replied no. We went and entered into the program, which was the OML program at the time, which is why the dates are important. Council passed the legislation on the 17th and we entered into an agreement on the 19th and paid them immediately. The OML came out with an announcement via email on the 27th. So, we immediately evaluated our situation there to make sure that we still made the proper decision. We did not want to give up an opportunity, and again, he stands by his words that at the time and today after receiving the data, we made what he feels is the best decision for the City of Findlay hence the need to know who is in charge of this. Councilman Wobser asked who the City Auditor signed a contract with. City Auditor Staschiak replied CompManagement. Councilman Wobser asked the Law Director if we have any liability with that contract that has been signed by the City Auditor. Law Director Rasmussen replied no, in fact, he wasn't able to do that when the ordinance simply said that he had to go into the OML. He is not following the ordinance which is when we looked at it and looked at some of the numbers and looked at what they were offering and the contact that we would have. The Mayor made a decision and selected the MCO. We knew that Council had already passed an ordinance putting us into the OML. Again, the Mayor is the contracting officer. Councilman Wobser replied he understands and that it makes sense to him. He just wanted to hear from the Law Director that the contract that was signed by the City Auditor is not going to bite us in the rear end later on down the road. Law Director Rasmussen replied no because there will be a U153 sent to CareWorks and the latest 153 or the one signed by the highest ranking official will be honored by the Commission.

Councilwoman Frische asked who the Mayor entered into a preliminary contract with OML or CareManagement last week or this week. Mayor Mihalik replied I did not enter into a contract with anyone. Councilwoman Frische asked who she did her verbal with OML or CareWorks. Mayor Mihalik replied it is an enrollment form. Councilwoman Frische asked with CareWorks or OML. Law Director Rasmussen replied it is with OML who is using CareWorks. So you enroll in the OML plan that is administered by CareWorks. Councilwoman Frische asked if OML was administering CompManagement (who they had a contract with) so our ordinance was telling us that we wanted to stick with CompManagement with the OML and that would not have been an issue. Law Director Rasmussen replied that the ordinance said OML. Councilwoman Frische asked if she is correct that it is with OML because that is what you just told her and that you are entering under them. Law Director Rasmussen replied right. CompManagement is no longer their TPA. When you go into OML, its CareWorks. Councilwoman Frische when looking at the past, Council had the decision making process of getting the numbers, knowing who we are going with, approving that ordinance that says OML which we then entered into contract under CompManagement, which is the same thing, but she is still not following this. We write and pass legislation every day to allow the Safety Director, Service Director, Auditor or Mayor to enter into contracts, so when Ordinance No. 2018-045 was written, it was for the Auditor to enter into a contract which is what Council was presented from CompManagement who was with the OML, the Law Director wrote the legal phrasing of the ordinance Council passed to continue to do business for the TPA. Law Director Rasmussen replied he did not. The Auditor prepared that. Councilwoman Frische asked if she heard correctly that the Auditor prepared the ordinance and if the Law Director reviewed it. Law Director replied he reviewed it. He just copied from what was done last year. Councilwoman Frische asked if it is the same thing we have been doing. Law Director Rasmussen replied right OML. Councilwoman Frische replied that she still does not understand. Whether we changed to CareWorks or not is something we need to have a discussion on as far as the financial side with Council. She does not understand why an ordinance is not needed and will do a unilateral decision and have two (2) major departments that are not communicating yet are going to enter into a contract and bring some new bodies in that Council does not really know if we are saving money or if it is going to cost us more. You are now saying that there are numbers out there, so she would like to see them. Before the Mayor enters into a final contract, Council needs to either give her an ordinance to do so because that will tell everybody who is on first, and then if we are changing who is managing it. If it is not being managed from the Auditor's Office and instead be managed by HR. Will more staffing be needed. There are a lot of unanswered questions. She asked why an ordinance is not being done for the Mayor to make a decision. Mayor Mihalik replied an ordinance that authorized the Auditor to enter into the OML program was already done. The question that Council should be asking is why the Auditor independently decide that he was going to go with someone else other than the OML program. We even had an opportunity at the next Council meeting to do a new resolution or do a new ordinance that specifically enrolled us with CompManagement, and we didn't. Councilwoman Frische asked what Council did at the last meeting. Mayor Mihalik replied Council passed the ordinance for the OML group retrospective rating program in April. The last Council meeting that we had, the Auditor was concerned about CompManagement's ability to service our contract was under fire by the Ohio Municipal League's decision to make the change to go with CareWorks. If at that point and time, he was concerned that CompManagement was no longer going to service our plan under OML, he should have come back to this group and get an ordinance from Council that authorized him to enter into something other than OML retrospective rating program.

City Auditor Staschiak pointed out that he did not write legislation. The staffs worked together and there is collaboration. Yes it is the Law Director's job to write legislation and approve it and it was done that way and was done proper. Fortunately, as he mentioned it earlier, timeliness are important. We entered into the same agreement the Mayor did. The paperwork he has shows the Mayor entered with CareWorks as she signed the document from CareWorks. He thought he had a copy of it, but does not have it on him or he would show it to Council now, at least what he was sent by the BWC. The legislation was passed on the 17th of April. He entered into an agreement on the 19th. Then on the 27th, the OML put out that they were changing the program. There was no word prior to that. He was concerned so he invited CompManagement to come in and speak to Council which is why he had a written statement to make sure Council knew exactly what had happened in what order with regard to the legislation Council had despite any inference for political reasons that are coming out of the front row here.

Based on that, he was so grateful when Councilman Wobser looked at Law Director Rasmussen and said "Don, do we need any legislation to continue with this?" and Don said no. So, it was addressed. It was addressed properly. It was addressed transparently and he has worked very, very hard to be as open with Council as he can be. Again, what we ultimately decide, he agrees with Councilman Wobser that it is a business decision. He just needs to know who is in charge because, if Council wants him in charge, he will make the appropriate decisions. He will make them timely, will make them properly, and will make them based on a thorough analysis, not a recommendation, not a partial analysis, but a thorough analysis. Law Director Rasmussen mentioned earlier that he did not have the data from his office, so he did not know what it was. He asked how you can make an analysis without the data. Law Director Rasmussen replied that he said the Auditor has that data. We also have the data from CareWorks. City Auditor Staschiak replied that he guesses the Law Director does have the data. With that being said, if the Administration is in charge of it, that is a different avenue. He is comfortable either way. He wants what is best for the City just as everyone else does. He just needs to know who is in charge.

Councilman Niemeyer pointed out that he was in a group rating program for years, usually between fifteen to twenty-five (15-25) employees, mainly subcontractors. He saved a bunch of money. Any group rating program is going to save anybody a bunch of money. It all goes back to the claims and who is involved. None of the numbers are real yet. People are still enrolling. There were many years back that Findlay did not have a Human Resources Department. He asked if it was correct in saying that. Law Director Rasmussen replied never. Councilman Niemeyer feels it should go to Human Resources. If the Auditor is involved now, that is fine. Maybe it was pushed onto him at one time, but asked why we have a Human Resources Department. To take care of things like this. To worry about Workers Comp.

Councilman Shindledecker noted that we can argue who has the expertise and which company provides the best service and the best rates and so forth, but do not necessarily have the answers. It boils down to who has the authority to make these decisions. He does not know the answer to that. If CareWorks is the OML's partner, and we are going with the OML, it would seem to him that should be cut and dry. If that is not the case, who does have the authority. He would like an answer to that.

Councilman Russel thanked Councilman Niemeyer for his comments. He appreciates his perspective as an employer. He too as an employer for awhile, not as long nor as successful as him, but appreciates his words. Section one says: "to enroll the City of Findlay in the Ohio Municipal League group retrospective rating plan approved by the Ohio Bureau of Workers Compensation commencing January 1, 2019". He knows that is in the future and the future is hard to predict. He asked the OML who will be the group retrospective rating plan manager on January 1, 2019 and if the City of Findlay enrolled to be participating in that group. Ed Albright (from the audience) replied that CareWorks will be it because the contract is multi-year. If the City is currently involved or enrolled in the OML, they will be under them.

Councilman Wobser asked of this point, as of today, if the HR Director is in charge of the administration of this program. Mayor Mihalik replied she would like to have a conversation, and do it as she said before, collaboratively as there are many aspects of BWC, not only from an administrative function, but also from a financial one as well. She would look forward to the opportunity to have a conversation with the Auditor about how our two (2) offices can best serve the employees of this City. Councilman Wobser replied that understanding that historically, cooperation has been minimal for whatever reason, which is not our concern on this side of the room, however, we have employees that are counting on this getting done, so he asked that both groups get together and get this done quickly and figure that out. Historically, he looked back and spoke to someone that has done this job for some time and has administered these for the City where there HR people who took it over in different times in the history of the City where it has ultimately come back to the Auditor for different reasons. There were times that we have been part of OML's group and times that we have not because it was more financially viable expedient for just to be in the group. So being in the group sometimes is a good thing. Sometimes being in the group is not a good thing. It is not an always type of situation. Now we're going to take this program and give a portion of it to the Auditor and a portion to the Administration to administer, and given our current history of the collaboration between those two (2) groups, at the end of the day, we're going to have two (2) people come to us and give us their conclusions on how well the program worked. We're going to have the Auditor's numbers and we're going to have the Administration's numbers. He has a funny feeling, that given what has been seen historically, they are not going to match, and if they don't, do we do as the board that has to approve the money. Whether you guys do a great job at this, your employees will tell you one way or another. That is going to be up to them. He is concerned about the dollars and cents. Mayor Mihalik replied that the numbers like they did in previous years, the numbers come from the TPA. They have come to us from CompManagement. Nobody's ever had an issue with the dollars and cents savings that have been presented to you. I've often wondered why we say we currently don't have anybody that is injured or off work, but we deal with that internally. She is confident that CareWorks will provide us a document that will be similar, if not better, with more information to explain where we are at relative to the program and what the numbers are so that you can be comfortable with the decision that we've made on behalf of the community.

Council President asked if there are any new comments or questions. He has heard many redundant comments and questions and asked if there is anything new.

City Auditor Staschiak noted that it does sound to him that with the new program seized that the Mayor does want to run it and he is okay with that and he meant that from the beginning. He wants what is best as a business decision. We'll have the conversations, but ultimately if it becomes one hundred percent (100%) the Administration's function, he thinks Council will want to be involved and take a look at that so that they can mitigate any potential liability that they might have, and then the Administration would be subject to normal audit procedures that are required for us to meet the annual audit. That seems to be the path we are headed, but we'll see where it goes.

Council President Monday pointed out that Council passed a committee report tonight that they should lift a committee report from the table and deal with it on the WATER AND SEWER having to do with the Deer Landing waterline oversizing. Council tabled that a couple of meetings ago and asked if it should be lifted from the table and dispose of it one way or the other. Law Director Rasmussen asked the Council Clerk if it is up for a third reading. Council Clerk DeVore replied the ordinance was passed tonight. Council President Monday asked if Council should just dispose of the old committee report. Law Director Rasmussen replied yes. Council President Monday noted that he will accept a motion to lift that committee report. Councilman Harrington noted that the old committee report was tabled, but a new committee report was generated and the new committee report was what was approved. Council President Monday replied but what was approved was the old one from the table. Councilman Harrington asked by approving the committee report that was presented in front of Council this evening if it accomplished that Council lifted the old committee report and pass that committee report. Council President Monday replied that we agreed to recommend lifting of the old committee report from the table by approving the committee report that we had about an hour and a half ago. Councilman Harrington noted that his question was for the Law Director. Law Director Rasmussen replied that Council has passed the ordinance. That is all that is needed. Council President asked if Council needs to lift it. Law Director Rasmussen replied no.

Safety Director Schmelzer is looking to the expanding and improving the Miracle Field. He notified Council that they may receive a call or two from constituents who enjoy that field which we are now in the process of ripping up and redoing. Over the past year or so, he and the committee, as well as Engineering to some extent, have looked at some minor cracks that have occurred in that surface that are directly over the slab that we poured. We felt like there were some areas that were a little bit thinner (rubberized surface) than they should have been. We have not been happy with the coloration of the field, although it may be being a little picky, but there is a standard they want to hold that group to and when we were told that when the patches that were made, the coloration would all kind of even out and fade out, but didn't. That was another reason why we came to an agreement that that field would be completely removed and redone with a new surface. The warranty on that extended as well. When he was out there last night, he had quite a few individuals asking him what the deal was and why we were ripping it up, so if Council receives any questions on it, it will be put back down. They waited until the Miracle League season was over and will have it down in time for the all-star game.

Councilman Niemeyer made a motion to excuse the absence of Councilman Watson, seconded by Councilman Slough. All were in favor. Filed.

NEW BUSINESS

Councilman Harrington received an email today that the CITY PLANNING COMMISSION meeting is considering moving their June 14, 2018 meeting from 9:00am time to 3:00pm. Mayor Mihalik replied that is correct. Councilman Harrington pointed out that PLANNING AND ZONING COMMITTEE normally meets at 12:00pm that same day and asked how long the CITY PLANNING COMMITTEE anticipates their meeting to last. Mayor Mihalik replied it is a fairly quiet agenda and the item that Councilman Hellmann brought up for the treatment facility may be pulled. Councilman Harrington replied there were two (2) zoning amendment requests tonight that will be on the agenda. Mayor Mihalik added that there are a couple other rezoning requests on the agenda. She anticipates an hour being enough time for the CITY PLANNING COMMISSION meeting and the PLANNING AND ZONING COMMITTEE could meet at 4:00pm. There are scheduling conflicts to keep CITY PLANNING COMMISSION at its normal 9:00am time this month. Councilman Harrington will send out a proposed meeting notice to the PLANNING AND ZONING COMMITTEE members and will see when they can get together and will get back with the Council Clerk to post the meeting time. It will not be at its usual 12:00pm time.

Councilman Hellmann asked if the PLANNING AND ZONING COMMITTEE is going to meet 3:00pm. Mayor Mihalik replied the CITY PLANNING COMMISSION is tentative going to meet at 3:00pm in anticipation we can get a quorum. Councilman Hellmann asked if the two hundred sixty-five (265) individuals that sent him a notice will be invited to the meeting. Mayor Mihalik replied they will all be notified. We have one (1) single point of contact that we are using to share information with those petitioners and we will notify that individual and make sure they know the proper time of the meeting.

Councilman Russel pointed out that the flower pots downtown are back up on the poles. They are another project of the Downtown Findlay Improvement District (DFID). An automatic watering system is in the process to help keep them beautiful, but at the time being, they are being watered manually on either an every other day or three (3) times a week basis. He appreciates the DFID, which the Findlay is a part of, in making downtown look nice.

Councilman Wobser informed Council that their membership to the National League of Cities (NLC) has been completed and we are official members. It will open up some additional opportunities for us to get information from a conglomerate of nineteen thousand (19,000) other cities similar to us. It is good opportunity for us that we discussed and approved some time ago.

City Auditor Staschiak informed Council that they rolled out some software to all employee. It is called the MUNIS employee self-service module. It allows them to update, review, renew their personal information. There are a few limitations, but not too many. They can also view their tax information and adjust their withholding. They can sit with a Mortgage Officer and print what documents they need right from the computer screen. It is very neat. We are only using a very small portion of all the things it is going to do for us. We will let the employees know how to use it.

Mayor Mihalik informed Council that the first Honor Flight for the 2018 season took off today. Findlay's Police Department and our local Sheriff's Office were instrumental in providing them an escort up to the terminal. They had nineteen (19) World War 2 (WWII) veterans including a handful from the battle of the bulge. It is an amazing program is really neat to see Findlay leading and supporting such a noteworthy organization. She appreciates all the support Council has given it. She gave them her best wishes around 4:30am this morning. There were quite a few veterans and guardians that went up. Several guardians that have made more than one (1) trip with a veteran which is noble in itself. Be thankful it is titled Flag City Honor Flight and bears our name on it and is doing really good work.

Council President Monday pointed out that there is a request at the bottom of tonight's agenda for an executive session regarding a property acquisition. He asked if that is still being requested. Safety Director Schmelzer replied that is correct. Council President Monday will entertain a motion to adjourn into executive session. Councilman Slough moved to adjourn into executive session at 8:51pm, seconded by Councilman Harrington. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser. Councilman Harrington moved to adjourn out of executive session and back into regular session at 9:08pm, seconded by Councilwoman Ostrander. All were in favor. Filed.

President Monday adjourned Council at 9:09pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL