

# FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

July 16, 2013

COUNCIL CHAMBERS

**PRESENT:** Monday, Nichols, Russel, Schedel, Slough, Spence, VanDyne, Ward

**ABSENT:** Murray

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

## MINUTES:

Councilman Ward moved to accept the July 2, 2013 Public Hearing meeting minutes for fiscal year 2014 estimated revenues. Seconded by Councilman Nichols. All were in favor. Motion carried. Filed.

Councilman Ward moved to accept the July 2, 2013 Public Hearing meeting minutes for the rezoning of 201 West Hardin Street, 610 and 614 South Cory Street. Seconded by Councilman Monday. All were in favor. Motion carried. Filed.

Councilman Ward moved to accept the July 2, 2013 Regular Session City Council meeting minutes. Seconded by Councilman Slough. All were in favor. Motion carried. Filed.

## ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Ward made a motion to add the following to the agenda. Councilwoman Spence and Councilman Ward seconded the motion. All were in favor. Motion carried

### ADD-ON:

1. Treasurer's Reconciliation Report – June 30, 2013 (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section).
2. Letter from Law Director – appropriation request for DFID assessment postage (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section).
3. Letter from Service-Safety Director – professional service contract for Health Care Plan Wellness administration (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section).
4. Ordinance No. 2013-043 – replacement 24" distribution line and bypass line at Water Treatment Plan (**LEGISLATION** section).

### REPLACEMENT:

1. Ordinance No. 2013-039
  - Add DFID assessment postage appropriation (**LEGISLATION** section).
2. Ordinance No. 2013-041 (first page of the Ordinance) (**LEGISLATION** section).
  - Changed "Wastewater Treatment Plant" to now be "Water Treatment Plant"

**PROCLAMATIONS** – none.

**RECOGNITION/RETIREMENT RESOLUTIONS** – none.

**WRITTEN COMMUNICATIONS** – none.

## ORAL COMMUNICATIONS:

### Patricia Gill – cleaning of the Blanchard River

Ms. Gill feels the City could clean up the river without flooding farmers or moving water to other people. There is a lot of brush and logs that need cleaned up on the east side of the South Blanchard Street bridge. If Findlay would have received the rain that was predicted, with all the debris in the river by the bridge, Second, Third, Fourth and Fifth Streets would have flooded. In today's issue of the Courier newspaper, there is an article saying that Arlington is going to clear the brush from their creek to alleviate flooding. They know that in order to keep their village from flooding, the creeks and rivers need to be cleaned. There was a gentleman who was at a meeting a couple of months ago who was going to clean up the river, but he is no longer here and someone else was hired. Ms. Gill asked why it takes studies to clean up rivers and creeks. If she was physically able and had the funds to do it, she would do it. It is her hopes that someone will clean up the rivers and streams soon. It seems to be the City's take that they cannot bother the mussels and other aquatic animals, but it is okay to flood people. Studies are not doing anything and all that needs done is to clean rivers and streams. Ms. Gill provided photographs of the river on the east side of the South Blanchard Street bridge showing the debris in the river that needs cleaned out. The west side of the bridge is fine. Ms. Gill went to the Mayor's Office who referred her to the County Commissioners Office.

### Discussion:

Councilwoman Spence thanked Ms. Gill for coming before Council on this issue. She along with Council and the Administration agree that the river does need to be cleaned out as it has been one of the projects that has been discussed with the County Commissioners on several occasions. She does not feel cleaning the river will alleviate all flooding issues in Findlay, but will help and is something they are working towards.

Service-Safety Director Schmelzer added that he wishes the solution to Findlay's flooding problems were as simple as cleaning the river, but it is not. It is an incremental step. Debris in the river, creeks and ditches in the city are an issue that he has recognized for many years. In the City's capital plan, there is additional funding for the cleaning of the river in portions of the city for problem areas. Residents have identified problem areas of the river that have been taken care of. He has had conversations with past and hopes to have with present County Commissioners about a coordinated effort to look at the watershed and the ditches that are in the city of Findlay. We do recognize there is a problem and plan to be proactive with it. It is his opinion that cleaning the river is not the sole solution to the flooding problems in Findlay.

Ms. Gill noted that a year ago when Findlay had the wind storm, many branches and debris fell into the river and are still there. Service-Safety Director Schmelzer replied that part of the issue of cleaning up the river, creeks and ditches is that it requires easements for the City to go onto private properties. He will go into more detail of those issues during tomorrow's Water and Sewer Committee meeting. They will also discuss the MS4 plan. Over the years, Randy Greeno and members of the survey department have gone and assessed out thaws for elicited discharge where they documented some of these areas. There are many blockages around culverts and large obstructions in ditches and creeks in the city. River, ditches and creek clean up is an issue that will take a number of years to get cleaned up. We have a lot of storm sewer infrastructure and investment for all the cleaning that is being done in the storm sewer. It is being dumped into a lot of clogged up ditches and streams.

Councilman Nichols noted that years ago he tried to get Dalzell Ditch cleaned out. He received a phone call the other day from a Findlay citizen asking why nothing is being done about Dalzell Ditch. He explained to him that the County is responsible for getting the work done. Councilman Nichols sat in on a ditch hearing which was very frustrating because many Findlay residents did not understand water rights and some residents that lived on top of a hill did not have a problem with flooding, so they did not feel that they wanted to do anything about flooding, so the project was soon dropped. It is now twenty-five (25) years later and it still needs cleaned. He noted that water gets blocked in many places in Findlay. One of those being right under the Marathon station at the intersection across from the high school where it tunnels under the station and goes through the high school parking lot where it constantly gets clogged with brush.

#### **Jill Schroeder – Dalzell Ditch**

Ms. Schroeder came before City Council to express her concerns about the storm sewer backing up at the north end of town when there are more than a few inches of rain. Her finished basement on Hollybrook Drive (Greenacre Subdivision) took in three inches (3") of rain on July 8<sup>th</sup> and took on more rain on July 10<sup>th</sup>. They are not the only residents with storm sewer backing up issues. Her area of town is known to be an area free of water in basements, but had three feet (3') of water on their street last week. She provided photographs and noted that on the first page is a photo of the view from their garage down to the street. The photos were taken on Wednesday, July 10, 2013 at approximately 4:30pm. They had water half way up their driveway, and the neighbors directly across from them had water up to their garage door. The cul de sac to the west of them was completely full of water which is in front of Joe and Michelle Carnes house (last photo on the first page of the handouts). By 6:00pm, all of the water was gone and you could not tell the street had flooded or that the issue existed at all. They have done everything they can to protect their basement with multiple sump pumps and waterproofing, but when the rain comes down as fast as it did last week and you have back up from the storm sewers, there is not much homeowners can do to stop the water. The Greenacre Subdivision is not the only area impacted. The areas south of them on the streets that run between Main Street and Broad Avenue have also experienced water in their basements. She understands the City cannot control mother nature, but feels the City can try to improve the flow of water into the ditch. Her storm sewer drains into the Dalzell Ditch. She pointed out that as you can tell in the photos she provided, the ditch has decreased in width limiting the flow of water, has trash, and overgrowth of trees, flowers, grass and shrubs. There are areas of the ditch that you cannot see the ditch or see through it because there are so many trees. Ms. Schroeder is from Findlay. She was born in Findlay and was raised in Findlay. She grew up on Northtowne Drive and her husband grew up on Oxford Drive, so they are both very familiar with the area. Where she now lives has never gotten water. Until the last few years, that area was always known as the high and dry area of the town. While she appreciates the efforts on the Dalzell Ditch project, she is before Council tonight to see what they as citizens can do to help. On Tuesday, July 9, 2013 she contacted the City Engineering Office in order to understand why this was happening to her neighborhood. On Wednesday prior to the rain, Chief Inspector Dave Jordan from the Engineering Office came to their house and assessed the situation. Ms. Schroeder explained the situation to him. He spent a good amount of time at their house as the rain came down on Wednesday in which he agreed that the backup of the storm sewer is due to the ditch's issues. She asked Council and the Administration to look at the photos on page 3 of her handouts showing where a walking bridge in the section of Mona Lane and Greenacre Drive that was removed a couple of years ago. She is familiar with that area as she used to play in the creek as a child and used the bridge to get from Northtowne Drive to Greenacre Drive. She does not understand what happened to that area, but it appears they took the bridge out and replaced with drainage pipes. She was told that this was approved by the City, but she has a hard time seeing how the water flows properly through the pipes. She assumes what is circled on the bottom of page 3 of the photo handouts is her storm sewer that is dumping into the ditch. Residents and friends of hers that live near this area have indicated that the water does not go through the pipes, but goes up over the grass and sits there. She feels the backup comes from that area which is part of their flooding problems. The citizens on the north end would like the ditch to get cleaned up and widened. While they know this has been a project for the City in the past, nothing has been done with the ditch and more homes are being damaged every time Findlay has heavy rain or if it rains more than a few days. She does not know what the current state is or what citizens can do to help speed the process along, but they do want to help. Before she went out this past weekend and gathered the photos she handed out tonight, she was on a rally to get the ditch cleaned up. She wanted to get anyone that would help her clean the ditch. She contacted Councilman Ward and asked him what she could do and he told her that her best bet was to come before Council. After she went out and took pictures of the ditch, she realized that it may not be in the citizens' best interest to get in the ditch. As the photos show, the ditch has cinder blocks, regular blocks, and it has been a dumping ground over the last several years, and she does not want anyone to get hurt. She is tired of living in fear every time it rains. She is tired of the children of this town asking every time it rains if they are going to flood. She is tired of this town being nicknamed Flood City USA instead of Flag City USA. Findlay is a good town that she wants to keep clean and wants to keep people here. She wants to attract people who work for Marathon, Cooper, Dow, and Whirlpool to live in Findlay and does not feel this will happen when Findlay continues to flood. She does not want to wait weeks, months, or years for the Blanchard River to be cleaned or for other studies to be completed on the Dalzell Ditch. She is asking what her family and citizens of Findlay can do to help solve this problem.

#### **Discussion:**

Councilman Nichols was called out to where the drainage pipes are in the Dalzell Ditch after strong rains about three (3) years ago. The pipes were standing straight up in the air to which he contacted the Public Works Superintendent to come out and look at them. The resident that lived in that area at the time claimed that whom they bought the property from got permission from the County Engineer in which Councilman Nichols told the resident that no Engineer with a license would ever permit that to happen. Ms. Schroeder replied that she talked with a lady who lives on Northtowne Drive behind that area to which she said that is exactly what happens when it rains. She as well as other residents on Northtowne Drive have also been told that the individual who owned the home prior had permission from the City. He apparently was an Engineer or a contractor and that is why he did it.

Councilman Slough noted that all the homes south of Melrose along Bolton are in Liberty Township. He asked if the township has looked into this and if so, if they have made any comments on cleanup efforts. Ms. Schroeder replied that she has not gone to the Township to talk to them about this. When the water came up so fast last week, she wanted to do something, so she assumed coming to Council first would be her best bet. She is more than happy to go to the Township as it is the County's responsibility to clean it up, but noted that both residents on the east and west side are impacted. As she and her family rode their bikes to take pictures, they saw residents pulling stuff out of their basements and putting it on tarps to dry off. She also saw ServMaster trucks throughout the north end in her area on Saturday drying out carpets and anything else that needed to be done.

Councilman Monday recalls when he first started on City Council, there was a meeting with the County Commissioners that was held at the Blanchard Valley School gym about cleaning the Dalzell Ditch all the way to the river. Councilman Ward was also in attendance at that meeting. There were several meetings where everyone wanted it cleaned out, but when the word "assessment" came up for the adjacent landowners to help pay for the cleanup, a lot of irate people not wanting to pay the assessment, so that is when the project was dropped. He then asked if Council or the Administration should approach the Commissioners to let them know there is a renewed interest in getting the ditch cleaned out and ask what needs to be done. It is the County's responsibility to clean ditches. He is unsure how the City can get them to clean them.

Mayor Mihalik added that the Administration had this same discussion with the former set of County Commissioners last year because several individuals approached them about it. The County Commissioners seemed okay with the discussions, but the cost for some was prohibitive. There are funds available within the capital plan for some cleaning of some streams and creeks within Findlay, but this will be a large ditch project like the County Commissioners were proposing. We will need to petition County Commissioners again. Findlay Administration and Council will continue discussions with the new set of County Commissioners and find out what needs to be done. They are planning on doing a Blanchard River Watershed project for the cleaning of the river which is projected to start in the fall. That project is a little different as it is not the river. It is Dalzell Ditch. Ms. Schroeder noted that she is more than happy to go and speak to others. Homes in her area are being ruined and losing resale value.

Councilman VanDyne asked how long Dalzell Ditch is, where it starts and ends. Service-Safety Director Schmelzer replied that he will provide information on all the ditches during tomorrow's Water and Sewer Committee meeting. The County will need to be involved. Commissioner Riegle is supportive. He and Engineer Steve Wilson have been discussing this for the last six (6) months while developing the capital plan, and Mr. Wilson is still in discussions with Commissioner Robertson.

Councilman Russel asked if you could go back in time and see if the land bridge over the cornucopia pipe was ever approved or not, and if it was not, have recourse to resolve it. Service-Safety Director Schmelzer replied that to some extent they can go back and research. Depending on the length of it, there should have been an Army Corp permit filed with it. If it is over two feet (2') long, the Army Corp should have a record of it. Any time dredging or fill is done, the EPA and the Army Corp are involved. Sometime within the last ten to fifteen (10-15) years, he was involved in the design side redoing Dalzell Ditch, but that effort fell apart as well because of opposition regarding the project. We can go back and try to find out whether there was a permit involved or not, and can check with the Army Corp to see what can be done on removal if there was none. He doubts if there was a permit issued by the City. Filed.

## PETITIONS:

### Rooney & Ranzau, Ltd Philip Rooney – Darway annexation

Mr. Rooney is the petitioner for the Darway annexation petition. He requests the City of Findlay annex the real property described in the petition and that upon annexation to the city, the property be zoned as C2 – General Commercial District. Referred to City Planning Commission and Planning & Zoning Committees. Filed.

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

City Income Tax Monthly Collection Report – June 2013. Filed.

Findlay W.O.R.C. Program Charge Statistics – 01/1/2013 through 6/30/2013; Findlay Work Release Program Monthly Payment Statistics Summary – 01/01/2013 through 6/30/2013; Findlay W.O.R.C. Program Monthly Tally Sheet – 01/01/2013 through 6/30/2013; Findlay W.O.R.C. Financial Analysis – 01/1/2013 through 6/30/2013. Filed.

Findlay Police Department Activities Report – June 2013. Filed.

### Service-Safety Director Paul Schmelzer – ODOPS grant

The Findlay Fire Department has been awarded a grant totaling one thousand five hundred dollars (\$1,500.00) by the Ohio Department of Public Safety. The grant monies will be used for the purchase of EMS supplies. The Fire Department anticipates the annual receipt of this funding and will need to replenish EMS supplies by the end of the year. In the past, the appropriation of funds from these grants was not referred to the Appropriations Committee. Legislation to appropriate funds is requested. Ordinance No. 2013-039 was created.

FROM: General Fund	\$ 1,500.00
TO: Fire Department #21014000-other	\$ 1,500.00

Filed.

### Service-Safety Director Paul Schmelzer – Byal Avenue improvements (phase II) CDBG FY2012 and OPWC project #32523000

By authorization of Ordinance No. 2013-022, bids were opened for this project on May 9, 2013. Bids were received from two (2) potential contractors with the contract being awarded to Helms & Sons Excavating. The project is included in the 2013 Capital Improvements Plan with funding from CDBG and OPWC. An additional amount of one thousand dollars (\$1,000.00) is needed to cover expenses that are not grant eligible (i.e. legal advertisement, EPA permit). The CDBG share (\$101,800.00) was previously appropriated. Legislation to appropriate funds is requested. Referred to the Appropriations Committee.

FROM: OPWC	\$ 250,000.00
FROM: CIT – Capital Improvements	\$ 1,000.00
TO: Byal Avenue Improvements (Phase II) project #32523000	\$ 251,000.00

Discussion:

Councilman Nichols asked what the next lowest bid was. He asked what the difference between the bid that won and the next lowest bid. Service-Safety Director Schmelzer does not recall, but will find out and will get the information to Councilman Nichols. Filed.

### Budget Summary of Year-To-Date Information Report/Cash & Investments Report as of June 30, 2013. Filed.

Discussion:

Councilman Slough asked why they did not see any interest on our savings account. Auditor Staschiak replied that the answer lies with our Federal Government. In driving down interest rates nationally to what we are averaging now on overnight funds is .2% (two-tenths of a percent) at a time when our cash balance is the highest it has historically been due to better management of the reserves and the improving economy, interest rates and revenue that can be received having that cash is the lowest it has ever been. Even though the Federal Government is going to be getting the poll money out of the bond market and stop buying those bonds, and will work very hard to keep those interest rates low through 2014. We are exceeding the revenue that we did expect to get which changes how he is doing some of the investments in working with some of the brokers. The brokers have worked very well with the City, in some ways, one or two bases point differences which if it's a million dollars (\$1,000,000.00), that would be one hundred dollars (\$100) more interest. While that does not sound like a lot, but if you times that by twenty or thirty million dollars (\$20,000,000.00 or \$30,000,000.00), it adds up to ten to twenty thousand dollars (\$10,000.00 - \$20,000.00) in additional interest that might be obtainable this year. Filed.

Precipitation and Reservoir levels report – April-June 2013. Filed.

### Parks and Recreation Board Minutes – June 17, 2013.

Discussion:

Auditor Staschiak clarified that his office keeps records on what property the City owns and easements. These minutes mention adding an easement. He asked if the approval of that easement will go through City Council and be formally adopted as legislation. Service-Safety Director Schmelzer replied that can be done. Filed.

Traffic Commission Minutes – June 17, 2013. Filed.

July 16, 2013 City Council minutes

**Health Commissioner Stephen Mills:****Public Health Emergency Preparedness Grant and Child and Family Health Services Grant**

The Findlay City Health Department received a Notice of Award from the Ohio Department of Health for grant funding for continued work to bolster the public health emergency preparedness within Findlay and Hancock County. This funding will enable the Findlay City Health Department to retain Chad Masters in a full time Emergency Response Coordinator/Epidemiologist role as well as to pay for MARCS radio service and pager service needed to help the Findlay City Health Department respond to disasters both natural and manmade. The approved funding level is eighty-three thousand four hundred eighty-seven thousand dollars (\$83,487.00) for the period of July 1, 2013 through June 30, 2014.

FROM: Ohio Department of Health Grant \$ 83,487.00  
 TO: 2012 ODH Emergency Preparedness Grant #31932900 \$ 83,487.00

**Accreditation Readiness Grant**

The Findlay City Health Department has been awarded a third year Child and Family Health Services grant in the amount of forty thousand seven hundred fifty dollars and no cents (\$40,750.00) that will enable them to continue the work begun with their 2011 Community Health Assessment. Funding from this project enabled them to introduce an evidence based recess activity program in many city schools, as well as during the summer lunch program. In addition, their health educator has been working on many other initiatives to address childhood obesity in our community. The funding period is July 1, 2013 through June 30, 2014.

FROM: Ohio Department of Health Grant \$ 40,750.00  
 TO: 2014 Child and Family Health Grant #31932800 \$ 40,750.00

An emergency appropriation of both grant fund awards is requested. Ordinance No. 2013-039 was created.

**Discussion:**

Councilman VanDyne congratulated the City Health Department on getting this grant. Filed.

**Service-Safety Director Paul Schmelzer – natural gas aggregation program**

The Service-Safety Director has reviewed the natural gas aggregation program with the City's consultant Mark Burs, IEC and has instructed the Law Director to prepare legislation for the next meeting that will allow the City to enter into a contract with Constellation. The emergency provision will be included, but it is not imperative it gets passed with the rules suspended. When it is passed, we can start to shop for rates, so the sooner it is passed, the larger winder we have to shop and possibly obtain a lower fixed rate. Filed.

**Service-Safety Director Paul Schmelzer – clearwell improvement at WTP**

In the course of drilling geotechnical borings for the Clearwell Improvement at the Water Treatment Plant, the 24" finished water line was drilled into and damaged. The 24" line has been taken out of service. There is an auxiliary 16" line that is being used to send water to the distribution system. The 24" line was to be replaced as part of the Clearwell project, however, the need to place this line back in service as soon as possible requires an accelerated contract. A 24" by-pass line was also added to the scope of the Clearwell project. It is located in the same general area as the finished water line. Due to the proximity and constructability issues, we are proposing both the lines be installed as one project. We have received two bids for the work and the Law Director has been instructed to prepare emergency legislation. The majority of this work was already reviewed as part of the 2013 capital improvement plan. The Service-Safety Director will provide Council with more information at an appropriation hearing and would like to discuss this prior to the mid-year budget review. Ordinance No. 2013-043 was created. Filed.

**Treasurer's Reconciliation Report – June 30, 2013. Filed.****Director of Law Donald Rasmussen – funds for postage for certified mail for DFID assessment**

Per Resolution No. 025-2013 before you at the July 16, 2013 City Council meeting, the DFID assessment will require certified mail to each property owner. Funds will be needed for this, but will cause a shortage in Council's budget. An appropriation of funds is requested to pay for postage and certified mail services for this assessment. At this time, the amount of six hundred fifty dollars (\$650.00) is being requested to be appropriated from the General Fund to Council's account 21001000-other. The DFID will be REQUIRED TO REIMBURSE THE City pursuant to their renewal petition, services plan, and budget pursuant to statute. Ordinance No. 2013-039 was created.

**Service-Safety Director Paul Schmelzer – professional service contract for Health Care Plan Wellness administration**

The City of Findlay has been proactive over the past year working on the City health care benefits plan. The Administration, Auditor, and employee health care committee have been working together to begin implementation of a health management plan. The City's consultant has narrowed the choice of vendors and will be discussing them with the health care committee this week. The Service-Safety Director requests a few minutes at the beginning of the Appropriation hearing on July 23<sup>rd</sup> to identify the costs and discuss the potential benefits of continuing with the City's health management plan with the possibility of contracting with a vendor in August of 2013. Referred to the Appropriation Committee.

**COMMITTEE REPORTS:**

A COMMITTEE OF THE WHOLE was held on July 9, 2013 to discuss the Mayor's strategic plan.

Councilman Ward moved to adopt the committee report. Councilwoman Spence seconded the motion. All were in favor. Filed.

**LEGISLATION:****RESOLUTIONS****RESOLUTION NO. 024-2013****First reading****Adopted**

A RESOLUTION APPROVING THE AMENDMENTS TO THE RENEWAL PETITION, SERVICES PLAN AND BUDGET OF THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECARLING AN EMERGENCY.

Councilwoman Spence moved to suspend the Statutory Rules and give the Resolution its second and third reading. Seconded by Councilman VanDyne. Aye: Monday, Nichols, Russel, Schedel, Slough, Spence, VanDyne, Ward. The Resolution received its second and third reading. Councilman VanDyne moved to adopt the Resolution, seconded by Councilman Ward. Aye: Nichols, Russel, Schedel, Slough, Spence, VanDyne, Ward, Monday. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

**RESOLUTION NO. 025-2013****First reading****Adopted**

A RESOLUTION DECLARING IT NECESSARY TO PROVIDE ENHANCED PUBLIC SERVICES IN THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

Councilman Ward moved to suspend the Statutory Rules and give the Resolution its second and third reading. Seconded by Councilman VanDyne. Aye: Russel, Schedel, Slough, Spence, VanDyne, Ward, Monday, Nichols. The Resolution received its second and third reading. Councilman VanDyne moved to adopt the Resolution, seconded by Councilman Ward. Aye: Schedel, Slough, Spence, VanDyne, Ward, Monday, Nichols, Russel. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

**Discussion:**

Councilman VanDyne thanked the City Auditor and the Law Director for their work on getting this done. He is Council's representative on DFID. The Mayor is on that committee as well. There are some great things happening with this assessment.

**ORDINANCES****ORDINANCE NO. 2013-037** *(Read alley vacation)***Second reading**

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS READ ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

**ORDINANCE NO. 2013-039****First reading****Adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Ward moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Slough, Spence, VanDyne, Ward, Monday, Nichols, Russel, Schedel. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Ward. Ayes: Spence, VanDyne, Ward, Monday, Nichols, Russel, Schedel, Slough. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-039 and is hereby made a part of the record.

**ORDINANCE NO. 2013-040****First reading****Adopted**

*(Bond Counsel – 2003 & 2004 bond refund; 2013 Sewerage System Improvement Bonds)*

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,350,000 FOR THE PURPOSE OF DESIGNING AND INSTALLING BAR SCREENS FOR THE OXIDATION DITCHES AT THE WATER TREATMENT PLANT AND MAKING RELATED IMPROVEMENTS TO THE MUNICIPAL SEWER SYSTEM, INCLUDING ALL APPURTENANCES THERETO; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: VanDyne, Ward, Monday, Nichols, Russel, Schedel, Slough, Spence. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Ward.

**Discussion:**

Councilman Ward asked that based on the clarification letter, if all of these bond issues are giving the City flexibility or are some of these definitely going to be bonded. Service-Safety Director Schmelzer replied it gives the City the flexibility on all of them. Auditor Staschiak added that it is very likely that the monies requested will be needed for the sewer. We will monitor the market on the existing bonds, and as soon as he sees an acceptable margin of savings, he will then move to finance them at that time. He will coordinate all of them together.

Ayes: Ward, Monday, Nichols, Russel, Schedel, Slough, Spence, VanDyne. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-040 and is hereby made a part of the record.

**ORDINANCE NO. 2013-041****First reading****Adopted**

*(Bond Counsel – 2013 Waterworks System Improvement Bonds)*

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$2,000,000 FOR THE PURPOSE OF MODIFYING, REPAIRING AND/OR REPLACING CLEAR WELLS AT THE WATER TREATMENT PLANT AND MAKING RELATED IMPROVEMENTS TO THE MUNICIPAL WATER SYSTEM, INCLUDING ALL APPURTENANCES THERETO; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

Councilman Ward moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Monday, Nichols, Russel, Schedel, Slough, Spence, VanDyne, Ward. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Ward.

**Discussion:**

Councilman Slough asked that since funds in the Water Fund is over seven million dollars (\$7,000,000.00), why a two million dollars (\$2,000,000.00) bond issuance is needed. Auditor Staschiak replied that a significant amount of the seven million dollars (\$7,000,000.00) has already been appropriated. In order to have the proper minimum reserve, more funds are needed. There is only a cash balance of approximately seven hundred thousand dollars (\$700,000.00) in excess of a best practice minimum balance. For a minimum balance in the Water Fund there needs to be two (2) months of operational defenses, plus twenty-five percent (25%) of debt service. He is projecting to have that amount plus seven hundred twenty thousand dollars (\$720,000.00) which is not near the projected possible cost of the project. Service-Safety Director Schmelzer added that this will allow the City to bond up to the total amount for the project. We do not have to do that, but can look at the cash that is available and bond a portion of it. He will also take a look at what the benefit of this bond does to the existing debt, which is the amount that the Auditor just talked about doing for sure. He will also take a look at what the debt does and by leaving the cash in the fund, what it does to the rates. While there is cash, we do not have all the cash, but will determine what plan makes the most sense when all the moving pieces are put together.

Ayes: Nichols, Russel, Schedel, Slough, Spence, VanDyne, Ward, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-041 and is hereby made a part of the record.

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$4,800,000 FOR THE PURPOSE OF REFUNDING (1) A PORTION OF BONDS ISSUED IN MAY 2003 FOR THE PURPOSE OF (A) CURRENTLY REFUNDING A PORTION OF THE CITY'S WATER SYSTEM IMPROVEMENT BONDS, SERIES 1993; (B) CURRENTLY REFUNDING A PORTION OF THE CITY'S SEWERAGE SYSTEM REFUNDING BONDS, SERIES 1993; AND (C) PROVIDING FUNDS TO REIMBURSE THE CITY'S GENERAL FUND FOR MONEYS USED TO PURCHASE LAND ADJACENT TO THE HANCOCK RECREATION CENTER, SUCH LAND TO BE USED FOR RECREATIONAL ACTIVITIES; AND (2) A PORTION OF BONDS ISSUED IN OCTOBER 2004 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF THE CITY'S VARIOUS PURPOSE LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 1996; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

Councilman Ward moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman VanDyne seconded the motion. Ayes: Russel, Schedel, Slough, Spence, VanDyne, Ward, Monday, Nichols. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman VanDyne.

Discussion:

Councilman Ward understands the reissuing and refunding portions of the bonds, but asked for clarification on what it means to reimburse the General Fund for purchase of land. Auditor Staschiak replied that it was language in the original issuance. When the City originally bought the land, General Fund money was used. That language is statutory. There will be no reimbursement of the General Fund. There will be some limited benefit in our debt payment with the General Fund portion of the debt that we pay because it is a small percentage of this total issue that we are looking to do. Law Director Rasmussen added that it is the same bond, just refinancing so that it will carry through.

Councilman Slough asked what kind of savings there will be. Auditor Staschiak replied that he has been working with the Finance Advisor who told him that the target move would be three percent (3%). If you look at the individual issue, it is his hope to save at least seventy thousand dollars (\$70,000.00) per issue or one hundred fifty thousand dollars (\$150,000.00). Anything less than that cannot be justified to move forward on the per issue amount.

Ayes: Schedel, Slough, Spence, VanDyne, Ward, Monday, Nichols, Russel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-042 and is hereby made a part of the record.

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS, AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE CLEARWELL IMPROVEMENT PROJECT AT THE CITY'S WATER TREATMENT PLANT TO INSTALL A REPLACEMENT TWENTY-FOUR INCH (24") FINISHED WATER DISTRIBUTION LINE AND BYPASS LINE, AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Slough, Spence, VanDyne, Ward, Monday, Nichols, Russel, Schedel. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Ward.

Discussion:

Councilman Slough asked if the City will be reimbursed for this as a result of their error of drilling the hole in our waterline which caused this project to be an emergency and not be bid out. Service-Safety Director Schmelzer replied that there will not a reimbursement because they are not to blame. The drawings that the Engineering Department had on record for the infrastructure that was in the ground were incorrect. This was a matter of someone failing to keep good as-built records. The Geo-Technical Engineer drills the hole in the ground where they are told to drill them which was a coordinated effort between our consultant and our Engineering Department. Our efforts to locate utilities, even when we use a ground penetrating radar effort, which is what they tried to do when there is question if they can go eighteen feet (18') and locate concrete pipe. It is really not the Geo-Technical Engineer's fault or anyone's fault that is currently on staff. It is attributed to someone who didn't keep good records in the past.

Councilman Nichols asked if it is eighteen feet (18') below the clearwall. Service-Safety Director Schmelzer replied it is not below the clearwell. These lines are between the plant and the clearwells. The twenty-four inch (24") waterline is aged and needs replaced. It was on the Capital Plan with an estimate of about four hundred thousand dollars (\$400,000.00). Councilman Nichols then asked if it could be patched. Service-Safety Director Schmelzer replied it cannot be patched and that the whole line was already planned to be replaced. We were going to coordinate the clearwell project with the replacement of this twenty-four inch (24") and the sixteen inch (16") line that needs replaced. The EPA imposed an additional scope of work in the form of a bypass for the flushing of the filters. All of this was going to be done under one scope, under one contract with different project numbers, but this line needs to be put back online as soon as possible. We took the bypass section of the clearwell project and combined it with the twenty-four inch (24") replacement, received bids from four (4) contractors that we know are qualified to do this type of large line deep work. We ended up getting pretty good numbers relative to what we thought the twenty-four inch (24") line was going to cost. It was not the full bid process because we do not have the time to generate that level of drawing and scope and then go out to bid, but did have a competitive process.

Ayes: Spence, VanDyne, Ward, Monday, Nichols, Russel, Schedel, Slough. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-042 and is hereby made a part of the record.

**UNFINISHED BUSINESS:**

Councilman Ward: **MID-YEAR REVIEW** meeting on July 23, 2013 between the PLANNING & ZONING COMMITTEE meeting that is scheduled to begin at 4:30pm and the COMMITTEE OF THE WHOLE meeting that is scheduled to begin at 5:30pm.

Councilman Ward: **APPROPRIATIONS COMMITTEE** meeting on July 23, 2013 at 5:30pm, third floor conference room of the Municipal Building (CR1). agenda: 1. Byal Avenue improvements (phase II) CDBG FY2012 and OPWC project #32523000  
2. Professional service contract for Health Care Plan Wellness administration

**Old Business:**

Service-Safety Director Paul Schmelzer reminded Council that the **WATER AND SEWER COMMITTEE** meeting is scheduled for July 17, 2013 at 4:30pm in the third floor conference room beside the Mayor's Office in the Municipal Building (CR1). agenda: MS4 permit

**New Business:**

Councilman Nichols is disappointed that the PARKS AND RECREATION BOARD meeting was cancelled yesterday because after talking to Lu Draper and Mayor Mihalik about developing a plan or strategy on what we will do with the land north of the river where the buildings are coming down. The City needs a common space where special events could be held similar to a town square atmosphere. Mayor Mihalik replied that is a good idea that has been talked about in the past. Since the County Commissioners own the property, it would take a coordinated effort between the City and County. We need to approach the County Commissioners about what their wishes are for that piece of property. We need to keep in mind that is one of the first areas to flood.

Councilwoman Spence asked if there are any meetings coming up on how the City can work with the County with river clean up. Service-Safety Director Schmelzer replied that he does not have anything scheduled, but he has had conversations with the County. He will look into accelerating that effort.

Councilman Ward appreciates the Mayor mentioning that the property Councilman Nichols mentioned earlier is County property along with looking at other issues on flooding and how they can be brought together so that both the City and County can work together to come up with something that might benefit organizations, the City, the County, and deal with flooding. It is his hopes that the City will continue to keep working on these efforts. In the past, the County has always required someone to make a request for clean up (i.e. Dalzell Ditch), so he is unsure if someone on behalf of the City needs to make that request again. Steve Wilson might still have the plans from what was proposed ten (10) years ago on one of the designs that went all the way out to the high school property and the other out to the river. The ditch hasn't changed much since then except for getting smaller. Mayor Mihalik replied that the City is definitely property owners within the watershed so we are in a position to do something. She is unsure how many signatures it requires or how many acres. Councilman Ward replied that it does not require a signature and that it just requires one person to make the request then meetings are held. Councilman Ward made the request on behalf of City Council last time. That can be done again if Council wants to on behalf of the citizens. The first assessment that came out was reasonable and covered a large area of people that was reasonable for everyone, but during all the many public hearings, everyone wanted something different, so the Engineers got frustrated in trying to redraw the plans and the project was dropped after that. Letters were sent out for that assessment and it seemed as if it was a done deal, but then it changed again. Service-Safety Director Schmelzer replied that he plans to focus on providing a concerted effort in looking at all of the drainage paths in the City.

Councilman Ward made a motion to excuse the absence of Councilman Murray. Seconded by Councilman Nichols. All were in favor.

Councilman Ward received a phone call from a citizen suggesting the City spray off all the foliage so it doesn't look so brown after it floods.

President J. Slough adjourned Council at 8:42pm.

  
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CLERK OF COUNCIL

  
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PRESIDENT OF COUNCIL