

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION SEPTEMBER 15, 2009 COUNCIL CHAMBERS

PRESENT: Collette, Monday, Seng, J. Slough,
M. Slough, Urbanski, Van Dyne, Ward

ABSENT: Schedel

MINUTES: Mr. J. Slough moved to approve the minutes, as circulated, of the September 1, 2009, Public Hearing regarding the rezoning request for the University of Findlay. Mr. Ward seconded the motion. Motion carried. Filed.

Mr. J. Slough moved to approve the minutes, as circulated, of the September 1, 2009, Council meeting. Mr. VanDyne seconded the motion. Motion carried. Filed.

Mayor Sehnert read a Proclamation to proclaim the week of 9/17/09-9/23/09 as Constitution Week, marking the 222nd anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention. Ms. Curry from the Daughters of the American Revolution accepted the proclamation.

WRITTEN COMMUNICATIONS:

Fred H. Vassari, 865 Hurd Avenue - Legislation to ban cell phones while driving - Not read, according to Council's Rules and Procedures.

ORAL COMMUNICATIONS:

None.

PETITIONS:

None.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

City Auditor Robert Cole Sprague – HRPC Invoice – August 2009

An invoice for the expenses/staff time for the Revolving Loan Fund has been submitted. Mr. Sprague requests legislation to authorize a draw a follows:

From: Revolving Loan Fund	\$2,557.20	
To: General Expense #21010000-449400		\$2,557.20

Filed.

City Auditor Robert Cole Sprague – Special Projects Fund

Judges Smith and Fry have written a journal entry to initiate an additional court cost to generate revenue for the specific purpose of funding a Special Projects Fund. Auditor asks Council to adopt legislation to establish the Special Projects Fund within our chart of accounts. The money in this fund will be used for all aspects of supervision coordination, intervention and compliance activities to insure that the sentencing orders of the Court are completed. It will be categorized as special revenue fund and will be included in the annual appropriation ordinance. The judges have declared a surplus in the Mediation Fund pursuant to ORC 1901.262(C) and ask that \$45,000 be transferred from the Mediation Fund to the newly established Special Projects Fund. Legislation is needed at the September 15 meeting. Filed.

Gregory R. Horne, Acting Chief of Police – Liquor Permit – Texas Roadhouse Holdings LLC

A check of the records shows no criminal record on the following:

Gerard J Hart
W. Kent Taylor
Steven L. Ortiz

Scott M. Colosi
Sheila C. Brown

This is in regards to a D5I liquor permit for the above establishment. Mr. J. Slough moved to file no objection, seconded by Mr. Urbanski Nays: Monday, Ward. Motion carried. Filed.

Stephen Mills D.O. Health Commissioner – Public Health Infrastructure Grant and Public Health H1N1 Grant

The City Health Department has received a Notice of Award from the Ohio Department of Health for funding for continued work to bolster the public health infrastructure in the event of a bioterrorist event within Hancock County. The approved funding level is \$103,973 for the period of August 10, 2009, through August 9, 2010. An additional \$118,440 will be received to be used specifically for H1N1 flu planning, surveillance and response. Dr Mills asks for an emergency appropriation of this grant money as follows:

2010 ODH Grant #31993300	\$ 103,973.00
2010 ODH H1N1 Program #31993400	\$ 118,440.00

Mr. J. Slough commended Dr. Mills and Barbara Wilhelm for a job well done. Mr. VanDyne seconded it and asked if anyone knew what the bioterrorist money is for specifically. No response, so Mr. VanDyne will contact Barbara Wilhelm. Filed.

Service Director Hardy – AIP-20 Grant Award

Council approved that the City pursue a \$176,000 FAA grant to replace the PAPI (Precision Approach Path Indicator) Lights at the Airport. In May 2009, the City’s match was expected to be \$8,800. The City’s match actually will be \$9,314. We have received the grant paper work from the FAA awarding the AIP-20 PAPI Lights project to the City. The \$176,975 needs to be appropriated, in addition to the \$9,314 for the City’s matching share. City money is available in the AIP-19 project that can be used as part of the match for this new grant since the AIP-19 project is 100% funded by the FAA. An additional \$5,014 needs appropriated to fulfill the City’s match, which could come from the Capital Improvements Fund. The deadline for this paperwork to be in the hands of the FAA is September 22, 2009. Therefore, there is not time for it to be referred to the Appropriations Committee. We are requesting that funds be appropriated as follows:

From: FAA Grant	\$176,975.00	
AIP-19, #35291100	4,300.00	
CIT Capital Improvements	5,014.00	
To: AIP-20 (PAPI Lights) #35292800		\$186,289.00

Discussion:

Mr. M Slough asked if we appropriated \$8,800, now we need \$9,314, why do we need \$5,000. Mr. Hardy replied that we didn’t appropriate \$8,800. The \$8,800 was only an approximate figure back when I wrote the letter to Council in May. Now we know it is going to be \$9,314 which is the City’s match for the \$177,000. Mr. M Slough asked to confirm that we did not need the \$8,800. Mr. Hardy replied that was correct. Filed.

Summary of Year-to-Date Information as of August 31, 2009. Filed.

Findlay Police Department Activities – August 2009. Filed.

Monthly Report – Findlay Municipal Court – August 2009. Filed.

Aggie Dahar, Director, Hancock County Office of Economic Development, RLF Transfer Request

A transfer of \$131,000 from the Façade Loan Program into the Revolving Loan Program will provide funding for two projects currently in approval process at the State level. The balances, after completion of the requested transfer will be as follows:

City of Findlay Façade Program	\$1,728.00	
City of Findlay Revolving Loan Program		\$306,536.00

Referred Appropriations Committee. Filed.

Aggie Dahar, Director, Hancock County Office of Economic Development - Amendment to the City of Findlay Revolving Loan Fund Guidelines

It has become apparent that the cost normally incurred by the borrower for filing fees such as Mortgage, Promissory Note and InterCreditor/Subordination Agreement has been absorbed by the Revolving Loan Program. It is necessary to pass all incurred cost to the borrower, which is a process that has long been required by traditional lending institutions. The average cost incurred will be \$300 to \$400, depending on the type and number of County filings fees required. This amendment request needs your approval.

Discussion:

Mr. Collette mentioned that this will amount to a \$3,000-\$4,000 cost per year if there are 10 closing. The County charges \$28 for first 2 pages and \$14 for each page after that for revolving loan recordings with usually several pages involved to record. Banks offer master loan agreements that with a one time fee, and only a one or two page reference pages, therefore cutting the cost down. He would like to look into having our local banks do the recordings in an effort to cut costs.

Filed.

Safety/Administrative Services Director Jim Barker – Human Resource Expertise

Further assistance is needed for human resource matters that need to be solved. Mr. Barker has contacted a representative from Clemens, Nelson and Associates, Inc., a management consultant company. They have offered to provide assistance to the City for a monthly fee of \$175.00. The services we can benefit from include unlimited telephone and email consultation along with personal visits. We would benefit from their expertise in the areas of HR, FMLA, BWC and other employee issues, including assistance in union issues.

Discussion:

Mr. J Slough asked if any bids were received on this. Mr. Barker replied that there were not. Mr. J Slough then asked if any companies within the City of Findlay able to provide the same service. Mr. Barker replied that he is not aware of any, but will check into it. Mr. J Slough replied that he would like to keep the work within the City.

Referred Appropriations Committee. Filed.

City Engineer Brian C. Hurt – Appropriation to Stormwater Maintenance Budget

The recently filled Engineering position is funded by revenue-generating accounts, which in the past was divided between Water and Sewer. The intent is for the position to be split between Water, Sewer and Stormwater due to changes in duties and responsibilities. Referred to the Appropriations Committee. Filed.

Bruce Hardy and Robert Sprague – Ordinance No. 2009-85 and Ordinance No. 2009-86 – Health Plan

The above Ordinances are part of the integral parts of the proposed changes to the City's Health Plan for 2010. Ordinance No. 2009-85 – Agreement with Northwest Ohio Health Partnership (NWOHP) and Ordinance No. 2009-86 – authorizing health fitness stipends and premium discounts for non-tobacco users. The City's cost for health insurance for 2009 is projected to be \$5.4 million. Changing to the NWOHP network is expected to save nearly \$300,000 for 2010. Its extended network of specialty hospitals is nearly as extensive as our existing network, so very little employee dislocation is expected due to this change. The \$500 per year health fitness stipends for employees and/or spouses and the 10% premium discount for non-tobacco use portend terrific savings for the City health plan. Cost of the fitness stipend to the City could be up to \$64,000 for 2010. This cost rises to \$106,000 for 2010 if Police and Fire union employees agree to amend health insurance provisions in their contract. Council is urged to pass both these Ordinances.

Discussion:

Mr. VanDyne asked if this had been taken out to bid and that it was explained that it was awarded to Travelers Insurance because they were the least expensive bid. He has received two phone calls from insurance agencies and one from an attorney thanking him for asking if it went out to bid because they wanted to bid but didn't have an opportunity. Mr. Hardy replied that Travelers Insurance covers casualty, automotive, etc. with the City. The City is self-insured and has been for a long time, so they only made changes to the current plan to make it cheaper and better for the City. Mr. VanDyne replied that there are no local insurance companies involved in this. Mr. Hardy replied that is correct. Mr. M Slough has had some citizens comment that health insurance for the City could be very excessive down the road. He asked who sets the standards and who makes sure that employees met these standards in order to qualify for these stipends. Mr. Sprague replied that our Fire Department has issued these stipends for 10 years and have antidotal evidence of it saving peoples lives. For instance, they have been tested and find out that their cholesterol is too high and are at risk for a stroke or heart attack, so they take care of the problem because they have gone through the fitness program. The fitness stipends over time have a sufficient cost savings in health care. If anyone participates including the Police and Fire Departments, its \$106,000 savings for next year. Health care costs continue to increase at a rate of 15% annually compounded rate, so for a \$4.8 million dollar expense compounding at 15%, we're adding almost half a million dollars of health care expense to the City's bottom line every year. That expense is increasing even though we're not adding any employees or services. It is just costs that are going up. Over the last four years, we have had large increases in our health insurance expenses and have been using the same health care network, so the increases have been relatively constant. Increases do not just come from increase in prices but also in severity of cases or in volume of cases that are going through our health care plan. We are trying to reduce costs by offering incentives for healthy behaviors

because it is ultimately the employees and their dependents' health that is driving our health care costs. Mr. J Slough commented that we've opened the stipends to all employees and spouses, not just one department. He asked what the total number of people who will be offered the stipends. Mr. Sprague replied that there are 360 contracts, but not all of them are family contracts (there are about 270 family contracts), so there are about 600 total contracts. 37% of those traditionally qualify for the fitness stipends, so that is where we came up with the numbers. We are also raising the deductible amounts. Mr. J Slough asked if we are paying or helping to pay for smoking secession programs, or does the employee pay them themselves. Mr. Sprague replied that we currently do offer smoking secession programs. Mr. Collette asked if both the employee and his/her spouse can receive \$500 stipend each. Mr. Sprague replied that is correct. Mr. Collette then asked if it could be considered that we have a family stipend. Mr. Sprague replied that they went with an individual and spouse stipend because the employee and his/her spouse are two different individuals who may have different health care behaviors and they should be rewarded separately. We were going to only have the stipend for the employee only, but realized that the spouses are half of our health liability. Mr. Collette replied that maybe it could be a single stipend for family and not two separate ones for employee and spouse. Mr. Collette then asked how we monitor the tobacco use. He asked if we just take them on their word. Mr. Barker replied that it will be looked at through our Health Department, but some will have to be taken on the individual's word. Mr. Collette commented on the overuse of the emergency room is a huge expense and he has heard we are going to have a deductible of \$75 for that service and a charge of \$50 if they go to their own doctor. Mr. Collette suggested we create a sliding scale of emergency room visits to help reduce the unnecessary emergency room visits. Mr. Hardy replied that the Police and Fire contracts prohibit the increase to their members, so we do not want the rest of the City employees having a different deductible. Mr. Collette commented that he does not agree that we cannot have different health care plans for Police and Fire than the rest of the City because we are dealing with economic crises and since the Police and Fire are paying union dues, but this is one of the leading indicators in increases in health insurance. Mr. Collette asked what the down side is if employees have different health care policies. Mr. Hardy replied that we have a new Sewer Maintenance union this year and he does not want to contribute to the sense of urgency on the employees to feel they have to join a union to get fair treatment from the City Administration. Mr. Collette commented that we want to discourage over use of emergency room visits. Mr. Sprague commented that they wanted to try educating the employee on emergency room visits as a first option. If that doesn't work, we will then implement a \$75 emergency room co-pay next year. We are also requiring cholesterol level, cardiovascular level, and a body fat percentage level as our criteria for the health stipend. We have information available on particular health issues in which anyone covered under our health care program can read it and then take a quiz to make sure they did read it. So we're starting with the educational portion of health care first. Mr. Urbanski commented that when this health care plan was brought

before the Appropriations Committee several weeks ago, there was a section on spouses having insurance from their own employer vs. the City, but it is not on this health care plan presented tonight and asked if that was still going to be a requirement. Mr. Sprague replied that it was reviewed before an employee committee and was decided that it was unfair because it singled out certain employees that have spouses that could get insurance from other places. Other spouses might work at other places that didn't have insurance and so they would be able to come on to our insurance. It was decided to take on these other measures first to try to reduce our health care liability and try to improve the health care of our employees and improve our educational component to lower our health care costs before we go to more extreme measures. Mr. Sprague mentioned that they went to local companies to see how they handle their health care costs. Marathon does not require the spouses of their employees to go seek outside health care, if available. Mr. Urbanski asked if there would be any increase in employee premium costs. Mr. Sprague replied that employee cost will decrease partly due to the savings in the network and partly because using the self-insurance fund to reinsure the deposit liability account. Filed.

City Auditor Robert Cole Sprague – Certificate of Estimated Resources for 2010 Budget

The City's tax millage has been certified as 2.6 mills for General Fund, 0.3 mills for Police Pension Fund, and 0.3 mills for Fire Pension Fund. The Resolution needs to be adopted by Council and a copy returned to the County Auditor.

Discussion:

Mr. J Slough commented that he read an article from the state that they are looking at all state pensions and talking about increasing at the local level, additional monies towards retirement funds in all of them. He asked if anyone has heard anything further, or if it is to take place in 2010. Mr. Sprague replied that it has been discussed and proposed to the legislature. He feels this is a fall in the stock market and also in the credit markets that has happened over the last year. These pensions have a balance sheet. On the liability side, they have payments going out and expect future payments going out. On the assets side, they have a lot of stocks and bonds. Their liabilities are high and their fixed assets have lowered and now there is a gap. They are trying to fill that gap. So instead of reducing the liability side of their balance sheet and payouts to retirees, they are increasing our expenses and asking us to fund more to fill that gap. This will significantly impact our budget going forward. There are significant costs that are out of our control. Health care costs are the main cost. Our pension costs are next, followed closely by our Bureau of Workers Comp costs which are a state run insurance program for workers that are injured on the job which costs us a half a million dollars next year which is the equivalent of 9 full-time employees. It would be as if we are paying 9 full-time employees to be at home injured full-time every year. These costs are out of our control unless we talk with our state legislature. Filed.

COMMITTEE REPORTS:

The APPROPRIATIONS COMMITTEE to whom was referred a request to authorize advertising for bids, entering into a contract, and appropriating funds as follows:

From: WTIF	\$5,000.00	
To: WPC Storage Building #35692200		\$5,000.00

The project is included in the 5-year Capital Improvement Plan and is in the planning phase. A pre-engineered metal building for sewer maintenance equipment is being proposed. The project will be funded through the Wastewater Treatment Improvement Fund and will not affect the General fund deficit.

We recommend approval of funds for the construction of a WPC storage building. Transfer of funds from WTIF to WPC Storage Building Project #35692200. Mr. Ward moved to accept the committee report, seconded by Mr. J Slough. Filed.

The APPROPRIATIONS COMMITTEE to whom was referred a request to appropriate the following funds:

From: SCM&R Highways	\$150,000	
To: Tiffin Avenue/Fostoria Avenue		\$150,000
Traffic Signal Upgrade #32880600		

This project was included in the 2008 Capital Improvements Plan. Funds were not appropriated to the project for construction. The project was then not included in the 2009 Capital Improvements Plan. Rather than postpone the Tiffin/Fostoria project another year, it is proposed to substitute this project for the traffic signal upgrade at Main/Howard and Main/Walnut that are included in the 2009 Capital Improvements Plan. The funds are budgeted in the SCM&R Highways Funds. We recommend approval of transferring funds from SCM&R to Tiffin Ave/Fostoria Ave Traffic Signal Upgrade #32880600. Mr. J Slough moved to accept the committee report, seconded by Mr. Ward. Filed.

The APPROPRIATIONS COMMITTEE to whom was referred a request from Bruce Hardy to appropriate \$16,000 to Riverside Main Restroom Upgrade. A check was received from the Hancock Park District in the above amount as a result of an application to the Community Grant Program. The money will be used for a new roof, electrical repairs, plumbing repairs, and interior repairs to include ADA accessibility. The following appropriation is requested:

From: Hancock Park District Grant	\$16,000	
To: Riverside Main Restroom Upgrade		\$16,000

We recommend approval of transferring of funds from Hancock Park District Grant to Riverside Main Restroom Upgrade #31993200. Mr. Ward moved to accept the committee report, seconded by Mr. M Slough. Filed.

The APPROPRIATIONS COMMITTEE to whom was referred a request to appropriate \$46,285 from the self-insurance fund into the self-insurance account, broken down as follows for each of the separate insurance coverages: \$5,767.00 for employer's liability; \$321 for employee benefits liability; \$11,849 for umbrella; \$28,348 for general liability. Mr. J Slough moved to accept the committee report, seconded by Mr. Ward.

Discussion:

Mr. VanDyne commented that mentioned that he had asked this earlier, but it is now more appropriate to ask it. He has been asked if this went out to bid. He had one individual who was upset and stated that since it did not go out to bid, the City is not budgeting correctly and so this individual does not want to vote for the income tax increase. Mr. VanDyne is concerned with the City not putting this out to bid so that local bidders could have the opportunity to bid. Mr. Hardy replied that currently Huntington Insurance is our insurance broker which does have a local office here. They have various companies that they represent which includes Travelers Insurance, so they take our insurance requirements and shop around for us. They then come back to us and let us know what companies are interested in doing business with us. They did that again this year just like they do every year. We replaced Westfield Insurance for automotive liability. We had them for a lot of years. We also replaced Scottsdale Insurance because their costs went up. Both Scottsdale and Westfield were replaced with Travelers. He plans to bid out all insurance requirements that are covered by Huntington Insurance. He has notified Westfield that this will happen as they were upset they were replaced. Mr. VanDyne asked what our purchasing procedures are for insurance. He mentioned that equipment coverage goes out for three bids. Mr. Hackenberg replied that we require request for proposals (RFPs). Mr. VanDyne re-emphasized that he fears those who want to bid do not get the opportunity to do so. He asked if Administration was aware that others wanted to bid. Mr. Hardy replied that he is aware and that we did put our insurance needs out for bid about 4 to 5 years ago, and that we going to put them out to bid next year. Mr. Urbanski asked for clarification on why we are postponing the bidding process for a year. He realizes Travelers Insurance might be the best deal, but that a different insurance company might be also using Travelers Insurance and be able to give us a lower rate if they are looking at it from their perspective. He realizes that we have utilized their services for a long time and are satisfied with them as a carrier, but wants to know why we are waiting a year to get bids from other companies when we could have been receiving them over the last 3 months we could have been doing that knowing the crises we're in. Mr. Collette added that the RFP process has been on the books for years and feels like our insurance needs are perfect for request for proposals, so he is also asking why bids are not being accepted now. Mr.

Hardy replied that 3 months are not enough time. He is planning on putting the package together in early January for bids to be back by mid-June. July 21st is our renewal date. Administration is allowing 6 months of time for insurance companies and insurance brokers or anyone else who wants to bid on it. Mr. Sprague added that we hire an outside insurance adjuster who comes in and looks at companies and municipalities across the nation. We have utilized the same individual for 20+ years. He looks at our insurance policies, premiums we are paying, and tells us what we could put out to bid and how we can get coverage cheaper if we do certain things. His services have allowed us to keep our costs very low for a high number of years. He is one of the individuals that helped us initially set up the self-insurance fund. He is very knowledgeable and very educated. He sees the environment that we are in and comes in and monitors our premiums. The results are that we have lowered our insurance costs for next year significantly. We have cheaper auto insurance for next year, law enforcement for this year, we have lower deductibles for this year than we otherwise would have, and we will be able to get a great rate on liability insurance which allows us to use our self-insurance money for other things. Mr. Urbanski acknowledges that these savings are great, but noted that it is the job of the Council members to answer to their constituents on why insurance needs for the City are being handled this way and that they have done everything they can to utilize their tax dollars the best way possible. Mr. Hackenberg added that what Mr. Hardy has indicated it will be done in January 2010, his recollection of last time we went across the board and bid insurance out was at least 20 years ago or more. The comments Council members have been hearing are also heard by administration is nothing new. What Mr. Hardy proposes to do next January will allow the process to begin, but we will likely receive RFPs from outside of Findlay as well. It is an involved process. Administration did not have enough time to organize the bidding process for this before January 2020. The insurance is already in affect. Mr. Hardy confirmed that the insurance is indeed already in affect and has been since July 21, 2009. Mr. Hackenberg stated that Mr. Hardy has done the best under the circumstances that anyone could. What Mr. Hardy has proposed for next January should clear everything up. Mr. VanDyne noted that the locals want the opportunity to compete as that is what they are asking for. If a company outside of Findlay wants to put a bid in, then at least they had the opportunity to compete. Mr. Sprague noted that this is true of our City depository account where we keep our money with the banks. Just because we haven't bid things out, doesn't necessarily mean that we aren't getting great deals. An example would be Fifth Third Bank. We did not promote them nor did we talk about, but they have given us a phenomenal deal on our bank account by charging us no fees. If we were to bid that out nationally, you are going to find that same deal. Banks are going to charge us FDIC fees, charge us for checks, and reconciliation fees, etc. Fifth Third has taken good care of the City at extremely low costs as a community service to the City. Filed.

The APPROPRIATIONS COMMITTEE to whom was referred a request to appropriate \$7,935 for demolition of the property at 209 North Main Street, which was damaged beyond repair by a fire on January 11, 2009.

From: Un-appropriated General Fund	\$7,934.00	
To: NEAT Department #21016000		\$7,934.00

We recommend approval of \$7,934.00 from Un-appropriated General Fund to NEAT Department #21016000.

A COMMITTEE OF THE WHOLE was held on Tuesday, September 8, 2009 to discuss Ohio Corf Grants. Signed by President Schuck. Mr. Ward moved to accept the committee report, seconded by Mr. Slough. Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 47-2009	First reading	Adopted
------------------------	---------------	---------

A RESOLUTION ESTABLISHING A SPECIAL PROJECTS FUND FOR THE MUNICIPAL COURT WITHIN THE CITY'S CHART OF ACCOUNTS, TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Resolution the second and third reading. Mr. VanDyne seconded the motion. Ayes: Collette, Monday, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward.

The Resolution received the second and third reading. Mr. J Slough moved to adopt the Resolution, seconded by Ms. Seng. Ayes: Monday, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

RESOLUTION NO. 48-2009

First reading

Adopted

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Mr. J Slough moved to suspend the Statutory Rules and give the Resolution the second and third reading. Mr. Ward seconded the motion. Ayes: Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday.

The Resolution received the second and third reading. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

RESOLUTION NO. 49-2009

First reading

Adopted

A RESOLUTION AUTHORIZING THE CITY OF FINDLAY, OHIO, TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION FUND.

Mr. Ward moved to adopt the Resolution. Mr. J Slough seconded the motion. Ayes: J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Seng.

ORDINANCES:

ORDINANCE NO. 2009-85

First reading

Adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT WITH THE NORTHWEST OHIO HEALTH PARTNERSHIP (NWOHP), EFFECTIVE JANUARY 1, 2010, AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. J Slough seconded the motion. Ayes: M. Slough, VanDyne, Ward, Collette, Monday, Seng, J. Slough. Nays: Urbanski,

The Ordinance received the second and third reading. Mr. J Slough moved to adopt the Ordinance, seconded by Mr. Ward.

Discussion:

Mr. Urbanski explained why he voted nay was because this is a different program of action as a total package than what was discussed at the Appropriations Committee. He would like to see what the entire package is

going to be before it is implemented. He thinks it is a great program, but that Council needs to see what the entire program is going to offer. Mr. Sprague noted that the details of the entire package are attached to the letter from Mr. Hardy that was read earlier in this meeting. He noted that the spousal waiver is now excluded and the co-pay for the emergency room are the only changes.

Ayes: Van Dyne, Ward, Collette, Monday, Seng, J. Slough, M. Slough. Nays: Urbanski, The Ordinance was declared adopted and is recorded in Ordinance TT, Page 2009-85, and is hereby made a part of the record.

ORDINANCE NO. 2009-86 First reading Adopted

AN ORDINANCE AUTHORIZING CITY ADMINISTRATORS TO ISSUE FITNESS STIPENDS TO ELIGIBLE EMPLOYEES AND TO GRANT HEALTH INSURANCE PREMIUM DISCOUNTS FOR NON-TOBACCO USERS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2009-87 First reading Adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. J Slough seconded the motion. Ayes: VanDyne, Ward, Collette, Monday, Seng, J. Slough, M. Slough, Urbanski

The Ordinance received the second and third reading. Mr. J Slough moved to adopt the Ordinance, seconded by Mr. Ward. Ayes: Ward, Collette, Monday, Seng, J. Slough, M. Slough, Urbanski, VanDyne.

ORDINANCE NO. 2009-88 First reading Adopted

AN ORDINANCE AMENDING ORDINANCE NO. 1987-68 (SELF INSURANCE FUND) OF THE CITY OF FINDLAY BY AMENDING SECTION 3, WHICH DESIGNATES WHAT EXPENSES CAN BE PAID FROM THE SELF INSURANCE FUND, AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. J Slough seconded the motion. Ayes: Collette, Monday, Seng, J. Slough, M. Slough, Urbanski, VanDyne, Ward

The Ordinance received the second and third reading. Mr. Ward moved to adopt the Ordinance, seconded by Mr. VanDyne. Ayes: Monday, Seng, J. Slough, M. Slough, Urbanski, VanDyne, Collette.

ORDINANCE NO. 2009-89 First reading

AN ORDINANCE VACATING A CERTAIN ALLEY IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2009-90 First reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO,

First reading of the Ordinance.

ORDINANCE NO. 2009-91 First reading

AN ORDINANCE ACCEPTING THE STREET RIGHT-OF-WAY DEDICATION PLAT FOR INVISON PLACE, FINDLAY, OHIO,

First reading of the Ordinance.

ORDINANCE NO. 2009-92 First reading

AN ORDINANCE APPROVING THE FINDLAY COMMERCE PARK PLANNED UNIT DEVELOPMENT (PUD) AMENDED PLAN ATTACHED HERETO AS EXHIBIT "A" TOGETHER WITH THE PLAT MAP AS EXHIBIT "B" SHOWING THE SPECIFIC AREA THAT THE AMENDED PUD PLAN IS TO MODIFY THE USES AVAILABLE TO SAID THIRTY-ONE AND FOUR TENTHS (31.4) ACRES OF LAND.

First reading of the Ordinance.

ORDINANCE NO. 2009-93 First reading Adopted

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS FOR A PRE-ENGINEERED METAL

BUILDING FOR SEWER MAINTENANCE EQUIPMENT AT THE WATER POLLUTION CONTROL PLANT, PROJECT NO. 35692200, AND DECLARING AN EMERGENCY.

Mr. Collette moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. Ward seconded the motion. Ayes: Seng, J. Slough, M. Slough, Urbanski, VanDyne, Ward, Collette, Monday.

The Ordinance received the second and third reading. Mr. Ward moved to adopt the Ordinance, seconded by Mr. Collette. Ayes: J. Slough, M. Slough, Urbanski, VanDyne, Collette, Monday, Seng.

ORDINANCE NO. 2009-94

First reading

Adopted

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED MASTER LEASE-PURCHASE AND SUBLEASE-PURCHASE AGREEMENT, DATED AS OF JANUARY 15, 2003, BY AND AMONG FIFTH THIRD BANK, THE CITY OF FINDLAY, OHIO AND BLANCHARD VALLEY REGIONAL HEALTH CENTER, PROVIDING FOR THE AMENDMENT OF LEASE OBLIGATIONS; AND AUTHORIZING OTHER RELATED DOCUMENTS AND ACTIONS IN CONNECTION WITH THE AMENDMENT OF SUCH LEASE OBLIGATIONS AND DECLARING AN EMERGENCY.

Mr. Collette moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. Ward seconded the motion. Ayes: M. Slough, Urbanski, VanDyne, Ward, Collette, Monday, Seng.

The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. Ward.

Discussion:

Mr. Collette asked for an explanation of what this ordinance means. Mr. Sprague explained that beginning in 1991, the City issued for Blanchard Valley Hospital as a conduit debt from Fifth Third Bank to the hospital. By the City acting as conduit, the interest rate costs were lowered for the hospital, which allows us to also have lower costs of health care at the community hospital since their cost structure is lower than it otherwise would be. Because of the recent interest rate environment, which has been very low, Fifth Third Bank and the hospital are renegotiating the loan agreement, as a result, they would like it structured where the City is the master lessee and the hospital is the sublease. The sublease agreement has to be restructured for different terms in the loan agreement because of the different interest rates. Mr. Collette asked if the Port Authority could be involved in this. Mr. Sprague replied that it could in the future.

Ayes: Urbanski, VanDyne, Collette, Monday, Seng, J. Slough, M. Slough.

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED MASTER LEASE-PURCHASE AND SUBLEASE-PURCHASE AGREEMENT, DATED AS OF DECEMBER 1, 2002, BY AND AMONG FIFTH THIRD BANK, THE CITY OF FINDLAY, OHIO AND BLANCHARD VALLEY CONTINUING CARE SERVICES, PROVIDING FOR THE AMENDMENT OF LEASE OBLIGATIONS; AND AUTHORIZING OTHER RELATED DOCUMENTS AND ACTIONS IN CONNECTION WITH THE AMENDMENT OF SUCH LEASE OBLIGATIONS AND DECLARING AN EMERGENCY.

Mr. Collette moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. J Slough seconded the motion. Ayes: VanDyne, Ward, Collette, Monday, Seng, J Slough, M Slough, Urbanski.

The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. J Slough. Ayes: Ward, Collette, Monday, Seng, J. Slough, M. Slough, Urbanski, VanDyne.

UNFINISHED BUSINESS:

Old Business:

Mr. Collette: Asked if the City has utilized Clemens Nelson before. Response was that we have not. Mr. Collette asked what services Clemens Nelson will be providing for the fees we will be paying them and if any other fees might be incurred for any additional services they might offer. Mr. Barker replied that they will review our policies and will then provide us with what we need to do to correct them. He has brochures that outline what the services they provide. The County has utilized their services for many years with great success. Mr. Hackenberg suggested that Clemens Nelson attend an Appropriations Committee meeting and Mr. Barker confirmed he will coordinate it for the October 13, 2009 Appropriations meeting. Mr. Collette asked if they are still based out of Lima, Ohio and Mr. Barker replied they are.

Mr. J. Slough: Asked Chief Engineer Brian Hurt for the status of the East Melrose project and also if the WORC building will be open yet this year. Mr. Barker replied that it is scheduled to be open October 5, 2009 for the WORC building. Mr. J Slough asked if we will see a savings through this program to which Mr. Barker replied that it would. Mr. Hurt replied that the East Melrose project is currently untidy but the contract crews are moving very quickly, working 10 hours a day, 5 days a week. Our goal and the contract finish date is to have it paved by the end of this year. They are willing to work 6 to 7 days a week to do that. They have 3 crews working on it now. They are willing to put more crews on the job to get it done. As it gets closer to colder weather and the asphalt plants are shutting down, the contractor that won the contract owns the asphalt plant in town, so they will most likely have full

control over when they get asphalt there in the fall. There is a lot of work that needs done yet and a lot of work currently being done. He does not anticipate any extensions past this year. It is anticipated to pave yet this year. There still might be cleaning up next year because it will be difficult to get the grass planted in the cold. Mr. Urbanski commented that he lives in that area and was told they anticipate being done by Thanksgiving. Mr. Hurt mentioned that they have shut down the area near the railroad tracks which was a rough area with the grade differential was dangerous going down into the railroad crossing where you couldn't see. They have cut that down tremendously and it looks like whole different place now. The road dip is not so severe now. There are now site lines where you can now drive upon the railroad crossing and see, which was long overdue.

Mr. Collette: commented he has a question about liquidated damages issue. He asked when we have to collect those, do we have to withhold on the retainage or do we have to go for a separate action against our bonding company. Mr. Hackenberg replied that it would be out of the retainage. Mr. Collette commented he just wanted to know if they have to hold the cash back because when you withhold the retainage, it is an escrow account and you have to go through a Court of Claims, etc. He wasn't sure how we get to the liquidated damages in those cases. Mr. Hurt replied that when he was involved with the Howard Street project, we had a contractor that had 2 projects that they were running near their deadline, and they were going to get liquidated damages on one or the other, they chose to get the liquidated damages on the Findlay project. We handled it by a deduction change order at the end. Mr. Collette asked if they agreed to it and Mr. Hurt replied that they did. The City did the Change Order. Before they issued their final bill, they deducted it off of it. Mr. Collette was concerned on who the blame would end up being on the City saying we held them up. Mr. Hurt replied that we have had a dry season, and the crew that is working on this project is very capable and are use to working 6 to 7 days a week if they have to. Mr. Hurt has no concerns that they won't get the project completed yet this year.

New Business:

Mr. J. Slough: **PLANNING AND ZONING MEETING – 4:30 PM – SEPTEMBER 22, 2009, COUNCIL OFFICE**

- Agenda: 1. Rezone of 123 Cherry Street from C-Residential to B3-Central Business
2. Rezone of 701 North Main Street (Washington School) from C-Residential to B2-General Business

Mr. Ward requested Mr. Hurt provide him with an updated Capital Improvements Plan. Mr. Hurt confirmed he will.

Ms. Seng: Moved to excuse the absence of Mr. Schedel. Mr. Van Dyne seconded the motion. Motion carried.

Mayor Senhert commended Mr. Hardy and Mr. Sprague on their involvement with the liability and health insurance. It is not an easy task to undertake and they have and will most likely have more pushback on because no one likes change and we are finding that out. We also get calls from those who wanted to bid but didn't have the opportunity. Sometimes old habits are hard to break. Things have been done the same way for a long time. We are attempting to change things. Sometimes we don't get the credit for that, but he is aware that Robert and Bruce's meetings are not closed meetings, so if anyone has any input, they can show up at those meetings.

President Schuck adjourned the Council meeting at 9:00 PM.

ACTING CLERK OF COUNCIL COUNCIL
Denise DeVore

PRESIDENT OF COUNCIL
Robert E. Schuck