

**URBANA CITY COUNCIL
REGULAR SESSION MINUTES – JULY 23, 2013**

(*Prior to this Urbana City Council Meeting, a ‘Swearing In Ceremony’ was conducted by **Mayor Bill Bean**, to add newly appointed **Mrs. Amy White** to the Council At Large position recently vacated by Mr. Larry Lokai.)

Council President Marty Hess called the Urbana City Council Regular Session Meeting to order at 7:01PM on Tuesday, July 23, 2013 in Court Chambers / The Municipal Building.

Attendance: All Council Members were present

City Staff – Mayor Bill Bean; Mr. Kerry Brugger, Director of Administration; Mr. Lee Williams, Finance Director; Mr. Doug Crabill, Assistant to the Director of Administration; Mr. Chad Hall; Police Chief Matt Lingrell; Attorney Breanne Parcels (representing the Office of the Law Director)

Roll Call and Pledge of Allegiance

Approval of Minutes

Mr. Robert Thorpe moved to approve the UCC Regular Session Minutes (July 9, 2013); Mr. Eugene Fields seconded. Motion carried without objection.

Communications

Mr. Thorpe suggested bundling all of the (6) communications with (1) motion, with no objection from Council.

Mrs. Amy White moved to place the following on file:

1. Correspondence from Attorney Gregory L. Williams / Vectren Energy (July 2, 2013) regarding intent to file application relating to its gas service with the PUCO in approximately 30 days
2. City of Urbana Design Review Board Minutes (Feb. 13, Mar. 25, & May 13, 2013)
3. City of Urbana Planning Commission Minutes (Mar. 18 & Apr. 22, 2013)
4. City of Urbana BZA Minutes (Mar. 11, Apr. 30, and May 13, 2013)
5. City of Urbana Shade Tree Commission Minutes (May 2013 - #109)
6. The LUC Regional Planning Commission Executive Committee Meeting Minutes (July 11, 2013)

Mr. Thorpe seconded. Motion carried without objection / No discussion.

Administrative Reports – Board of Control

1.

Mr. Dwight Paul moved to authorize the Director of Administration to enter into a 20 year loan agreement with the Ohio Water Development Authority (OWDA) in the amount of \$26,599,696., (plus capitalized interest from the start through completion) of the Water Pollution Control Facility Upgrade Project (This project will begin in September 2013, and is scheduled for completion in July 2015. Loan repayments are planned to start January 1, 2016; semi-annual payments are estimated to be \$665,000. The loan repayment amount will be in the 2016 Waste Water Treatment Plant budget, and will be funded by rate increases over the next 3 years – approved at the previous Council Meeting – Ordinance No. 4402. Attachment given to Council); Mrs. Virginia Smith seconded. Motion carried without objection.

Discussion –

Mr. Chad Hall directed Mr. Lee Williams to explain this item.

Mr. Williams stated:

“Just as a reminder Chad’s brought to us (3) proposals for the cost of the new Facility Upgrade—One, he brought the design/engineering cost; Two, he brought the construction and administration cost...and three, he brought in the construction cost itself (which was the big one, last time we approved), seventeen point six. After talking with the Law Director—Skipp and I decided that we’d better inform Council—the cost of the project is not \$20.7mil, the cost of the project is \$20.7mil plus \$5mil 9 in interest...now that interest is calculated over 20 years...so when we borrow twenty million seven hundred thousand dollars over 20 years at 2.57%, we’re really asking for...not \$20.7mil for a facility, but \$26mil almost \$600,000...so that’s the reason that we’re reading this tonight...is to let you know the financial impact of the borrowing over 20 years.”

Mr. Paul said, “So it says here, Lee, that we’ve got semi-annual payments of...2 payments a year (\$665,000.)...all that to be covered by the rate increases?”

“Yes—absolutely--correct,” replied Mr. Williams.

“So we’re basically paying forward—getting ahead of the curve?” asked Mr. Paul.

“Correct,” Mr. Williams answered.

“That’s a pretty good interest rate for 20 years—over 20 years, that’s not too bad,” said Mr. Paul.

Mr. Williams said, “I think we all would realize too, that if any of us could borrow money at 2.57%--we would definitely be interested in borrowing. It’s a very favorable rate.”

Mr. Thorpe noted that he is ‘a little bit on the negative here, I guess.’

“I’m hearing \$20mil—I heard \$17.5mil—there’s \$19.5mil—and I heard \$26mil...could somebody give me a flat figure of what we’re going to spend on this (not including interest)...?” asked Mr. Thorpe.

Mr. Hall recited, “We’ve got \$17.6mil in construction...OWDA (DEFA) automatically will add between 5 and 7% contingency (which is another million, seventy-three thousand)...that is a floating million dollars basically, if we come across something that is not in the scope, is not in the blueprints...I mean, we’re building on a site that’s almost...that is 100 years old by the time...so that’s in there! We’ve got construction management costs of the \$970,000., which when you start totaling everything up (minus interest), we’re looking at that \$20,700,000.”

Mr. Thorpe commented, “\$20mil has got to be a fictitious figure.”

“Within a million dollars—yes,” said Mr. Hall.

Mr. Doug Crabill reminded all that design costs were included in the figures discussed.

2.

Mr. Paul moved to authorize a purchase order to Ford Hall, Inc. in the amount of \$8,170 for the design and installation of a Weir-Wolf clarifier cleaning system for the north secondary clarifier (This expense will be charged to the WWTP—is in the 2013 Budget—and is not part of the WWTP Facility Upgrade Project); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Hall explained:

“This is a piece of equipment that the City purchased for both of the secondary clarifiers back in the late 90s, and it’s a algae cleaning system (that keeps our secondary clarifiers clean). We had a major problem with it about a year and a half ago...when we was doing some electric work...some phases got crossed, and this unit ran backwards for about 30 seconds. I opted not to replace this unit last year—one, it was not in the budget—second of all, we did not know at that point during design if that tank was going to stay (or be replaced)...so we held off last year. So then in this year’s budget, I got it in...once we knew that this thing was going to stay. This is on the current facility—it has nothing to do with the upgrade.

The upgrade (secondary clarifiers) will have this exact same system—that will be nice, because all of the parts will interchange.

Basically, this eliminates a lot of labor...”

“Did you say it hasn’t worked for a year?” asked Mr. Fields.

Mr. Hall said, “It’s been down a little over a year.”

“Have we had any substantial problems?” asked Mr. Fields.

Mr. Hall replied, “No—other than algae—it’s a visual.”

Mr. Evans asked, “How much—by not having this in operation—how much has it increased your operational costs? In clean up, and everything?”

“It’s all labor—it’s at least maybe a good half to three quarters a day in a man job (labor),” answered Mr. Hall.

“So you’re pulling someone off to do a job that they could be doing something other than...?” asked Mr. Evans.

“Yeah—and one thing that I did not mention was...this unit (originally—if we had to replace everything) was about \$19,000.” said Mr. Hall.

Mr. Evans asked another question, “You say that the damage was done when a phase of the electric was...went backwards? Whose responsibility was that to...?”

Mr. Hall replied, “It was a subcontractor doing the high voltage...”

“So did we try to (recoup)...?” asked Mr. Evans.

Mr. Hall explained the process that took place with insurance, and the depreciation value.

“So the original value of the equipment had been depreciated down—the value of it?” asked Mr. Evans.

“Yeah,” said Mr. Hall.

“I understand—thank you,” Mr. Evans said.

Mr. Paul commented, “It’s basically going to pay for itself.”

Mr. Doug Hoffman asked, “The life expectancy is in the what—the teens?”

“10, 12, 15 years maybe—it’s hard to say—if they were put in ’98 (and I have nothing on record when they were installed) but there was a lot of work done at the facility in ’98...so we’re right in that era,” said Mr. Hall.

“How often were the guys cleaning it?” asked Mr. Hoffman.

“Once a week,” Mr. Hall replied.

Citizen Comments

Mr. Anthony Ehresmann, 339 E. Court St., addressed Council and reminded all that The Church of the Epiphany, 230 Scioto St., has a free community meal (every 3rd Wed. of the month), 5-7PM.

Mr. Ehresmann personally expressed appreciation to Mrs. Virginia Smith (and her husband, Jim) for their help/involvement. He also thanked Freshway Produce of Sidney, The Depot in Urbana, his brother and everyone else who has helped out. He invited all to come and enjoy food/fellowship at a community meal.

Ordinances and Resolutions

ORDINANCE NO. 4403 –

Mr. Evans moved to place ORDINANCE NO. 4403 on the business floor for discussion and passage; Mr. Thorpe seconded.

Roll call vote to approve: Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes; Mr. Thorpe, yes; Mr. Hoffman, yes (7-0)

Discussion –

Mr. Doug Crabill explained:

“This is to dispose of 517 So. Main, which is just a parcel of land now...the City acquired this in 2010, and it was given to us through a nuisance situation that we had. We were able to use NSP funds, and to demolish the house on the site...this would allow us to put it up for public bid (with a minimum bid of \$10,000 for the lot)...and there’s about \$9,000 in back taxes owed on this lot.”

Mr. Crabill indicated that the public bid money would allow for back taxes to be paid, and allow for settlement of the matter. He noted the Auditor’s value of the property is ‘just under \$10,000.’ He said the lot will go through the public bid process/public notice in the newspaper.

Mr. Evans asked, “Will the bidding process be like a bid opening?”

“Sealed bid—yep,” said Mr. Crabill.

“Will you announce the opening?” asked Mr. Evans.

“Right—there will be a published time that the bids will be opened publicly (just like a regular, formal bid)—yes,” Mr. Crabill responded.

“Is this an R-1?” asked Mr. Paul.

Mr. Crabill replied, “Either an R-1 or R-2—yeah.”

Mr. Paul questioned whether there would be limitations if a person desired to build a house on the property.

“The front footage would probably require BZA involvement—I want to say it’s only 56 feet wide, or something like that,” said Mr. Crabill. “There’s mechanisms to deal with that, but...”

Mr. Hoffman asked, “What if we don’t get any bidders...at a minimum?”

“We’d go back to the drawing board,” said Mr. Crabill.

“We have been mowing it?” Mr. Evans said.

“Yes,” said Mr. Crabill.

“But that’s all been forgiven—right?” asked Mr. Fields.

“There’s money that’s assessed currently that’s part of that tax—the amount that’s due, and that’s not been forgiven—it’s already been assessed,” Mr. Crabill stated.

Council President Hess said, “So—if anyone out there would like to bid on this property, at 517 So. Main St., they need to get a hold of you...”

“It’s going to be published,” said Mr. Crabill. “It will also be posted on our website in our bid section.”

“...and it is a sealed bid?” asked Council President Hess.

“Yes,” said Mr. Crabill.

“Why do we have a sealed bid rather than a... auction, Mr. Brugger? Wouldn't it be more fun to have 25 or 30 people there (like they do at the Courthouse)? Could we do that?” asked Council President Hess.

“Yeah, but—we're following what's in ORC,” said Mr. Crabill.

Attorney Breanne Parcels stepped forward saying, “The easiest way to do it is by sealed bid, because it's real estate. The code says you could also do it by an auction (like a Sheriff's sale).”

She noted that some communities say (when they advertise it), ‘If the bidders want to be present, then they can up their bid at the time of the bid opening.’

“So we could do one, the other—or a hybrid,” she stated.

Council President Hess asked whether a public auction could follow if the sealed bid process does not work.

Attorney Parcels indicated it could be part of the process—done administratively.

Council President Hess pointed to Police Chief Matt Lingrell to possibly conduct a live auction.

Mr. Fields asked, “Did I hear you say that—with the sealed bid—so I bid on it, and they want to be present (and it was open)...and they weren't the highest bidder, they can raise the bid?”

Attorney Parcels replied, “If we permitted them to do a—hybrid auction...”

She briefly explained the process, indicating in a hybrid situation the bids could be raised.

Mr. Hoffman questioned whether a buyer (who wishes to build on the property) can be confident that the BZA would allow it.

“I can't really speak for the BZA, but that's ultimately part of a person's due diligence to see what's going to be required,” stated Mr. Crabill.

“They can do that—before they bought it?” asked Mr. Hoffman.

“Yeah—they'll have their opportunities to do their homework/do their research, and figure out what can (and cannot) be done,” Mr. Kerry Brugger responded. “I feel comfortable (again, I can't speak for the BZA)—but I feel comfortable that (because the parcel hasn't altered since it's been flat for the most part), I don't think there would be an issue working around that.”

Mr. Crabill again mentioned ‘the buyer's due diligence.’

“This one's a real old survey, so we do give exemptions to that,” Council President Hess added.

Mr. Crabill made reference to a recent Habitat for Humanity house with similar circumstance, and announced his contact number as #652-4305.

Mr. Paul emphasized, “This is land—not a house—just a lot.”

Second Reading –

ORDINANCE NO. 4404 –

(*Read and declared a Second Reading)

Discussion –

Mr. Fields asked, “Is it a done deal?”

Mr. Crabill answered, “This is essentially your final step—is the City accepting.”

“So anybody that had any problems with it should've already had that...?” asked Mr. Fields.

Mr. Crabill said, “Yeah—the statute’s set up, so that there’s appeal at the time frames...there have been appeal time periods in the past to this point.”

“How long after...would this be the standard waiting period after an Ordinance is passed, for this to go into effect?” asked Mr. Evans.

Mr. Crabill replied, “It’s 30 days, I believe...and then once that time period has passed, then Gail will file this with the Secretary of State...and the other agencies involved.”

“At what point after everything’s done—will the residents in those areas become part of the city...and how soon will their water and sewer bills be adjusted to...?” asked Mr. Evans.

Mr. Crabill said, “I would guess it would be based on once all that documentation’s filed with the Secretary of State...if Council passes this Ordinance, it will sit 30 days...and it will be files soon after. If I remember correctly—sometime in September.”

“So will we go to the next billing cycle? Let’s just say they come in—mid-month—will their charges be prorated? Do you see what I’m driving at?” asked Mr. Evans.

“I do--you’re trying to determine if—you’re in the middle of a billing cycle,” added Mr. Williams. “How their rates will be adjusted...I’ve never faced anything like this, so I’m going to have to get with the Law Director...to determine what it that we cut that off...either we back date it, or we forward date it.”

“I would be curious to find out when their new rates would go into effect once their accepted, or...do you see what I’m saying? I’m sure they would as well!” said Mr. Evans.

“...and whatever little niceties go along with being a resident of the city of Urbana. Are we doing recycling out there now? All those little things that...”

Mr. Crabill indicated that recycling will follow, to which Mr. Evans asked, “Do we have plenty of totes for those folks?”

“We’ll start working on that...I would guess that more than likely there’s a letter or something that’s going to go out (saying some of those things) like the rates, and...” Mr. Crabill said.

“So we’re going to inform our new residents what their...the package deal...what’s in their...” said Mr. Evans.

“...a ‘Welcome Package,’” Mr. Brugger interjected.

“Yeah—welcome to Urbana—here’s your bill,” Mr. Evans said (chuckling). “Hey—I’m trying to think it forward—that’s why I’m trying to get these questions answered, so when I get asked...I’m not standing there, like the idiot I could be.”

Mr. Brugger assured Mr. Evans that the appropriate/necessary steps would be taken.

RESOLUTION NO. 2399 –

Following an administrative request for a suspension of the rules and passage, Mr. Paul moved to suspend the rules on three readings; Mr. Fields seconded.

Roll call vote to approve suspension: Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes; Mr. Thorpe, yes; Mr. Hoffman, yes; Mr. Fields, yes (7-0)

Mr. Paul moved to place RESOLUTION NO. 2399 on the business floor for discussion and passage; Mr. Thorpe seconded.

Roll call vote to approve:

Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes; Mr. Thorpe, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes (7-0)

Discussion –

Mr. Crabill explained the purpose of this Resolution again, adding, “Unfortunately we don’t know have an idea yet--if we’re applying or not. We’ve been trying to get a meeting scheduled with our FAA rep, so we’re working on that and (hopefully) we’ll get that straightened out this week. Essentially it’s giving us permission to apply if we determine that we are going to apply. If we don’t apply—we will roll over the money to the next program year.”

Mr. Fields asked, “Has there ever been any occasion where they’ve decided not to have this money available?”

“This program is not subject to sequestration,” replied Mr. Crabill.

Mr. Paul asked whether legislation would be introduced again next year, if it’s decided not to apply this year (with money rolling over).

“Yeah—we’ve been passing one of these each time we apply,” Mr. Crabill answered.

Mr. Brugger said, “If I may add (just for clarity)—the reason we’re asking for passage tonight is, the deadline occurred before the next meeting.”

First Reading –

There were no First Readings at this Meeting.

Miscellaneous Business

Mr. Fields - Asked whether The Compost Facility is still open for storm damage
Mr. Hall said, “The Compost Facility is open, but it is no longer free of charge—I think we ran it for about 5 days to a week.”

Mr. Evans - (As the local Access Committee Chair) asked the Administration to make an inquiry call to Time Warner (regarding why Channel 5 is not available)

Mr. Brugger said an inquiry has been made; noted ‘technical malfunction within their local organization—technician related, my understanding. It appears that the entire lower section of channels have been convoluted (for lack of a better word). We’re seeing channels that we didn’t have before on different stations, so we’re aware and we’re working on it—hope to get some more information tomorrow. I can send an email out (once we get it resolved) if that helps.”

“The franchise fees—are they exclusive to the city of Urbana?” Mr. Evans asked. “...or does anyone in our viewing area get charged this franchise?”

Mr. Williams answered, “They’re from our viewing area within the city limits.”

Mr. Evans mentioned residents in West Liberty.

“They’re probably not charged franchise fees?” he asked.

“If they are, we’re not collecting,” said Mr. Williams.

Mr. Paul - Noted a tree problem near the west side of the Bike Path (near Boyce)

Noted the Sewer Robot (is out in the 3rd Ward)

Mr. Hall provided an update regarding inspections, and work by Columbia Gas; Noted a few episodes down in the southern Ohio area
“They now do a pre and post inspection, so that’s why you’re seeing them...you’ll see them again after those areas are completed with

gas, “said Mr. Hall. “We do receive a copy of all the sewer lines that they fill—that’s always a nice advantage to us...”

Mr. Paul said the Urbana Youth Sports Event was a ‘good event, and was well attended; Said, “Hats off to Chris and to Todd Tracey! You did a great job!”

- Mrs. Smith - Also mentioned the UYS Event, and said she received questions :
‘Why wasn’t the Mayor out there to be dunked?’
The Mayor replied (to laughter), “He can’t swim!”
Noted the fun of the Firefighters’ Water Fight; and the Zipline
Mrs. Smith echoed Mr. Ehresmann’s remarks about the church
‘Community Dinner,’ and invited everyone to join in; Asked for
anyone desiring to volunteer to be there at 5:30PM
- Mrs. White - Nothing at this time
- Mr. Thorpe - Welcomed Mrs. White to Council
- Mr. Hoffman - Expressed appreciation to the Administration for the Division
Activities Report; Noted it as ‘Awesome Information,’ and asked
whether this info is posted or made public
Mr. Brugger indicated Admin strives to put the Report out every 2
months, and is available if anyone is interested
“From that document we build our Annual Report,” he said. “I
know all of the departments do a good job (trying to be succinct,
to make sure all of the detail’s there—without getting too wordy).
There is a lot of activity happening in this small town...and I think
it gets overlooked a lot of times.”
Mr. Hoffman added, “I mean—9 pages for 2 months!”
- Police Chief Lingrell – Announced the ‘Community Night Out’ on Thursday, August 1
(7-9:30PM) at the City Pool; Noted the goal is to have fun, in-
form/involve the public about crime prevention efforts, and to
have interaction with the police officers
“There will be food, fun, prizes, and a DJ,” he said.
- Mr. Crabill - Said, “Our last resurfacing project of 2013 was finished this
morning—the paving of Laurel Oak (between Loudon & Main),
and E. Light (between Talbot & Main).” Striping was also com-
pleted; Noted, ‘We’re building our list for next year.’
Council President Hess told Mr. Crabill about a recent problem
with lights at Light St. & No. Main; Said he had received calls
- Mr. Hall - Announced a driveway change beginning 7/24 with Urbana
Materials; The new plant address is 1261 Muzzy
- Attorney Parcels - Nothing at this time
- Mr. Williams - Nothing at this time
- Mr. Brugger - Noted a response regarding the CDBG application for the
Rothschild Sewer Extension; Said Admin will be reviewing it in
‘the next couple days’
“We’ll be meeting internally on that, and keep you posted on
that,” he said.
- Mayor Bill Bean - Announced, “On August 17th—the 401st Bomber Group is going

to be coming to Urbana—they will be meeting down at Freedom Grove...and then from there they're going to be coming up to the Aviation Museum. They're going to be dedicating the B-17, that's up at the Museum. Hopefully, people can get out...see some of these Veterans that were B-17 fliers, that are coming here for their reunion. They'll start down at the Museum in Dayton—Wright Patt.”

Council President Hess –

Welcomed Mrs. White to Council

Noted receiving calls from people asking if they can get a speed bump on their street (like the one on Jefferson)

Mr. Brugger noted a repair was made to a big water dig; said the contractor has contacted Mr. Bumbalough, and added, “They’re going to go back and redo that section that didn’t quite come out the way everybody would like it, so...we look forward to getting that resolved here in the next few days.”

Council President Hess mentioned that many people ask him, ‘Where is the Street Sweeper?’

Mr. Brugger said if residents want to call, it’s fine.

He said, “I know they were out Friday—they came through The Square, and went 2 or 3 blocks either way. They’re working their way through the community as we have time, so...it works, and we do it as often as we can. We just don’t have dedicated staff to drive the Street Sweeper.”

“They say, ‘We’d see it all the time, and now we never see it,” said Council President Hess.

Mr. Brugger quipped, “I have a broom, and I can do my gutter...so I think if everybody did their own gutter, we wouldn’t need a Street Sweeper!”

Council President Hess noted the great Council attendance at this Meeting; Welcomed Mr. Thorpe back

Adjournment

Mr. Thorpe moved to adjourn the Regular Session at 7:49PM; Mr. Fields seconded. All were in favor of adjournment.

Council Clerk

Council President

