

**URBANA CITY COUNCIL
REGULAR SESSION MINUTES – AUGUST 13, 2013**

Council President Marty Hess called the Urbana City Council Regular Session Meeting of Tuesday, August 13, 2013 to order at 7:00PM, 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; Urbana Police Lt. Seth King (in the absence of Police Chief Matt Lingrell); Mr. Robert Munch; Staff Attorney/Asst. Municipal Prosecutor Breanne Parcels

Roll Call and Pledge of Allegiance

Approval of Minutes

Mr. Robert Thorpe moved to approve the UCC Regular Session Minutes (July 23, 2013); Mr. Eugene Fields seconded. Motion carried without objection.

Communications

Mr. Thorpe suggested bundling of all (3) communications with (1) motion, with no objection from Council.

Mr. Thorpe moved to place the following on file:

1. The City of Urbana Design Review Board Minutes (June 24, 2013)
2. The City of Urbana Planning Commission Minutes (May 20 & June 11, 2013)
3. The City of Urbana BZA Minutes (June 10, 2013)

Mr. Doug Hoffman 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 unit price contract with North American Salt Company for the 2013-2014 Winter salt needs at a cost of \$49.21 per ton. (American Rock Salt was the lowest bid received from SWOP4G, a consortium of public entities in which the City participates. The price last year was \$64.36 per ton. This will be charged to the Street Dept., and is in the 2013/2014 Budgets. Attachments given to Council); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Hoffman asked, “Why the drop in price?”

Mr. Lee Williams pointed to the recent mild Winter, and noted that demand has been up.

Mr. Thorpe asked whether this is the ‘delivered price,’ and Mr. Williams replied affirmatively.

Mr. Paul inquired about the supply on hand, and also whether extra salt could be purchased at the current rate to stock up.

Mr. Williams responded regarding a capacity issue, but added that there is a capability to fill at the current price.

Mr. Al Evans asked, “If severe weather continues, can we buy more at the current rate?”

Is this price locked in?”

Mr. Williams indicated that the price is indeed ‘locked in.’

“Glad to get the salt at this price—one year we took a reaming on it,” Mr. Fields added.

Mr. Williams explained the budget process following a question from Mr. Paul concerning whether the budget was originally set at the \$64.36 per ton rate.

2. Mr. Paul moved to authorize a purchase order to Neptune Meters in the amount of \$10,000 for the purchase of water meters and miscellaneous supplies (This will be charged to the Water Dept., and is in the 2013 Budget); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Robert Munch explained the purpose of this 2nd blanket purchase order. He defined this ‘as Council would say--money in/money out.’

3. Mr. Evans moved to authorize the Director of Administration to enter into a contract or contracts for professional services for the Robert Rothschild Farm Sewer Main Extension on U.S. Route 36 East, in an amount up to \$33,000. (Professional services for this project are defined as engineering services (force main design) and environmental review services. These services will be procured through qualification based selection. This cost is in addition to the \$160,000 in funds that were committed to this project by Resolution No. 2386. These funds have been committed to the construction portion of the project. This will be charged to the WWTP Capital, and is not in the 2013 Budget); Mr. Paul seconded. Motion carried without objection.

Discussion –

Mr. Chad Hall explained this item, noting that the CDBG application was returned without \$27,000 to \$30,000 for these professional services. He said the services will be paid through the WWTP Capital, and further defined the particulars of the services.

Mr. Hoffman said the payback will be 2 years on this project, and the money will be returned to the City at some point.

Mr. Paul asked whether money for these services is normally included in the CDBG grants.

Mr. Doug Crabill explained that Ms. Marcia Bailey worked on this project, and added that the state would have been involved in monitoring these professional services if they were funded through CDBG. The City was left to fund the services.

“We fund, we control,” Mr. Paul remarked.

“Yes—the engineering portion,” said Mr. Crabill.

Mr. Evans mentioned that Mr. Mike Heintz is no longer with the City, and ‘Mr. Tyler Bumbalough has not done this before.’ He asked whether Mr. Bumbalough could observe the project as a learning experience.

Mr. Kerry Brugger replied, “This is something that could be done, but it was not anticipated in Tyler’s workload.”

“The original amount was \$160,000—it’s not going to come out of that?” asked Mr. Evans.

Mr. Crabill explained that this an additional incurred expense.

Mr. Evans emphasized ‘the fact that this is an earn back, not a pay back,’ and added, “We’re not building a sewer system for Rothschild’s.”

Mr. Brugger agreed, and added that there is now capability for others to tie in.

4. Mr. Paul moved to authorize a purchase order to Trenor Motors in the amount of \$24,696 for the purchase of a 2014 Chevrolet Silverado 3500 HD pickup truck (This expenditure will be charged to Capital Sewer Maintenance, and is in the 2013 Budget. This was the lower of (2) bids received – attachment provided); Mr. Fields seconded.

Motion carried without objection.

Discussion –

Mr. Crabill explained this item, and the next two. He stated that open bids were conducted on the same day, and added that the trade in value is included in the amount for the 3500.

Mr. Fields asked, “Is this in line with State bids?”

Mr. Crabill replied, “It’s hard to make a comparison right now.”

Mr. Evans added, “State bids can save us money, but I like the fact that we are supporting a local business.”

Mr. Paul agreed with Mr. Evans, and asked, “What are we trading in?”

“A ’99 F250 bought in ’03 or ’04,” replied Mr. Hall, noting that this is coming in under budget. “It is the only sewer maintenance vehicle we have.”

Mr. Hoffman also agreed (with Mr. Evans and Mr. Paul) saying, “It’s nice to see a local company in on the bid.”

5. Mr. Paul moved to authorize a purchase order to White’s Chrysler, Jeep, Dodge in the amount of \$23,360 for the purchase of a 2014 Dodge police cruiser (This expenditure will be charged to Police and Fire Capital Improvement, and is in the 2013 Budget. This was the lowest of (1) bid received – attachment provided); Mr. Thorpe seconded. Motion carried without objection.

Discussion –

Mr. Crabill told Council that this cruiser is to replace a cruiser that was totaled. He stated that the old police equipment was stripped out of the totaled cruiser (was saved), and will be installed in the new vehicle purchase.

Mr. Crabill said when settlement was made with the insurance company, ‘All we could buy was a Charger (just the car).’

Mr. Hoffman questioned whether this expenditure was in the budget.

Mr. Lee Williams replied, “We’re being reimbursed through insurance—it’s just a wash for us.”

He pointed to \$2,000 that was not included in the cost due to the salvaged police equipment that will be used from the totaled vehicle.

Mr. Hoffman visited the cost of installing that equipment in the new cruiser.

6. Mr. Paul moved to authorize a purchase order to White’s Ford, in the amount of \$16,921 for the purchase of a 2013 Ford F-150 Blue pickup truck (This expenditure will be charged to Water Capital Improvement, and is in the 2013 Budget. This was the lower of (2) bids received – attachment provided); Mr. Thorpe seconded. Motion carried without objection.

*This item was originally presented to Council at \$17,900 for a 2014 Ford F-150 Blue pickup truck, but the Clerk received notification of the change just prior to this Meeting.

Discussion –

Mr. Crabill explained the reason for the lowered cost/ and change in year. He noted the necessity for vinyl seats.

Mrs. Amy White asked, "Is this a replacement vehicle?"

Mr. Crabill replied affirmatively.

Mr. Hoffman asked, "How do we decide on the color of the vehicle?"

There was brief mention of the Water Division selecting blue (as the color of water).

"Chad's will be white," added Mr. Crabill.

Mr. Evans and Mr. Robert Munch briefly discussed flex fuel, maintenance, the difference in flex fuel performance, and potential problems with flex fuel.

"Isn't it easier to buy just a standardized vehicle?" asked Mr. Evans.

Mr. Crabill indicated the choice 'gives us an option up the road.'

7. Mr. Paul moved to authorize the Director of Administration to enter into a unit price contract with Scott-Litton Construction, for the 2013-2014 unit price concrete work based on need (Attachment provided); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Crabill explained there were (3) bids received, and said Scott-Litton was the best choice.

Mr. Evans requested a brief overview of the type of work the City contracts for.

Mr. Crabill discussed street openings (35%) as one of the components.

Mr. Hoffman questioned whether (3) bids is normal.

Mr. Brugger said 3-4 (bid sheets) were picked up.

"It varies year to year," Mr. Crabill said. "Sometimes there is 3-4, sometimes 5-6..."

Mr. Brugger stated that of 27 line items it 'was close all the way through.'

Mr. Crabill briefly mentioned digs, and fills at the Cemetery.

8. Mr. Paul moved to authorize a purchase order in the amount of \$10,000 for legal services of a Staff Attorney/Special Prosecutor for the Law Dept. through December 31, 2013 (This expense will be charged to Non-Departmental Professional Services, and is not in the 2013 Budget; Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Brugger explained the reason why this item is not in the Budget. He said that last year the City did not know that the City Law Director (Attorney Gil Weithman) was to become Judge. He stressed the necessity for Attorney Weithman to step away from prosecution cases at the appropriate time.

"It's just one of those things you don't plan for," Mr. Brugger said.

Mr. Hoffman pointed to the possibility of a cost savings to the City with this item.

Mr. Brugger explained that with this item, it would give the City more control and would potentially eliminate the need for someone outside of the community to fill in.

Mr. Thorpe expressed appreciation to Mr. Brugger for his forethought/ idea.

Mr. Paul said, "It's a good idea—how do you go about finding someone to fill the Law Director's position?"

Mr. Brugger answered, "The Mayor gets to select for the position."

Citizen Comments

Mr. Rick Rademacher, 375 College St., addressed Council noting he is wearing (2) hats, and also represents the UHS Class of '67. He invited all to attend the upcoming MERFI Fly-In (August 23-25) at Grimes Field. Mr. Rademacher said the activity will continue to have an improved air race, and noted that at 2:00PM, pilots will take kids ages 8-17 for free rides (15-20 minutes in length).

Mr. Rademacher secondly encouraged citizens to take an active part in publicizing Urbana. He distributed a handout to Council, and told of a recent trip to Oshkosh, Wisconsin. Mr. Rademacher said the trip, at minimal cost to the City, offered an opportunity for him to boast about Urbana, Ohio (its various sights to see, and activities to participate in). He said by promoting the city, the population will grow.

Mr. Rademacher also encouraged Urbana residents to run for the School Board. He stated that there are currently 2 candidates running for 3 positions, and asked residents to be a 'write in.'

Council President Hess (also a UHS Class of '67 alumni) said, "There's nothing average about the Class of '67."

Mrs. Virginia Smith asked Mr. Ben Vollrath (DP&L - in the audience), about the telephone number to call about rates complaints. Mr. Vollrath suggested calling in directly to the PUCO, and also the DP&L customer service number (retail side). He said he would email the information to Council the morning of 8-14-13.

(*Information has been emailed to Council)

Ordinances and Resolutions

Third Reading-

ORDINANCE NO. 4404 –

Mr. Paul moved to place ORDINANCE NO. 4404 on the business floor for discussion and passage; Mr. Evans seconded.

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

Discussion –

Mr. Brugger revisited Council's request to get more detail regarding the services to new city residents, and noted a packet of information was emailed Friday, August 9th.

Mr. Evans said, "Thank you for putting that together."

Mrs. Amy White stated that she has spoken with a couple of residents who are 'real excited about coming in.'

Council President Hess asked, "When will this go into effect?"

"Thirty days after tonight," replied Mr. Crabill.

Mr. Crabill announced October 1st as the date to initiate, and briefly described the paperwork process that will take place prior.

Second Reading –

There were no Second Readings at this Meeting.

First Reading –

ORDINANCE NO. 4405 –

AN ORDINANCE FIXING SALARIES AND OTHER BENEFITS FOR THE DIRECTOR OF ADMINISTRATION, AND DECLARING AN EMERGENCY

(*Admin Request for Rules Suspension)

Mr. Al Evans moved to suspend the rules on three readings; Mr. Thorpe seconded.

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

Mr. Evans moved to place ORDINANCE NO. 4405 on the business floor for discussion and passage; Mr. Paul seconded.

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

Discussion –

Mr. Brugger explained that the reason for this Ordinance, and the following two, is to clean up outdated Ordinances (that have expired). He said this Ordinance was originally Ordinance No. 4209, which expired in 2008. Mr. Brugger stated the salary ranges are the same as 2006 in each of the three Ordinances being presented at this Meeting. The effective date will be January 1, 2013, with no expiration date added to the legislation.

Mr. Evans pointed to this as a ‘housekeeping item.’

Mr. Brugger clarified the word ‘emergency,’ and Mr. Evans further defined the term for those present.

Mrs. Smith emphasized, “Nobody’s getting a raise!”

Council President Hess read the salary range for this Ordinance (\$62,935 to \$103,743).

ORDINANCE NO. 4406 –

AN ORDINANCE FIXING SALARIES AND OTHER BENEFITS FOR THE DIRECTOR OF FINANCE, AND DECLARING AN EMERGENCY

(*Admin Request for Rules Suspension)

Mr. Thorpe moved to suspend the rules on three readings; Mr. Evans seconded.

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

Mr. Thorpe moved to place ORDINANCE NO.4406 on the business floor for discussion and passage; Mr. Evans seconded.

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

Discussion –

Mrs. Smith again said, “No raise.”

Council President Hess read the salary range (\$50,236 to \$86,088).

Mr. Fields asked, “What Ordinance is this replacing?”

Mr. Brugger responded, “Ordinance No. 4210.”

ORDINANCE NO. 4407 –

AN ORDINANCE FIXING SALARIES AND OTHER BENEFITS FOR THE DIRECTOR OF LAW, AND DECLARING AN EMERGENCY

(*Admin Request for Rules Suspension)

Mr. Hoffman moved to suspend the rules on three readings; Mr. Fields seconded.

Roll call vote to approve suspension –

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

Mr. Hoffman moved to place ORDINANCE NO. 4407 on the business floor for discussion and passage; Mr. Fields 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. Brugger announced that this Ordinance replaces Ordinance No. 4211, and read the salary range (\$39,425 to \$75,554).

Miscellaneous Business

Mr. Fields - Nothing at this time

Mr. Evans - Requested dialog on how companies distribute printed materials in the City; Said printed materials thrown on the streets/sidewalks are the same as litter; He stated there are Ordinances in place that deal with litter, and said companies in violation should be notified ‘that they can’t continue this practice’;
Asked Mr. Brugger to review the situation
Mr. Brugger asked for specifics on the materials, but Mr. Evans didn’t define the materials or a specific company involved
“If they could just put it on the porch that would be fine, but not the gutter--or the yard,” said Mr. Evans.

Mr. Paul - Noted 3rd Ward gas line work is continuing
Voiced support of Mr. Rademacher’s comment regarding the need for more School Board candidates

Mrs. Smith - Sought information on Channel 5
Mr. Brugger said, “We’re having challenges—the meetings are downloading, but not always taking.”

Mrs. White - Expressed appreciation to the Police Dept., and sponsors for the “Community Night Out” ; Noted ‘There was good interaction, and it was a positive event.’
“...and thank you to the Mayor,” added Mr. Thorpe.
“Yes—and thank you to the Mayor,” said Mrs. White.

Mr. Hoffman - Asked about bank owned and vacant properties
Mr. Brugger discussed Mr. Brad Bodenmiller’s diligence in this area;
Mr. Crabill shared the local challenges in dealing with the problem
Mr. Hoffman said he has researched some area properties online
Mr. Crabill noted ‘(1) that finally transferred to an investment group’
“So there is very little recourse—to do anything,” Mr. Hoffman said.
Mr. Evans asked Attorney Parcels about an instance; ‘If you live next door to one of these, and it’s devaluing your property—do you have the right to file suit?’
Attorney Parcels said, “A property owner would have to prove devaluation.”
She said the City/County can enforce through nuisance actions, and mentioned ‘adverse possession.’
Mr. Crabill discussed convoluted mortgages—who actually owns/who actually can foreclose

Council President Hess –

Thanked Lt. Seth King for the “Community Night Out”

- Police Lt. King - Nothing at this time
- Mr. Crabill - Nothing at this time
- Mr. Munch - Nothing at this time
- Mr. Hall -Nothing at this time
- Mr. Williams -Said the copy of the ‘Audit Financial Statement’ has been released, and is available to view; requested signatures Thursday AM as part of acknowledgement/receipt (73 pges)
Mr. Paul asked the purpose of the signatures
“What good does that do?” he asked.
- Mr. Brugger - Elaborated further on Mr. Rademacher’s trip to Oshkosh, and said, “We did get our name out there!”
Mr. Brugger pointed to the need for everyone to share ‘what is right with Urbana’
Expressed appreciation to Mr. Rademacher
- Suggested adding the year following an Ordinance number to allow for an easier search of Ordinances (when they are drafted, etc.)
No remarks from Council
- Mayor Bill Bean - Expressed appreciation to Mr. Rademacher for his enthusiasm and positive attitude about Urbana
Announced the 401st Bomb Group (with details/history about the Group) appearing Saturday, August 17 – 10:30AM; Invited everyone to be part of the celebration
Announced the opening of the Dog Park- August 17 – 9:00AM
Mentioned the upcoming Chili Cook-Off and Hoopla Parade
- Council President Hess –
Said there has been interest in an Advisory Board at the Cemetery
Mr. Brugger said there is a Cemetery Board, and said he will follow up/report back
Council President Hess asked about an Airport Advisory Board
“There is one, but it’s not an active one,” said Mr. Crabill.
Council President Hess encouraged everyone to be vigilant about ‘neighborhood clean up,’ and helping others
He stated that sidewalks are the property owner’s responsibility, and advised residents to contact engineering or zoning if sidewalks are in need of repair
Expressed appreciation to all those who help Urbana

EXECUTIVE SESSION –

- Mr. Evans moved to adjourn to Executive Session (8:18PM) to discuss “Property”; Mr. Paul seconded.
Roll call vote to approve:
Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mrs. White, yes; Mr. Thorpe, yes; Mr. Hoffman, yes; Mr. Fields, yes (7-0)

ADJOURNMENT

Following a brief Executive Session, Mr. Thorpe moved to reconvene to Regular Session and adjourn; Mr. Paul seconded. All were in favor of adjournment.

Council Clerk

Council President