

Mayor
Kathy Huner

City Council
Shane Chamberlin
Patrick Griggs
Steve Schneider
Harold Stickley
Jeff Stiriz
Scott Stiriz



230 Clinton Street • Wauseon, Ohio 43567

Director of Law
Thomas A. McWatters III

Director of Finance
Jamie L. Giguere

Director of Public Service
Keith C. Torbet

Police Chief
Kevin Chittenden

Fire Chief
Rick Sluder

October 30, 2020

Wauseon City Council
230 Clinton Street
Wauseon, Ohio 43567

RE: Council Meeting of November 2, 2020

Dear Council Members:

We are not aware of anyone wishing to address Council.

The Finance Committee will present a report and recommend that certain amendments be made to the City's Income Tax Ordinance. These changes include changing the allocation of income tax revenue between the General and Capital Improvement Funds, revising the definitions of a pension and retirement benefit plan, and codifying the limitation of the tax credit for citizens working in multiple jurisdictions to jurisdictions in Ohio and charge for checks returned due to insufficient funds.

There will be a first reading on Ordinance 2020-9 (emergency) which amends the City's Income Tax Ordinance, Section 191 of the Codified Ordinances, in the matter set forth above.

There will be a second reading on Resolution 2020-19 (emergency), which authorizes the Mayor to pursue the creation of a Joint Fire and Ambulance District for purposes of funding the City's EMS services.

There is no legislation for third reading.

These are the only issues I am aware of to come before Council. Should any member of Council have any questions or comments, you are strongly encouraged to contact the appropriate Department Head prior to the meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TAM', with a long horizontal line extending to the right.

Thomas A. McWatters III
City Law Director

TAM:knP

cc: Kathy Huner, Mayor
Andrea Gerken, Clerk of Council
Jamie Giguere, Finance Director
The Blade

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WAUSEON CITY COUNCIL AGENDA
November 2, 2020 @ 5:00 pm
Council Chambers

Order of Business

1. Call meeting to order
2. Pledge of Allegiance
3. Moment of Silence
4. Roll Call
 - a) Council President Chamberlin
 - b) Councilor Schneider
 - c) Councilor Stickley
 - d) Councilor Jeff Stiriz
 - e) Councilor Griggs
 - f) Councilor Scott Stiriz
5. Approval of prior meetings' minutes:
 - a) Council Meeting: October 19, 2020
 - b) Committee of the Whole: October 29, 2020
 - Motion to approve the meeting minutes moved by _____ and seconded by _____.
All in favor:
6. Names of Individuals Wishing to Address Council and Topic
7. Committee Reports
 - a) Finance Committee: Tuesday, October 27, 2020, Steve Schneider, Chair
 - Motion to accept the Finance Committee recommendation to update the tax code to allow for a nonsufficient check fee; to clarify the income tax credit is only for municipalities in the State of Ohio; to update the definitions of a pension and a retirement benefit plan; and to change the allocation to put all income tax revenue into the General Fund moved by _____ and seconded by _____.
Vote: ____ Yeas ____ Nays
8. Department Head Reports
 - a) Rick Sluder, Fire Chief
 - b) Kevin Chittenden, Police Chief
 - c) Keith Torbet, Director of Public Service
 - d) Jamie Giguere, Director of Finance
 - e) Thomas McWatters III, Law Director
9. First Reading of Legislation or Emergency
 - a) Ordinance 2020-9: An Ordinance Amending Section 191 Of The Codified Ordinances Of The City Of Wauseon; and Declaring an Emergency

- Motion to place Ordinance 2020-9 on emergency reading moved by _____ and seconded by _____.
Vote: ____ Yeas ____ Nays
- Motion to place Ordinance 2020-9 on final reading moved by _____ and seconded by _____.
Vote: ____ Yeas ____ Nays

10. Second Reading of Legislation or Emergency

- a) Resolution 2020-19: A Resolution Authorizing the Mayor to Pursue a Proposal for Creation of an EMS & Fire District for Funding Purposes; and Declaring an Emergency
- Motion to place Resolution 2020-19 on emergency reading moved by _____ and seconded by _____.
Vote: ____ Yeas ____ Nays
 - Motion to place Resolution 2020-19 on final reading moved by _____ and seconded by _____.
Vote: ____ Yeas ____ Nays

11. Third Reading of Legislation or Emergency

12. New Business

13. Approval of the Bills

- a) Motion to approve and pay the bills moved by _____ and seconded by _____.
Vote: ____ Yeas ____ Nays

14. Motion to enter into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee moved by _____ and seconded by _____.
Vote: ____ Yeas ____ Nays

15. Adjournment

- a) Motion to adjourn at _____ p.m. moved by _____ and seconded by _____.
All in favor:

Andrea R Gerken
Clerk of Council

Council reserves the right to adjourn into Executive Session at any time it deems appropriate. The distribution of this Agenda does not obligate Council to take action on the items set forth herein, nor does it limit Council from taking action on other items not on the Agenda. The items listed on the Agenda are subject to change. If additional items are added, Council will use its best effort to notify all interested parties of changes prior to the meeting.

Finance Committee

Tuesday, October 27, 2020 @ 12 PM

Council Chambers

Members present: Steve Schneider, Chair, Jeff Stiriz and Shane Chamberlin

Staff present: Sarah Wheeler, Tom McWatters, Keith Torbet, Jamie Giguere, Chief Chittenden, Chief Sluder and Andrea Gerken

Wage Increases

This meeting was called to order at 12:02 p.m. by Councilor Schneider. Councilor Schneider turned the floor over to Jamie Giguere. Finance Director Jamie Giguere gave a brief explanation of the cost to the city to offer a 1% wage increase. She provided the attached documents for reference of what a merit increase scale may look like and the cost to the city. There was general discussion about increases.

Jamie Giguere explained that our tax code needs updated to come in line with the state code so the definitions for a pension and a retirement benefit plan need changed. She said we charge a nonsufficient check fee but it is not included in our code so this needs changed. Jamie said the code currently does not stipulate that the income tax credit is limited to those paying into other Ohio municipalities.

Finance Director Giguere explained she would like to change the allocation that all income tax revenue be put into the general fund. She said any surplus can be put into the capital fund. She said there is a legal process to transfer from the capital fund to the general fund that is not required from the general fund to the capital fund. There was general discussion about this process.

Motion to update the tax code to allow for an NSF fee; to clarify the income tax credit is only for municipalities in the State of Ohio; and to update the definitions of a pension and a retirement benefit plan; and to change the allocation to allow all income tax revenue to go into the General Fund moved by Council President Chamberlin and seconded by Councilor Schneider.

Vote: 3 Yeas 0 Nays *Motion Carries*

With no further business to discuss, the meeting adjourned at 12:44 p.m.

Respectfully Submitted,
Andrea R. Gerken

City of Wauseon
2020 Wage Percent Increase Proposal
10/27/2020

	%		No. of Employees	Financial Impact
Overall	1.00%		40	-
Merit Increase Total	0.00%			
Evaluation Scores		% of Merit		
< 3.0	1.00%	0.00%	0	-
> or = 3.0	1.00%	50.00%	12	4,805.84
> or = 3.25	1.00%	62.50%	12	6,118.53
> or = 3.5	1.00%	75.00%	14	7,548.11
> or = 3.75	1.00%	87.50%	2	1,329.74
> or = 4.0	1.00%	100.00%	0	-
Average	3.40%	Total	40	19,802.22

* For Information Purposes Only:

Police Department

Command	2.93%	3
Police Officers	3.31%	9
Records & Dispatch	3.40%	2
Average	3.22%	Total
		14

Fire Department

Union	3.22%
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City of Wauseon
2020 Wage Percent Increase Proposal
10/27/2020

	%		No. of Employees	Financial Impact
Overall	0.00%		40	-
Merit Increase Total	1.00%			
Evaluation Scores		% of Merit		
< 3.0	0.00%	0.00%	0	-
> or = 3.0	0.50%	50.00%	12	2,402.92
> or = 3.25	0.63%	62.50%	12	3,824.08
> or = 3.5	0.75%	75.00%	14	5,661.08
> or = 3.75	0.88%	87.50%	2	1,163.53
> or = 4.0	1.00%	100.00%	0	-
Average	3.40%	Total	40	13,051.61

* For Information Purposes Only:

Police Department

Command	2.93%	3
Police Officers	3.31%	9
Records & Dispatch	3.40%	2
Average	3.22%	Total 14

Fire Department

Union	3.22%
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City of Wauseon
2020 Wage Percent Increase Proposal
10/27/2020

	%		No. of Employees	Financial Impact
Overall	1.00%		40	-
Merit Increase Total	1.00%			
Evaluation Scores		% of Merit		
< 3.0	1.00%	0.00%	0	-
> or = 3.0	1.50%	50.00%	12	7,208.76
> or = 3.25	1.63%	62.50%	12	9,942.61
> or = 3.5	1.75%	75.00%	14	13,209.20
> or = 3.75	1.88%	87.50%	2	2,493.27
> or = 4.0	2.00%	100.00%	0	-
Average	3.40%	Total	40	32,853.83

* For Information Purposes Only:

Police Department

Command	2.93%		3	
Police Officers	3.31%		9	
Records & Dispatch	3.40%		2	
Average	3.22%	Total	14	
Average Increase	2.75%			

Fire Department Union

Average	3.22%
Average Increase	8.25%

	Yes	No
Emergency		
First Reading		
Second Reading		
Third Reading		
Suspension		

ORDINANCE NO. 2020-9

**AN ORDINANCE AMENDING SECTION 191 OF THE CODIFIED
ORDINANCES OF THE CITY OF WAUSEON;
AND DECLARING AN EMERGENCY**

WHEREAS, the City's Income Tax Ordinance is contained in Chapter 191 of the City's Codified Ordinances; and

WHEREAS, it is necessary, from time-to-time, to revise and amend various provisions under the Income Tax Ordinance; and

WHEREAS, Council desires to revise and amend certain provisions of the Income Tax Ordinance; and

WHEREAS, this Resolution should be declared an emergency measure necessary for the immediate preservation of the health, safety, and public welfare of the City, and because it is necessary to make certain amendments to ensure that the City has the financial resources necessary to continue its normal operations;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wauseon, Fulton County, Ohio, as follows:

Section 1.

That Section 191.013 shall be amended to state as follows:

- (A) One hundred per cent (100%) of gross income tax receipts received annually shall be paid into the General Fund and used to pay all costs of collecting the taxes and the cost of administering and enforcing the provisions of this chapter and to pay operating expenses of the City.
- (B) Zero percent (0%) of the gross income tax receipts shall be paid into the Capital Fund and shall be set aside and used for capital improvements for the City, including but not limited to, development and the construction of sanitary sewers, storm sewers, and

street improvements; for public buildings, parks and playgrounds; and for equipment necessary for the police, fire, and the public service departments.

Section 2.

That Section 191.03(28) shall be amended to provide as follows:

(28A) “Pension” means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the “Federal Insurance Contributions Act,” Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee’s wages, as defined by section 3121(a) of the Internal Revenue Code.

(28B) “Retirement benefit plan” means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. “Retirement benefit plan” does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Section 3.

That the introductory sentence to Section 191.081 shall be amended to read as follows:

A taxpayer subject to tax in more than one municipality in Ohio on the same income, who has complied with the provisions hereof, shall be allowed a credit against the tax imposed by this Ordinance as follows:

Section 19.081 shall otherwise remain unchanged.

Section 4.

That Section 191.10 shall be amended to include a new section 191.10(H), which shall read in its entirety as follows:

The Municipality may impose on the tax payer a fee determined by the Director of Finance for any check returned as insufficient, closed account or other reason.

Section 5.

That this Resolution be, and hereby is, declared to be an emergency measure, necessary for the immediate preservation of health, safety, and public welfare of the citizens of the City of Wauseon, and shall be in full force and effect from and immediately after its passage.

Passed:

Kathy Huner, Mayor

Shane Chamberlin
President of Council

Attest: _____
Andrea Gerken
Clerk of Council

Approved as to Form:

Thomas A. McWatters III
City Law Director

	Yes	No	Abstain	
Emergency				
First Reading	4	0	1	(Chamberlin)
Second Reading				
Third Reading				

RESOLUTION 2020-19

A RESOLUTION AUTHORIZING THE MAYOR TO PURSUE THE CREATION OF A JOINT FIRE AND AMBULANCE DISTRICT FOR PURPOSES OF FUNDING THE CITY OF WAUSEON’S FIRE AND EMERGENCY MEDICAL SERVICES; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wauseon provides fire and emergency medical services (“EMS”) to the citizens of Wauseon and Clinton Township, as well as to residents of certain other neighboring political subdivisions; and

WHEREAS, the source of funding for the EMS is a five year county-wide tax levy (“EMS Levy”) administered by and under the supervision of the Board of the Fulton County Commissioners (“Commissioners”), and proceeds received from each EMS run; and

WHEREAS, the amount of funds paid to the City of Wauseon by the Commissioners from the EMS Levy has, over the last four years of the levy, been substantially less than the costs and expenses incurred by the City of Wauseon in providing the required EMS (“Tax Shortfall”); and

WHEREAS, the amount of funds paid to the City of Wauseon by the Commissioners from the EMS Levy is substantially less than the amount of the taxes paid by citizens of Wauseon and Clinton Township for EMS response capabilities under the levy; and

WHEREAS, the amount of proceeds paid to the City of Wauseon for each EMS run is only a fraction of the amount actually billed and received by the Commissioners (“Run Shortfall”); and

WHEREAS, as a result of the Tax Shortfall and the Run Shortfall, the City of Wauseon has been required, over the last four years of the EMS Levy, to subsidize the EMS from the City’s General Fund in an amount in excess of \$250,000 each year; and

WHEREAS, the City of Wauseon is no longer willing, and in any event unable, to continue to underwrite a large portion of the cost of EMS operations from the City’s General Fund due to the Tax Shortfall and the Run Shortfall; and

WHEREAS, the City of Wauseon, in conjunction with the Board of Trustees of Clinton Township, has approached the Commissioners and requested that the City be provided the following funds for operation of its EMS: (1) the full amount of taxes paid by citizens of Wauseon, Clinton Township, and the other townships for which the Wauseon Fire Department provides EMS, through the EMS Levy; and (2) the full amount of run money received from each EMS run by the Wauseon Fire Department (collectively, “Request For Full Payment”); and

WHEREAS, the Commissioners have not yet responded to the Request For Full Payment by the City of Wauseon and Clinton Township; and

WHEREAS, the EMS Levy expires on December 31, 2021; and

WHEREAS, if the Commissioners deny the Request For Full Payment, the City of Wauseon and Clinton Township have committed to pursuing a funding mechanism for the EMS operations separate and apart from a county-wide levy; and

WHEREAS, the City of Wauseon and Clinton Township believe the best alternative to a county-wide levy to fund the EMS is to form a Joint Fire and Ambulance District pursuant to Section 505.375 of the Ohio Revised Code; and

WHEREAS, should it be necessary for the City of Wauseon and Clinton Township to form a Joint Fire and Ambulance District, the deadline for submitting the District’s levy language to the Board of Elections for the 2021 spring election would be February 2021; and

WHEREAS, City Council desires to authorize the Mayor to pursue the formation of a Joint Fire and Ambulance District with Clinton Township, and other appropriate political subdivisions that may wish to join such a District; and

WHEREAS, this Resolution should be declared an emergency measure necessary for the immediate preservation of the health, safety, and public welfare of the City, and for the further reason that if the City is to form a Joint Fire and Ambulance District for purposes of funding its EMS, it will be necessary immediately to take the appropriate legal steps to form the District and prepare language for placement on the ballot in the spring election;.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wauseon, Fulton County, Ohio, as follows:

Section 1.

That the Mayor or her designee be, and hereby is, authorized to pursue the formation of a Joint Fire and Ambulance District with Clinton Township, and other appropriate political subdivisions that may wish to join such a District.

Section 2.

That the Mayor or her designee is further authorized to enter into any agreements consistent with this resolution.

Section 3.

That this Resolution be, and hereby is, declared to be an emergency measure, necessary to request immediate preservation of health, safety, and public welfare of the citizens of the City of Wauseon, and shall be in full force and effect from and immediately after its passage.

Passed:

Kathy Huner, Mayor

Shane Chamberlin
President of Council

Attest: _____
Andrea Gerken
Clerk of Council

Approved as to Form:

Thomas A. McWatters III
City Law Director

**WAUSEON CITY COUNCIL
COUNCIL MEETING
MONDAY, OCTOBER 19, 2020**

Mayor Huner called this meeting of the Wauseon City Council to order at 5:00 p.m. in Council Chambers. She led the Pledge of Allegiance which was followed by a moment of silence. Roll was taken by the Clerk of Council. Present were Council President Chamberlin, Councilors Scott Stiriz, Stickley, Griggs and Schneider. Councilor Jeff Stiriz was excused.

MINUTES

Mayor Huner asked for a motion to approve the prior meeting minutes. Councilor Stickley moved and seconded by Councilor Griggs to approve the minutes as printed.

All in favor: *Motion Passed Unanimously*

COMMITTEE REPORTS

Councilor Griggs provided a summary of the October 14, 2020 Tree Commission meeting. He said the main topic of conversation was the 2021 Tree City USA banquet which will be hosted in Wauseon. He said they are moving the Oklahoma tree that is currently located at Public Works to the middle school and putting a plaque up for Jim Spiess as he was instrumental in obtaining that tree. No action taken.

DEPARTMENT HEAD REPORTS

Chief Sluder: They are working on the EMS contract.

Chief Chittenden: Drug take back day is October 24th from 10-2 at Walmart. Trick or Treat is October 31st from 6 to 7:30.

Keith Torbet: Leaf pickup starts the first week of November. The batting cage concrete pad has been poured. The storm sewer project from Leggett St to the creek will begin in the next few days. The clear well at the WTP was inspected this past week by divers. Clem Kutzli will have two pictures in the OWEA calendar in 2021.

Jamie Giguere: The city received \$267,000 in Coronavirus relief funds. She is working on the 2021 budget.

Tom McWatters: He explained the legislation on the agenda. He said the draft of the FD union contract is being reviewed. He congratulated the Wauseon Girls Golf team for placing at state. He also congratulated the Pettisville Boys Golf team for making it to state and Andy Scherer of Wauseon for making it to individual state.

FIRST READING OF LEGISLATION OR EMERGENCY

Resolution 2020-18: A Resolution Approving a Letter of Intent Between the City of Wauseon, the Ohio Municipal League Service Corporation, and OML Energy Solutions for Potential Purchase of Solar-Generated Energy and Related Electric Consulting Agreement; and Declaring an Emergency

Council President Chamberlin moved and seconded by Councilor Stickley to place Resolution 2020-18 on emergency reading.

Vote: 5 Yeas 0 Nays *Motion Carries*

Councilor Stickley moved and seconded by Councilor Griggs to place Resolution 2020-18 on final reading.

Vote: 5 Yeas 0 Nays *Motion Carries*

Resolution 2020-19: A Resolution Authorizing the Mayor to Pursue a Proposal for Creation of an EMS & Fire District for Funding Purposes; and Declaring an Emergency

Councilor Schneider moved and seconded by Councilor Stickley to place Resolution 2020-19 on emergency reading.
Vote: 4 Yeas 0 Nays 1 Abstain (Chamberlin) *Motion Fails*

Councilor Stickley moved and seconded by Councilor Griggs to place Resolution 2020-19 on first reading.
Vote: 4 Yeas 0 Nays 1 Abstain (Chamberlin) *Motion Carries*

Tom McWatters explained a majority of $\frac{3}{4}$ of the members of Council is required to allow for an emergency reading vote to pass. He said the charter states in this case the legislation will be construed as passing the first reading.

SECOND READING OF LEGISLATION OR EMERGENCY

There was no legislation for second reading.

THIRD READING OF LEGISLATION OR EMERGENCY

Ordinance 2020-7: An Ordinance Amending Section 957 of the Codified Ordinances of the City of Wauseon (Rotary Pond)

Council President Chamberlin moved and seconded by Councilor Stickley to place Ordinance 2020-7 on final reading.
Vote: 5 Yeas 0 Nays *Motion Carries*

Ordinance 2020-8: An Ordinance Amending Section 191.081(A) of the Codified Ordinance of the City of Wauseon (Resident Income Tax Credit)

Councilor Schneider moved and seconded by Councilor Stickley to place Ordinance 2020-8 on final reading.
Vote: 5 Yeas 0 Nays *Motion Carries*

NEW BUSINESS

Councilor Stickley thanked Keith Torbet for having the red and blue lines on Fulton Street painted. He said he would also like to thank all other city employees for all of the work they do.

APPROVAL OF THE BILLS

Councilor Schneider moved and seconded by Councilor Stickley to approve and pay the bills as presented.
Vote: 5 Yeas 0 Nays *Motion Carries*

ADJOURNMENT

There being no further business, Mayor Huner asked for a motion to adjourn. Councilor Stickley moved and seconded by Councilor Scott Stiriz to adjourn this meeting at 5:22 p.m.
All in favor: *Motion Passed Unanimously*

Andrea Gerken, Clerk of Council

Shane Chamberlin, President of Council

**WAUSEON CITY COUNCIL
COMMITTEE OF THE WHOLE
THURSDAY, OCTOBER 29, 2020**

Council President Chamberlin called this meeting to order at 7:30 a.m. in Council Chambers. Roll was called by the Clerk of Council. Present were Councilors Scott Stiriz, Jeff Stiriz, Griggs, Schneider and Stickley. Also present were Keith Torbet, Jamie Giguere and Tom McWatters.

Council President Chamberlin gave a brief summary of topics discussed at the staff meeting. He then moved to the agenda items.

Keith Torbet said that Bill Drummer would like to know when the city will have the 4th of July fireworks celebration in 2021 and Trick or Treat to put on the chamber calendar. Keith Torbet said both holidays fall on Sunday in 2021. He said Chief Sluder liked Friday, July 2, 2021 for the fireworks. Councilor Schneider said he thinks Thursday, October 28, 2021 would not interfere with football for Trick or Treat. There was general discussion about these dates.

President Chamberlin said the Finance Committee will give a report.

Councilor Schneider said the Finance Committee met to discuss the possibility of wage increases. He said after discussion the committee decided to wait on that decision. He said also discussed were items that needed included or updated in the city tax code.

The Finance Committee recommended updating the tax code to allow for an NSF fee; clarifying the income tax credit is only for municipalities in the State of Ohio; updating the definitions of a pension and a retirement benefit plan; and changing the allocation to put all income tax revenue into the General Fund.

President Chamberlin said there is no legislation for first reading.

President Chamberlin said there is one piece of legislation for second reading:

Resolution 2020-19: A Resolution Authorizing the Mayor to Pursue a Proposal for Creation of an EMS & Fire District for Funding Purposes; and Declaring an Emergency

There is no legislation for third reading.

President Chamberlin said there is nothing under new business. He said a Building and Grounds Committee meeting needs scheduled to discuss a parcel of land behind McDonald's. There was general discussion about the parcel.

Tom McWatters said Ordinance 2020-9: Amending the Tax Code could be read and considered at the November 2 meeting. He said he sent it out via email October 28, 2020. There was general discussion about this legislation.

Andrea Gerken reminded Council to check their emails for the 2021 proposed schedule of meetings. This topic should be discussed at the next Committee of the Whole.

There being no further business, this meeting adjourned at 8:09 a.m.