

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, AUGUST 2, 2011
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

REGULAR CITY COMMISSION MEETING

PROCLAMATION

- **Proclamation honoring Ms. Julia (Judy) Dilworth-100th Birthday**

A. CONSENT AGENDA

- a. **APPROVAL OF MINUTES**
Approval of the minutes from the July 19, 2011 Regular Piqua City Commission Meeting

B. OLD BUSINESS

- a. **ORD. NO. 6-11 (3rd Reading)**
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 120, 122, 125 and 127 The Recall
- b. **ORD. NO. 8-11 (2nd Reading)**
An Ordinance amending Chapter 34 of the Piqua Municipal Code to permit the disposal of personal property no longer needed for City purposes

C. NEW BUSINESS

- a. **ORD. NO. 9-11 (1st Reading)**
An Ordinance determining to proceed with and levying assessments for the improvement of Broadway Street Reconstruction
- b. **ORD. NO. 10-11 (1st Reading)**
An Ordinance to levy special assessments to pay for the cost of nuisance abatement assessments relating to Stormwater Improvement
- c. **RES. NO. R-89-11**
A Resolution awarding a contract to Cargill, Inc for the purchase of road salt for the Street Department
- d. **RES. NO. R-90-11**
A Resolution requesting authorization to enter into contract with Camp Dresser & McKee for Professional Services of the Water Distribution System Master Plan
- e. **RES. NO. R-91-11**
A Resolution reappointing a member to the Stormwater Utility Board

D. ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday July 19, 2011
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Vogt, Martin, Terry, and Wilson. Absent: None.

Mayor Fess introduced Jennifer Welker, the new Executive Director of the Western Ohio TV Consortium, and welcomed her. Ms. Welker stated she is excited to be on board and has been working in Public Access Television for seven years. Ms. Welker stated she is looking forward to working with and getting involved in the community.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of Minutes

Approval of the minutes from the July 5, 2011 Regular Piqua City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the Regular Piqua City Commission Meeting of July 5, 2011 be approved. Voice vote, Aye: Wilson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 5-11 (3rd Reading)

An Ordinance amending Sections 52.01, 52.21, 53.06 and 51.81 of the Piqua Code relating to Municipal Utilities General Service Regulations

City Manager Enderle stated Ordinance No. 5-11 updates the General Service Regulations for the Utilities, bringing them up to date.

There was discussion on the possibility of notifying the landlord when the utilities have been shut off so the landlord can come in and transfer the utilities in their name to avoid any problems with the property. Finance Director Holtzaple explained it is hard to do that since properties change hands often and the County records are not always updated right away. Law Director Wall stated it would be possible to make an amendment to Ordinance No. 5-11 in Section 7 (C) if the Commissioners elected to do so at this time. The language should state " *When a tenant's utilities have been disconnected, a reasonable attempt will be made to notify the landlord of the disconnect.*" All were in agreement with the stated language.

Moved by Commissioner Martin, seconded by Commissioner Wilson to amend Ordinance No. 5-11 in Section 7. Non-Payment of Utility Bills and Medical Exceptions under Section (C) at the end to add " ***When a tenant's utilities have been disconnected, a reasonable attempt will be made to notify the landlord of the disconnect***". Roll call, Aye: Fess, Vote, Terry Martin and Wilson. Nay, None. Motion carried unanimously.

Public Comment

No one came forward to speak for or against Ordinance No.5-11.

Moved by Commissioner Vogt, seconded by Commissioner Martin to adopt amended Ordinance No. 5-11 with the changes made as noted. Roll call, Aye; Martin, Terry, Fess, Wilson, and Vogt. Nay, None. Motion carried unanimously. Mayor Fess declared Ordinance No. 5-11 adopted, as amended.

NO. 6-11 (2nd Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 120, 122, 125 and 127 The Recall

Law Director Wall stated she made some minor changes to Charter Sections 120, 125, & 127 and reviewed the proposed changes.

Commissioner Martin inquired if it would be possible to change the wording in the last sentence of Section 125, which states, " If there are less than two years remaining in the term of the recalled commissioner, the appointed person shall serve for the remainder of the unexpired term." to state until the next General Election? Law Director Wall explained the City would still have to pay for a General Election. There was discussion on the reason Commissioner Martin would like to see the change in Section 125 Result of Recall Election.

Commissioner Terry stated she is glad the language is stated in the reason for a Recall, stating it is much easier to understand now.

Commissioner Wilson stated he would still like to see a change made in Section 127 Limitations on Recall Petitions to change the time limit from six months to ten months before a Commissioner can be recalled. Commissioner Wilson stated he feels six months is not quite long enough for the new Commissioner to get acclimated to the position. Law Director Wall explained the reason for the six month time period, further stating other City Charters ranged anywhere from three months to one year.

Public Comment

Jean Franz, Parkridge Place stated she is a member of the Piqua Planning Commission and is also on the Steering Committee of the Positively Promoting Piqua group voiced her support of the changes being made in the Piqua Charter at this time.

After a brief discussion Ordinance No. 6-11 was given a second reading.

NEW BUSINESS

ORD. NO. 8-11 (1st Reading)

An Ordinance amending Chapter 34 of the Piqua Municipal Code to permit the disposal of personal property no longer needed for City purposes

City Manager Enderle stated this is the first reading of Ordinance No. 8-11 to amend Chapter 34, specifically Section 34.35 Disposal of Personal Property to allow for a variety of disposal methods. This amendment allows for property to be donated but only to a non-profit entity or other governmental unit. It also provides flexibility in allowing for computer equipment to be declared obsolete and disposed of by means other than by sale. In this case a piece of fire equipment may be donated to a smaller Fire Department. The amendment would allow the City to have agreements with other governmental entities in donating property while being able to maintain access of the piece of equipment for backup use if needed.

Public Comment

No one came forward to speak for or against Ordinance No. 8-11 at this time.

Ordinance No. 8-11 was given a first reading.

RES. NO. R-85-11

A Resolution requesting Authorization to purchase real property at St. Rt. 66 on the Water Treatment Plant Construction

City Manager Enderle stated Resolution No. R-85-11 would authorize the purchase of the property located on State Route 66, being Parcel ID M40-047450, being 20.39 acres. This property is being purchased from Harold & Gertrude J. Lange at a cost not to exceed \$143,000.

O.R. Colan & Associates appraised the property and a fair market value was provided of \$143,000. In 2006, the Ohio EPA advised the City that the current facility would not be able to meet the new regulation coming into effect in 2013. The City of Piqua has been planning for a number of years to replace the existing water treatment plant, which was built in 1925. The proposed location has been identified as a prime location by consultants for the new water treatment plant. The City would not be allowed to take down the current water treatment plant and rebuild on the current site due to the new regulations. This is one of two properties to be purchased for the new plant with a combined total of about 40 acres. The new plant will only require about 10 acres at this time with room for expansion in the future.

There was discussion concerning the effects on the neighbors surrounding the new water treatment plant site. It was explained the area around the new water treatment plant would be screened and there is plans to have an informational meeting with the surrounding neighbors in the future.

Public Comment

Jeff Lange, N. St. Rt. 66 came forward and stated he is in full agreement with the City in purchasing the property and the placement of the new Water Treatment Plant. Mr. Lange further stated he feels it is the most logical place to build it. Now is the time to move the plant up the hill out of the Floodplain area, stated Mr. Lange.

Commissioner Martin inquired about the difference in price on the County assessment and the amount the City is paying. City Manager Enderle explained how the market value is arrived at and stated the city did get an appraisal of the property before making the offer.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-85-11 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-85-11 adopted.

RES. NO. R-86-11

A Resolution authorizing a Professional Services Agreement with Frederick E. Enderle

Mayor Fess stated since a new City Manager has not been selected and Mr. Enderle is leaving on July 31, this contract would be beneficial to the city. The Commissioners felt that if the new City Manager would like to have assistance on some of the projects already in progress Mr. Enderle would be available to assist him by having this contract in place. It was noted there is a cap of \$8000 set for his services, and he will only be used if requested by the new City Manager.

Public Comment

No one came forward to speak for or against Resolution No. R-86-11

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-86-11 be adopted. Voice vote, Aye: Martin, Wilson, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-86-11 adopted.

RES. NO. R-87-11

A Resolution authorizing the City Commission to enter into a Memorandum of Understanding to appoint William P. Murphy as Interim City Manager

Mayor Fess explained Mr. Murphy will be serving as Interim City Manager until the new City Manager is appointed. This will give Mr. Murphy the structure he will need to operate as the City Manager at a 3% increase, with the stipulation that he can go back to his current position as Economic Development Director/Assistant City Manager when a new City Manager is hired, if he is not chosen.

The Commissioners have conducted six skype interviews and are bringing four of the candidates in the first week in August to do face to face interviews with them. An open house is scheduled on Thursday, August 4th to meet the four individuals applying for the City Manager position. We appreciate Mr. Murphy agreeing to step into the City Managers position if necessary, stated Mayor Fess.

Public Comment

No one came forward to speak for or against Resolution No. R-87-11

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-87-11 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried on a unanimously. Mayor Fess declared Resolution No. R-87-11 adopted.

RES. NO. R-88-11

A Resolution requesting the City Commission to authorize an agreement with Eggeman Engineering & Consulting for the engineering design of the College Street Corridor Traffic Signal Project total cost not to exceed \$41,500

City Manager Enderle stated Resolution No. R-88-11 gives authorization to enter into an agreement with Eggeman Engineering & Consulting for the engineering design of the College Street Corridor Traffic Signal Project at a total cost not to exceed \$41,500. The project will consist of upgrading the College Street Corridor (College & High, College & Water and College & Covington) traffic signal system to include signal coordination, the installation of emergency preemption, converting the signal operations from pre-timed to actuated, the installation of ADA compliant curb ramps, and the replacement of the existing traffic signals with mast arm poles with construction scheduled for the summer of 2013. This project will allow for better traffic flow through these intersections, which will be a major benefit to the motorists. The City is responsible for the design and will have a grant in 2013 to construct the improvements that are adopted, stated City Manager Enderle.

Commissioner Terry asked about the timed traffic lights going east would the traffic be held there? City Engineer Amy Havenar explained how the timed traffic signals would work in the various areas.

Commissioner Wilson inquired why the Commission did not get a copy of any of the other bidders on this contract. City Engineer Havenar explained how the bid was awarded, stating it was based on qualifications and requests for proposals were sent out to three different companies. One company was selected to discuss the project further with and a bid proposal was requested from them.

Public Comment

No one came forward to speak for or against Resolution No. R-88-11

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-88-11 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-88-11 adopted.

PUBLIC COMMENT

Jeff Lange, N. St. Rt. 66 came forward and gave a brief update on the July 16th 8th Annual POWW River Cleanup. This cleanup included 16 miles of waterway, 122 volunteers, 36 canoes, and dozens of truck, cars and vans and even a 10-ton crane. The tallies are sadly higher this year and Mr. Lange read some of the unusual things that were found in the river. Mr. Lang thanked all the volunteers, sponsors, along with the City of Piqua, noting the City of Piqua is 100 % behind the Local Waterways programs.

Mayor Fess thanked all the volunteers and sponsors, and especially thanked Mr. Lange for his leadership and dedication because without him the clean waterways would not be possible.

Joe Drapp, Park Avenue stated he wanted to go on record stating he has worked with a lot of the city people and he considers the whole crew top notch, and gives a lot of credit to City Manager Enderle. Mr. Drapp also stated he has worked on a lot of various committees with the City Manager and knows he puts in a lot of long days and cares deeply about the community and just wanted to say "thank you" to City Manager Enderle.

Mayor Fess stated this is the last City Commission Meeting City Manager Enderle will be presiding over, and knows that he loves the community and plans on staying in Piqua after his retirement. City Manager Enderle is a dedicated and compassionate gentleman who worked well with his staff, and Department Heads and will be missed by all. Mayor Fess further stated it has been a pleasure to work with stating he is a great City Manager, who has kept us from going under water over the years and wish him the best in the future. A reception is planned for City Manager Enderle on Wednesday, July 27 in the Commission Chambers from 4:30 PM to 6:30PM and the community is invited to stop by and wish him well in his retirement.

City Manager Enderle stated it has been an honor to serve as the City Manager for the City of Piqua, and he appreciates all the cooperation and hard work he has received from the city staff, and believes the city staff is second to none in their dedication and caring for the community. There have been challenges along the way, and we have weathered them. City Manager Enderle stated he is very proud of what has been accomplished, and this has been done with a lot of support from the past and present City Commissioners and Mayors, along with city staff.

Commissioner Wilson commended Jeff Lange and the POWW group for their outstanding efforts in helping clean up the local waterways. Commissioner Wilson further stated Mr. Lange does a great job along with all the volunteers and sponsors and commends them for their dedication.

Commissioner Wilson thanked City Manager Enderle for staying around as long as he did after announcing his retirement in January, and wished him the best in his retirement.

Commissioner Terry thanked the POWW group for their hard work again this year. The Piqua Daily Call ran an article about the trash left in Fountain Park after the 4th of July Celebration. The article stated people using foul language, smoking and leaving behind trash in general, these people are not respecting the park, not respecting other people or respecting themselves. Look around your area and think about respecting yourself and be sure that you pick up and clean up as needed.

Commissioner Terry reminded residents of the Concert in the Park on Thursday evening, July 21 in the Hance Pavilion at 7:00 PM. and encouraged citizens to attend.

Commissioner Terry wished City Manager Enderle lots of happiness in his retirement and thanked him for his service to the citizens and agreeing to consult if we need him. We hope to find

someone with his experience, knowledge and his caring to take his place, said Commissioner Terry.

Commissioner Vogt thanked Jeff Lange and POWW group for their continued efforts, it shows he cares and the volunteers care about our waterways. Commissioner Vogt stated it took 120 applicants to find four to interview who came close to the qualifications and dedication of City Manager Enderle. Commissioner Vogt stated City Manager Enderle is the best moneyman he has ever seen as far as getting the biggest bang for the buck!

Commissioner Vogt stated he feels the biggest bargain in town is the Piqua Municipal Swimming Pool and encouraged citizens to come in for a swim.

Commissioner Martin thanked POWW, the volunteers and sponsors for doing such a great job again this year, but would like to see the numbers decline next year on the amount of debris picked up.

Commissioner Martin congratulated City Manager Enderle on his retirement, encouraged him to have some fun and wished him the best in the future.

City Manager Enderle thanked Jeff Lange and the POWW group for their continued efforts to keep our waterways clean.

City Manager Enderle noted there are two board openings on the Stormwater Advisory Board and the Diversity Committee. Applications can be picked up in the City Managers office.

Mayor Fess wished City Manager Enderle the best, and stated they have not always agreed but were always able to work things out and work together for the common goal. Mayor Fess wished City Manager Enderle the greatest retirement ever!

Adjournment

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting 8:40 P.M. Voice vote, Aye: Fess, Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 6-11

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 120, 121, 122, 125 and 127 THE RECALL

WHEREAS, the City Commission desires to place charter amendments on the November 2011 ballot regarding certain recall provisions; and

WHEREAS, the City Commission met in a public work session on June 2, 2011 to consider the matter; and

WHEREAS, the Piqua City Law Director presented a summary of the charters throughout the State of Ohio, consisting of a review of 154 charters and the recommended changes to the Charter are consistent with the governing provisions of the charters throughout Ohio.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2011 General Election the question whether the electorate is for or against amending Charter Sections 120, 121, 122, 125 and 127 as follows:

SECTION 120 RECALL PETITION PAPERS.

A member of the commission may be removed from office by the electors of the city. Any elector of the ward from which a member of the commission was elected or chosen may make and file with the city clerk an affidavit stating the name of the member whose removal is sought and grounds alleged for such removal that shall include an allegation of inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, and any elector of a ward from which a member of the commission is chosen may make and file with the city clerk an affidavit stating the name of the ward commissioner whose removal is sought and grounds alleged for such removal. The clerk shall thereupon deliver to the elector making the affidavit copies of petition papers for demanding such a removal, printed copies of which he shall keep on file for distribution as herein provided. In issuing any such petition paper the clerk shall enter in a record to be kept in his office the name of the elector to whom issued, the date of issuance, the number of papers issued, and shall certify upon each such paper the name of the elector to whom issued and the date of issuance. No petition paper shall be accepted as part of a petition unless it bears such certificate of the clerk and unless filed as hereinafter provided.

SECTION 121 FILING RECALL PETITION.

A petition demanding the removal of a member of the commission shall be known as a recall petition. A recall petition to be effective must be returned and filed with the city clerk within thirty days after the filing of the affidavit as provided in the next preceding

section, and to be sufficient must bear the signatures of ~~4,000~~ 2,000 registered voters of the City of Piqua. A recall petition if insufficient as originally filed, may be amended as provided in this charter.

SECTION 122 RECALL ELECTION ORDERED.

If a recall petition, or amended petition, shall be certified by the city clerk to be sufficient, which shall include the Board of Elections has certified all signatures, he shall at once submit it to the commission with his certificate to that effect and shall notify the member of whose removal is sought of such action. If the member of the commission whose removal is sought does not resign within five days after such notice the commission shall thereupon order and fix a day for holding a recall election in the city. If the commission is not scheduled to meet in the next calendar week after being notified by the clerk that a recall election date needs to be set, the commission shall call a special meeting within three business days to set the election date. Any such election shall be held not less than forty nor more than sixty days after the petition has been presented to the commission, and at the same time as any other general or special election is to be held within such period, the commission shall call a special recall election to be held within the time aforesaid.

SECTION 125 RESULT OF RECALL ELECTION.

If a majority of the votes cast on the question of recalling a member of the commission shall be against his recall he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the member indicated on the ballots he shall, regardless of any defect in the recall petition, be deemed removed from office. When a member of the commission is removed from office by recall the candidate to succeed such member, shall be declared elected after counting the votes in the manner provided by this charter for a regular election, shall succeed the member so removed for the unexpired term.

If there are no candidates on the ballot and a commissioner was recalled, the seat of the recalled commissioner shall be filled by a majority vote of the Planning Commission. Said person appointed shall satisfy the requirements of Charter Section 3 and shall reside in the same ward as the recalled commissioner. If there are more than two years remaining in the term of the recalled commissioner, the appointed person shall serve until the next general election where he shall be elected if he desires to remain as a commissioner for the remainder of the unexpired term. The elected person shall take office upon certification of the results by the Board of Elections and serve for the remainder of the unexpired term. If there are less than two years remaining in the term of the recalled commissioner, the appointed person shall serve for the remainder of the unexpired term.

SECTION 127 LIMITATIONS ON RECALL PETITIONS.

No recall petition shall be filed against a member of the commission until at least six months ~~within three months~~ after he takes office nor in case of a member subjected to a recall election and not removed thereby, until at least six months after that election.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on November 1, 2011, in the general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 120 Recall Petition Papers, and the question to be submitted shall be as follows:

Shall Charter Section 120 be amended to require a recall petition to specify as a reason on the petition for recall an allegation of inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 121 Filing Recall Petition, and the question to be submitted shall be as follows:

Shall Charter Section 121 be amended to require the recall petition to have 2,000 signatures of registered voters of the City of Piqua?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 122 Recall Election Ordered, and the question to be submitted shall be as follows:

Shall Charter Section 122 be amended to define when the Commission needs to set a recall election date upon being notified by the clerk?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 6. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 125 Result of Recall Elections, and the question to be submitted shall be as follows:

Shall Charter Section 125 be amended to allow for the Planning Commission to appoint a member to the commission when a commissioner has been recalled and there was no candidate on the ballot to be elected?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 7. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 127 Limitations on Recall Petitions, and the question to be submitted shall be as follows:

Shall Charter Section 127 be amended to restrict a recall petition being filed against a commissioner until six months after he takes office?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 8. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 9. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 10. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 7-5-2011
2nd Reading 7-19-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK

ORDINANCE NO. 8-11

AN ORDINANCE AMENDING CHAPTER 34 OF THE PIQUA MUNICIPAL CODE TO PERMIT DISPOSAL OF PERSONAL PROPERTY NO LONGER NEEDED FOR CITY PURPOSES

WHEREAS, the City of Piqua Charter Section 46 Division of Purchase and Supplies directs the Commission to establish by ordinance the procedures for advertising and competitive bidding; and

WHEREAS, the City of Piqua Municipal Code Chapter 34 regulates the purchase of supplies and disposal of property; and

WHEREAS, currently Section 34.35 does not permit the option of disposal of personal property in any manner other than by sale which is costly, time-consuming, and does not take advantage of other options of disposal; and

WHEREAS, being able to donate personal property no longer of value to the City allows for benefits to the City and the entity accepting the property by saving in costs of disposal and allowing continued use to another agency or entity.

NOW THEREFORE, BE IT ORDAINED BY the Piqua City Commission, a majority of its members concurring that:

SECTION 1. That the City of Piqua hereby amends Chapter 34 of the Piqua Municipal Code as set forth below: (proposed language is underlined and language to be deleted is struck)

§ 34.01 CONTRACTS FOR PUBLIC WORKS AND IMPROVEMENTS.

(A) Contracts for public works and improvements shall be awarded to the lowest responsible bidder within a reasonable time after advertisement for bids has been published at least once in a newspaper of general circulation in the city containing a reservation that the City Manager shall have the power to reject all bids and advertise again. The City Manager may reject all bids and advertise again, but shall not be required to do so, even when the lowest bid exceeds the engineer's estimate by 10% or more.

(B) The City Manager shall determine the appropriate specifications and bidding requirements not otherwise provided in the city code. Such determination shall be to the exclusion and preemption of R.C. Chapters 9 and 153, which are hereby rendered inapplicable to all public works and improvements in the city.

PURCHASE OF SUPPLIES

§ 34.15 PAYMENT FOR SUPPLIES AND EQUIPMENT.

Whenever articles, commodities, supplies, materials, or equipment are purchased and delivered to the storerooms or warehouses of the city in anticipation of requisitions from the

several departments, divisions, and it is impracticable at the time of delivery to apportion the cost thereof or any part of the cost to the several departments, divisions, and offices, payment shall be made from the city storeroom fund of the Department of Purchases and Supplies, to be repaid by the several departments, divisions, and offices as they receive the supplies upon a requisition.

§ 34.16 ESTIMATES AND SUMMARY; AVAILABLE EQUIPMENT.

At the beginning of each year, and at such other times as contracts for supplies are to be let, the director of each administrative office shall submit to the Director of Finance an estimate of all articles, commodities, supplies, equipment, and materials anticipated to be needed by that department or office for its regular operation during the year. This estimate shall specify the quantity and character of each item needed. All estimates shall be transmitted to the Purchasing Agent, who shall prepare a summary statement which shows the total quantity estimates required by all departments and offices of each item of such articles, commodities, supplies, equipment, and materials. The estimates and the summary shall also show the amount of all articles, commodities, supplies, equipment, and materials estimated to be on hand or in stock in the departments and offices or in the city storerooms or warehouses, and the net quantity which it will be necessary or advisable to purchase during the ensuing year. The estimates and the summary shall also show the quantity, character, and estimated value of all articles, commodities, supplies, equipment, and materials or other property on hand in the several departments or in the storerooms and warehouses of the city, which are no longer usable or needed and which may be ~~condemned and sold by the city~~ disposed of by the City as specified herein in Chapter 34 of the Municipal Code.

§ 34.17 PURCHASING CONTRACTS; BIDS.

At such times after the passage of the annual appropriation ordinance or after any preliminary appropriation ordinance has passed in accordance with sections 49 or 50 of the Charter, bids for purchase contracts covering all or any part of the requirements of such articles, commodities, supplies, materials, services, and equipment as the city may need during the year shall be received with or without advertising or otherwise as will permit which most benefit the city.

§ 34.18 APPLICATION OF REVISED CODE.

The provisions of R.C. § 5719.042 shall have no application to any contract governed by this chapter.

§ 34.19 PUBLICATION OF BIDS; EXCEPTIONS.

No purchase of goods, supplies, or services in excess of \$25,000 shall be made until and unless advertisement for bids has been published at least once, not less than 48 hours before the opening of bids, in a newspaper of general circulation in the city, all subject to section 46 of the Charter. However, advertisement shall not be required when:

- (A) Purchases are made by contract established pursuant to § 34.17;
- (B) In unforeseen emergencies, delay would result in the interruption of or detriment to the delivery of public services, as determined by the City Manager;

(C) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the city and the only source of supply is limited to a single supplier;

(D) The purchase is from the federal or state government or agency thereof, or from any political subdivision;

(E) In the sound judgment of the Purchasing Agent, subject to approval of the City Manager, advertisement for bids for any specific purchase would not be of any material benefit to the city.

(F) The purchase consists of professional services for which no possible specifications for bids can be drawn, subject to approval by the City Commission.

(G) The purchase is from a joint purchasing program where the equipment, material, supply or service being purchased was obtained through a competitive sealed bidding process or a competitive sealed proposal process.

§ 34.20 EQUIPMENT HAVING STANDARD SPECIFICATIONS.

In advertising for bids for the furnishing of articles, commodities, supplies, materials, or equipment for which standard specifications have been adopted, it shall be sufficient to refer thereto by the general trade name and by citing the appropriate standard specification or specifications, and by stating that standard specifications may be examined at the office of the Purchasing Agent. The Purchasing Agent may require bidders to submit samples with their bids in cases in which it is practicable to do so.

§ 34.21 REQUISITIONS; FURNISHING ITEMS.

(A) Requisitions for articles, commodities, supplies, materials, or equipment by any department or office shall be addressed to the Purchasing Agent, approved by the director of the department or the head of the office, and if the department or office has available a sufficient appropriation balance in excess of all unpaid obligations sufficient to pay for the supply the Purchasing Agent shall either furnish the items requisitioned from the storerooms or warehouses of the city, procure them by purchase under a purchase contract previously made, or procure them by purchases in the market.

(B) Whenever any office or division of the city requires supplies or equipment which another office or division of the city is able to furnish, suitable requisition may be made, and the supplies or equipment may be furnished. In such cases bids need not be obtained. Apportionate charges and credits shall be made to accounts affected by this transaction.

§ 34.22 LOCAL PREFERENCE PURCHASING PROGRAM.

(A) *Definitions.*

(1) **COMMODITIES.** Goods that can be purchased from a manufacturer or their representative and which are purchased by the city in amounts greater than the amounts required to be bid in the Charter.

(2) **NON-PROFESSIONAL SERVICES.** Janitorial and general maintenance service orders including those for fleet management, buildings, and mowing. In addition, city printing services would be included in this category. Any prevailing wage project would not be considered part of this definition.

(3) **CITY BIDDER/SUPPLIER.** A corporation, sole proprietorship, partnership, or joint venture who maintains a place of business within the corporate limits of the city as now established, or as hereafter established in the manner provided by law, and has filed or paid a payroll or earnings tax to the city in the most recent tax quarter. When proof of situs is required, the city bidder/supplier shall authorize the Department of Income Tax to release the necessary information.

(B) *Local preference.* In awarding purchase orders for commodities and non-professional services, the city may grant a local preference to city bidder/supplier within the city. In determining the lowest responsible bidder or supplier, a 5% local preference on all local bids exceeding the lowest, responsible, non-city bidder/supplier bids may be computed on the amount of the low bid meeting specifications by a non-city bidder/supplier. The preference may be applied up to a maximum of 5%, but not to exceed \$10,000.

(C) *Ties.*

(1) Ties between city bidder/supplier and one or more non-city bidder/supplier(s) meeting specifications shall be broken in favor of the city bidder/supplier.

(2) Ties between two or more city bidder/suppliers(s) meeting specifications will be broken through a coin toss method until the winner remains.

(D) *City Manager authorization.* The City Manager or his or her designee may promulgate rules and regulations to implement this section provided they are not inconsistent with the expressed provisions of this section.

(E) *Savings.* This section may be subject to the application of the laws of the state or the United States of America which may preempt all or a portion of this section.

(F) *Local preference certification and waiver form.*

(1) This section provides for a local preference in the purchase of commodities and non-professional services by the city.

(2) The rules and regulations adopted by the city of the administration of this section require that bidders claiming local preference complete the following form for each bid. Failure to properly complete and return this form may result in not being qualified to receive preference under this section.

PREFERENCE CLAIMED – City Bidder/Supplier

BUSINESS NAME: _____

STREET ADDRESS: _____

COUNTY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE NO.: _____ FAX NO.: _____

FEDERAL I.D. NO.: _____

If incorporated. If a sole proprietorship, use Social Security Number of owner.

TESTIMONY AND AUTHORIZATION

The undersigned, on behalf of the aforementioned business concern, hereby authorizes the City of Piqua Department of Income Tax to provide proof of status pursuant to the Ordinance to the City of Piqua Department of Purchasing. In so doing, I authorize the Department of Income Tax to disclose such records as may be necessary to establish qualifications for local preference as required by the Ordinance or any subsequent rules and regulations adopted in the administration of the Ordinance. I, on behalf of the aforementioned business concern, hereby release the City of Piqua and its officers, employees, or agents from any and all liability for the disclosure of any information establishing these qualifications. I further attest to the fact that the business concern is physically located within the Corporate limits and boundaries of the City of Piqua, Ohio. By affixing my signature to this form, I also attest that I am a duly authorized agent of the aforementioned business concern.

Type or Print Agent Name

Agent Signature

Date

§ 34.23 JOINT PURCHASING PROGRAM.

(A) The City Manager is hereby authorized to participate in any joint purchasing program operated by or through a national or state association of political subdivisions in which the city is eligible for membership.

(B) Acquisitions of equipment, material, supplies, or services, through participation in joint purchasing program under division (A) of this section, is exempt from any advertisement and competitive bidding requirements otherwise required by law, if the contract in question was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state.

(C) The City Manager is hereby authorized to agree in the name of the City of Piqua to directly pay the vendor, under each such joint purchasing program contract in which it participates, for items it receives pursuant to the contract, and that the City Manager does hereby agree to directly pay the vendor.

(D) If the expenditure of funds for the purchase of equipment, material, supplies, or services under the proposal available through participation in a joint purchasing program

exceeds the amount specified by ordinance for which such purchases or services may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance.

SALE OF PROPERTY

§ 34.31 SALE AND DISPOSAL OF PROPERTY.

Under the power of local self-government conferred upon cities by Article IV of the Ohio Constitution and as a charter municipality under Article XVII of that Constitution, the City of Piqua has established the procedures described in this chapter for disposal of real and/or personal property interests, including money, in its possession. The custodial care of any such property interest and its disposal under this chapter shall be deemed to constitute a governmental function.

§ 34.32 PERISHABLE FOOD, FLAMMABLES, EXPLOSIVES, AND OTHER HAZARDOUS MATERIALS.

(A) If personal property which has been lost, mislaid, abandoned or stolen comes into the possession of the city, and if it is solid food or is a beverage (collectively referred to as "food") of such a nature that it will spoil if not used almost immediately ("perishable food"), the procedures of this section shall be followed instead of any other procedures described elsewhere in this chapter.

(B) If the city does not know the name or address of the owner of the perishable food, the city may proceed at once to use that food itself or may dispose of it by gift or other transfer to any person or entity, including but not limited to any non-profit organization, or may dispose of it as worthless rubbish.

(C) If the name or address of the owner of the perishable food is known, the city shall make an attempt to give telephone notification to the owner that the perishable food has been left in the possession of the city. If the city is not successful in giving such notice after three attempts within 24 hours or if the property is not taken away by the owners within 24 hours after the notice attempt concluded (or whatever lesser number of hours may be reasonable for notice and/or removal, based on the perishable nature of the food), the city may use that food itself or may dispose of it by gift or other transfer to any person or entity, including but not limited to any non-profit organization, or may dispose of it as worthless rubbish.

(D) The procedures listed in § 34.32 (A), (B), and (C) shall apply to flammables, explosives and/or other hazardous materials coming into the possession of the city.

§ 34.33 OPTIONAL PROCEDURE UNDER STATE STATUTE.

Personal property which has been lost, mislaid, abandoned or stolen and which has come into the possession of this city may be disposed by the city on the basis of an application for disposal of property filed with the municipal court of this county under R.C. § 2933.41, as that statute may be revised and/or renumbered from time to time. In the alternative, this charter city may dispose of such property under other sections of this chapter, and/or such written internal control policy adopted relative to property approved by the Chief of Police without necessity of any court order or judicial proceeding.

§ 34.34 PROPERTY FOUND BY EMPLOYEES BELONGS TO THE CITY.

If personal property is found by an employee of this city during the course of his or her employment, that employee shall have a duty to deliver the property into the custody of this city; and any rights which might otherwise accrue to the finder of such property shall thereafter be deemed to belong exclusively to this city.

§ 34.35 SALE OR DISPOSAL OF SCRAP AND PERSONAL PROPERTY.

~~(A) Disposal of discarded personal property.~~

~~(1) For purposes of this division (A) the following words and phrases shall have the following meanings ascribed to them respectively.~~

~~**PERSONAL PROPERTY NOT NEEDED FOR PUBLIC PURPOSES.**~~

~~Personal property, other than scrap, which is not needed for any of the departments of the city.~~

~~**SCRAP.** Personal property that has become unsuitable for use or personal property that has been condemned as useless by the City Manager or his or her designee.~~

~~(2) Scrap shall be sold by the purchasing agent for the best price obtainable without advertising for bids.~~

~~(3) Personal property not needed for public purposes, whose cost is less than \$1,000, may be sold by the Purchasing Agent without advertising for bids.~~

~~(4) A personal property item not needed for public purposes with a cost in excess of \$1,000 shall be sold by the Purchasing Agent to the highest and best bidder after advertising for bids, or with the approval of the City Commission by resolution, or by public auction, which shall include internet auctions available to the general public.~~

~~(B) Sale of personal property. All personal property of the city which is not needed by the department or office which has charge of the property shall be turned over to the Purchasing Agent. If any such property is suitable to be used by any other department or office of the city, the Purchasing Agent shall either sell the property at its current value to the other department or office, or place it in the city's storerooms or warehouses until it is needed by some department or office of the city.~~

(A) **PERSONAL PROPERTY NOT NEEDED FOR PUBLIC PURPOSES.** Personal property, other than scrap, which is not needed for any of the departments of the city, may be disposed of as follows:

(1) By sale by sealed bid to the highest and best bidder, following notice on the city website and the public access station at least ten business days prior to the opening of bids.

(2) By live public auction.

(3) By internet auction. Notice of internet auction will be posted on the city website at least five calendar days prior to commencement of bidding.

(4) By sale, donation or agreement to another government jurisdiction without the requirement of competitive bidding.

(5) By trade-in for credit at the time of the purchase of replacement property, provided that trade-in value is established separately from the purchase price of the replacement property, and can be verified to represent fair market value for the traded property.

(6) By destruction upon the determination by the City Manager that the surplus property must be destroyed for public safety reasons.

(7) By donation to an appropriate charitable organization with the approval of the City Manager. No property shall be donated to the benefit of any private individual, private company or for-profit organization.

(B) **COMPUTER EQUIPMENT.** If the personal property is computer equipment which, in the judgment of the IT Director with approval of the City Manager, has no market value because of its age and/or obsolescence, the Purchasing Agent may dispose of such equipment as most beneficial to the City, including donation to a non-profit organization or by discarding such equipment.

(C) **SCRAP.** Personal property that has become unsuitable for use or personal property that has been condemned as useless by the City Manager or his or her designee shall be sold by the purchasing agent for the best price obtainable without advertising for bids.

(D) Any property donated shall be done so by written agreement that includes the proper release language as approved by the Law Director and the acceptance of the property in an "as is" condition.

§ 34.36 SALE OR LEASE OF CITY REAL ESTATE.

No real estate belonging to the city shall be sold or leased except in pursuance of a resolution passed by a majority vote of all members of the City Commission. This resolution shall contain the following.

(A) The reason for selling or leasing the real estate;

(B) Description of the real estate to be sold or leased;

(C) When real estate is to be leased or sold by the city to the United States Government; the State of Ohio (including any department or agency thereof) any political subdivision of the state; any nonprofit corporation, association, or organization; or any specific person or persons,

firm or corporation if, in the sound judgment of the City Manager, the sale or lease would be in the best interest of the city, no advertising for bids shall be required, if the resolution provided for in this section so states.

§ 34.37 ADVERTISEMENT; REPORTING OF BIDS.

(A) Except for sales or leases provided for in division (C) of this section, when real estate is to be leased or sold by the city, the resolution provided for in § 34.36 shall be advertised, together with all pertinent matters, as in the case of other purchases and sales.

(B) The City Manager shall report to the Commission all bids received in the matter of the lease or sale of real estate, and shall take such action thereon as may be directed and authorized by ordinances of the City Commission. The City Manager shall sign all conveyances for the sale or leasing of real estate of the city.

(C) When real estate is to be leased or sold by the city to the United States Government, the state (including any department or agency thereof), any political subdivision of the state or to any nonprofit corporation, association, or organization, no advertising for bids shall be required if the resolution provided for in § 34.36 so states.

§ 34.38 DISPOSITION OF UNCLAIMED PROPERTY.

(A) Property that is abandoned and unclaimed for 90 days after being taken into custody by the city may be sold by the Chief of Police at public auction after giving due notice thereof by advertisement published weekly for three consecutive weeks. The Chief of Police may have the proceeds from this auction, in full or part, deposited into the Law Enforcement Trust Fund.

(B) In the alternative, the city may keep the property, or the Chief of Police may contribute proceeds, in full or part, from the auction (see division (A)) to a recognized citizens reward program for use exclusively for the payment of rewards or the Chief of Police may contribute the property to one or more public or nonprofit agencies (provided no part of the net income inures to the benefit of any private agency's shareholder or individual and no substantial part of the agency's activities consist of promulgating propaganda or otherwise attempting to influence legislation or to one or more organizations satisfying IRC 501(c)(3) or (c)(19).

(C) This section shall not apply to property required for disposition pursuant to R.C. § ~~2933.44~~ 2981.01 et seq. or other similar sections of the *Revised Code*, except as provided otherwise in this chapter.

(D) Bicycles that are abandoned and unclaimed for 60 days and have no value may be destroyed or otherwise disposed of by the Chief of Police without public sale.

(E) The Chief of Police or his/her designee shall determine any claimant's rights to possession of the abandoned or unclaimed property. If the claimant is dissatisfied with the decision of the Chief of Police or his or her designee, he or she may appeal the decision to the City Manager or his designee within 7 days of the decision. The City Manager and/or his or her designee shall hold a hearing within 14 days of receipt of the notice of appeal. The decision of the City Manager shall be final.

§ 34.39 DISPOSITION OF REAL AND PERSONAL PROPERTY WHICH HAS BEEN SEIZED BY AND/OR FORFEITED TO THE CITY.

(A) A person loses any right he or she may have to possession of property, which was the subject of an offense, was used in a conspiracy or attempt to commit an offense, or was used in the commission of an offense (other than a traffic violation) if the person was a conspirator, accomplice, or offender with regard to the particular offense. In addition, a person loses any right he or she may have had to possession of property when, on the basis of the nature of the property or the circumstances involved, it is unlawful for him or her to acquire or possess it. Any such property shall be deemed to have been forfeited to the city.

(B) Forfeited property in the custody of the city may be disposed of on the basis of an Application for Disposal of Property filed with the Municipal Court of this county under R.C. § 2933.41. In the alternative, this charter city may use any of the following procedures of disposal of such forfeited property, without necessity of any court order or judicial proceedings:

(1) Drugs of abuse, as defined in Ohio statutes, shall be destroyed, or placed in the custody of the Secretary of the Treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

(2) Alcoholic beverages, as defined in Ohio statutes, shall be destroyed, or placed in the custody of the Ohio Department of Liquor Control for disposal.

(3) Firearms and dangerous ordnance suitable for police work may be retained by the city as its property for law enforcement purposes. All other firearms shall be disposed of § 34.33 and § 34.38 above.

(4) Obscene materials shall be destroyed.

(5) Any other item of personal or real property forfeited under any law of the United States or the State of Ohio or ordinance of this city may be retained by the city for its own use. If not so retained and if the optional procedure of disposal under state statute is not used (see division (B) of this section) the property shall be disposed of under § 34.33 or § 34.38 above.

§ 34.40 REIMBURSEMENT OF CITY EXPENSES.

The right of any owner or finder to claim possession of property pursuant to this chapter shall be conditioned upon reimbursement to the city by that person of all direct expenses incurred by the city for advertising, mailing of notices and for any transportation and storage fees paid to third persons in connection with the property involved.

LAND REUTILIZATION PROGRAM

§ 34.50 LAND REUTILIZATION PROGRAM ESTABLISHED.

(A) The City of Piqua hereby adopts the procedures set forth in R.C. Chapter 5722.

(B) The proper city officials are hereby authorized to take all necessary and proper actions to adopt and implement the procedures set forth in R.C. Chapter 5722 and the City Manager is

directed to promulgate rules to set up a selection review committee, to delineate property selection and documentation criteria, to establish maintenance and reporting requirements, and to determine the length of time the city may own property for the program.

(C) The Clerk of Commission is hereby directed to transmit certified copies of this section to the County Auditor, the County Treasurer and the County Prosecutor, as provided in R.C. § 5722.02.

SECTION 2. All other sections of Chapter 34 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 7-19-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK



LAW DEPARTMENT – Stacy M. Wall, Director

For Regular Meeting of City Commission July 19, 2011

To: Fred Enderle, City Manager

From: Stacy M. Wall, Law Director

Date: July 12, 2011

Re: Amendment of Chapter 34, City Policy

PURPOSE:

To amend Chapter 34, specifically Section 34.35, Disposal of Personal Property to allow for a variety of disposal methods.

RECOMMENDATION:

To adopt the Ordinance amending Chapter 34 to enable the Purchasing Agent to have flexibility in how to dispose of personal property that is no longer of value to the City and cannot be used by any City department.

BACKGROUND:

Recently, two departments have had a request to dispose of personal property in a certain manner but were restricted by Section 34.35 and could only sell the property by bid. In both cases, the departments wanted to donate the property as in one case, the property had no value. In the second case, the Fire Department wants to donate equipment to another governmental entity that needs the equipment and by donating it the City would be able to access that equipment as backup if needed.

ALTERNATIVES:

1. Adopt the ordinance to allow flexibility in how personal property is disposed of, including the ability to donate;
2. Do not adopt the amended ordinance;
3. Amend the ordinance in some other fashion.

DISCUSSION:

It is recommended that the ordinance be adopted in order to allow flexibility in how personal property is disposed when no longer needed for City use. The amendment allows for property to be donated but only to a non-profit entity or other governmental unit. The amendment also provides flexibility in allowing for computer equipment to be declared obsolete and disposed of by means other than by sale. The ordinance continues to distinguish between personal property and scrap continuing to require the scrap to be sold. The amendment would allow for the City to have agreements with other governmental entities in donating property while being able to maintain access for backup use if needed.

FINANCIAL IMPACT:

There could be a cost savings by adopting the ordinance. Currently the ordinance requires property to be sold by bid, which is a costly process due to the time involved and the cost of publication. If the code is amended to allow for different disposal methods, the same costs involved in the bidding process would not be expended.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed changes are consistent with ensuring disposal is only after the property cannot be used by any other City department and it is of no value to the City. The amendment further states that no for profit entity or individual can benefit from donation of the property, protecting the City's interests in preventing conflicts of interest.

ORDINANCE NO. 9-11

**AN ORDINANCE DETERMINING TO PROCEED WITH
AND LEVYING ASSESSMENTS FOR THE
IMPROVEMENT OF BROADWAY STREET
RECONSTRUCTION**

WHEREAS, this Commission did duly adopt Resolution No. R-46-10 on the 6th day of April 2010 declaring therein the necessity of the proposed improvement hereinafter described; and

WHEREAS, pursuant to said resolution, estimated assessments with respect to said improvement were duly prepared and placed on file in the office of the Clerk of this Commission; and

WHEREAS, no objections to said estimated assessments having been filed, the Board of Revision of Assessments heard and determined the equalization of the assessment report; and

WHEREAS, the report of the Board of Revision as reviewed, has been submitted to this Commission and attached hereto; and

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The revised assessment report of the Board of Revision of Assessments is hereby approved and the assessments as recommended in said report are hereby approved and shall be filed in the office of the Clerk of this Commission;

SEC. 2: It is hereby determined to proceed with the improvement of Riverside Drive Street Reconstruction Project in accordance with the provisions of said Resolution No. R-46-10 and in accordance with the plans, profiles, specifications and the estimate of cost for said improvement heretofore approved and filed in the office of Clerk of this Commission;

SEC. 3: The final assessments of the cost of said improvement heretofore prepared and filed in the office of said clerk (and as equalized by the Board of Revision of Assessments hereinabove referred to) be and the same hereby are adopted;

SEC. 4: It is further determined that the portion of the cost of said improvement to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in said resolution declaring the necessity of said improvement;

SEC. 5: All claims for damages resulting from said improvement that may be filed in accordance with law shall be inquired into after completion of said improvement;

SEC. 6: There be and hereby are levied and assessed upon the lots and lands bounding and abutting upon said improvement the several amounts reported in said assessment report (which assessments are at the rate of \$10.00 per front foot of curb and gutter removed and installed, \$3.25 per square foot of 4" sidewalk removed and installed, \$42.50 per square yard of 6" driveway with sidewalk removed and installed). Said assessments do not exceed any statutory limitation;

SEC. 7: It is hereby determined that the assessments in the revised assessment report as recommended by the Board of Revision of Assessments are based upon the actual cost of said improvement;

SEC. 8: The total assessment against each lot and parcel of land shall be payable in cash to the Finance Director of the City within thirty days after completion of this improvement, or, at the option of the property owner assessed, in five or ten annual installments with interest at the same rate as is borne by the bonds issued in anticipation of the collection of such assessments and installments thereof which have not been paid at the expiration of said thirty day period shall be certified by the Clerk of this Commission to the County Auditor to be placed by him on the tax duplicate and collected at the same time and in the same manner as other taxes are collected, as provided by law;

SEC. 9: The Clerk of this Commission be, and she hereby is, authorized and directed to cause notice of the passage of this ordinance to be published once in a newspaper of general circulation in the City as required by law;

SEC. 10: The Clerk of this Commission is authorized and directed to keep said adjusted assessments on file in her office for so long as any of them remain unpaid;

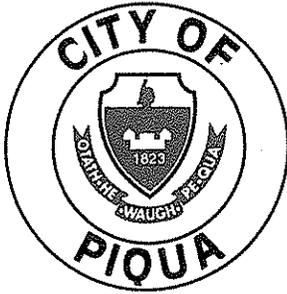
SEC. 11: The Clerk of this Commission be, and she hereby is, authorized and directed to cause notice of the levy of the assessments herein provided for to be filed with the County Auditor within thirty days after passage of this ordinance;

SEC. 12: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



FINANCE DEPARTMENT

Cynthia A. Holtzapple – Director of Finance
201 West Water Street • Piqua, Ohio 45356
(937) 778-2065 • FAX (937) 778-1130
E-Mail: choltzapple@piquaoh.org

July 27, 2011

Fred Enderle
City Manager

RE: Special Assessments for Broadway Street Reconstruction

I am requesting this ordinance be placed on the agenda for the city commission meeting of August 2, 2011. This is for authorization to certify the unpaid sidewalk, curb and gutter assessments to the county auditor's office to be placed on the property tax duplicate. The project costs are either paid by the property owner or, at their choice, financed for a five or ten year period. Following is a breakdown of the property owners' payments and choices as of today; however, we will continue to accept payments here in the office until August 31, 2011. Assessments must be to the county auditor's office by September 12th, 2011.

	<u>PRINCIPAL</u>	<u>INTEREST & ADMIN</u>
Original Total Property Owners' Costs	\$ 98,249.54	
Paid in Cash	\$ 48,170.68	
Choice of Five Year Financing by Property Owners	\$ 36,238.18	\$ 16,687.70
Choice of Ten Year Financing by Property Owners	\$ 13,840.68	\$ 9,954.88

If you need any additional information, please let me know.

Sincerely,

Cynthia A. Holtzapple,
Assistant City Manager/Finance Director



Exhibit A
 Broadway Reconstruction - Phase II
 Project # 07-11
 Bid Quantity Assessments

PARCEL # N44-	OWNER	LOT #	LOCATION	TOTAL COST PER PARCEL	Total 5-Year	Total 5-Year Costs With	Total 10-Year	Total 10-Year Costs With
					Admin. & Int.	Admin. & Int.	Admin. & Int.	Admin. & Int.
53100	Charles E. & Debra S. Barga	4635	1308 Broadway	\$2,407.21	\$1,108.52	\$3,515.73		
53120	Cheryl S. England	4636	1402 Broadway	\$1,892.25	\$871.38	\$2,763.63		
95400	Lloyd & Joyce Ridenour	176	1404 Broadway	\$706.95	\$325.55	\$1,032.50		
53140	Durbin P. & Rita J. Lawson	4638	1408 Broadway	\$820.00	\$423.66	\$1,343.66		
49140	Michelle L. Bednarczyk	4254	1502 Broadway	\$820.00	\$423.66	\$1,343.66		
49110	Darla S. Flora	4251	1508 Broadway	\$1,070.42	\$492.92	\$1,563.34		
49080	Kirk E. Kingler	4247	1516 Broadway	\$954.13	\$439.38	\$1,393.51		
49050	Richard D. Henson	4244	1600 Broadway	\$820.00	\$423.66	\$1,343.66		
49030	Jeffery A. & Constance M. Stephenson	4242	1604 Broadway	\$820.00	\$423.66	\$1,343.66		
49020	Kenneth F. & Cathryn Ann Stambaugh	4241	1606 Broadway	\$820.00	\$423.66	\$1,343.66		
49010	Scott J & Ginger E. Ponchillia	4240	1608 Broadway	\$674.11	\$310.43	\$984.54		
49000	Jessica Lutz	4239	1610 Broadway	\$855.00	\$393.73	\$1,248.73		
48970	Tara Swarts	4236	1616 Broadway	\$816.00	\$375.77	\$1,191.77		
48930	Richard R. Chavers	4233	1700 Broadway	\$952.50	\$438.53	\$1,391.13		
48910	BAC Home Loans Servicing LP	4231	1704 Broadway	\$1,280.84	\$580.66	\$1,861.50		
48900	Jennifer K. Dever	4230	1706 Broadway	\$1,256.93	\$578.82	\$1,835.75		
48880	Elisabeth R. Cooke Katz	4228	1710 Broadway	\$959.00	\$441.62	\$1,400.62		
48870	Mark Carnes	4227	1712 Broadway	\$920.00	\$423.66	\$1,343.66		
48840	William R. & Cheri L. McGill	4224	1718 Broadway	\$400.00	\$184.20	\$584.20		
48830	Charles P. & Jennifer D. Morris	4223	1720 Broadway	\$400.00	\$184.20	\$584.20		
51670	Kimberly L. Neal	4498	1403 Broadway	\$400.00	\$184.20	\$584.20		
97900	Catherine J. Mackellar	252	1505 Broadway	\$2,334.63	\$1,075.09	\$3,409.72		
98160	Kimberly A. Raemer	252	1511 Broadway	\$1,871.00	\$907.65	\$2,778.65		
97920	B First Properties Limited	252	1603 Broadway	\$2,370.72	\$1,091.72	\$3,462.44		
97980	Pamela J. Maher	252	1623 Broadway	\$1,074.00	\$494.58	\$1,568.58		
97880	Ted & Katherine I. Hartley	252	1701 Broadway	\$1,662.00	\$765.35	\$2,427.35		
98320	Federal National Mortgage Association	252	1705 Broadway	\$2,261.17	\$1,041.27	\$3,302.44		
98380	Jody L. Stahl	252	1715 Broadway	\$361.44	\$166.45	\$527.89		
98300	Thomas K. & Sondra J. Schneider	252	1721 Broadway	\$3,677.78	\$1,693.62	\$5,371.40		
49070	Keith & Julie Murphy	4246 & 4245	1518 Broadway	\$2,180.94			\$1,568.64	\$3,749.58
48980	Michael B. & Tracy L. Leonard	4237	1614 Broadway	\$820.00			\$661.71	\$1,581.71
48860	Douglas Henderson	4226	1714 Broadway	\$959.00			\$689.76	\$1,648.76
51610	Garon M. Douglas	4492	1303 Broadway	\$959.00			\$689.76	\$1,648.76
95480	Frances C. Shefbuch	177	1409 Broadway	\$4,136.96			\$2,975.50	\$7,112.46
98040	West Michelle Investments, LLC	252	1609 Broadway	\$1,786.83			\$1,285.17	\$3,072.00
98020	Kyle C. & Sarah Jane Magoteaux	252	1611 Broadway	\$1,136.89			\$817.70	\$1,954.59
97950	Steven A. & Nicole R. Palsgrove	252	1707 Broadway	\$1,761.06			\$1,266.64	\$3,027.70
				\$50,078.86	\$16,887.70	\$52,925.88	\$9,954.88	\$23,795.56

ORDINANCE NO. 10-11

**AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS
TO PAY FOR THE COST OF NUISANCE ABATEMENT
ASSESSMENTS RELATING TO A STORMWATER
IMPROVEMENT**

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The assessment of the cost and expense of improving a certain lot, as herein set out, by nuisance abatement on said property, as reported to this Commission in Exhibit "A" attached hereto, are hereby adopted and confirmed, and that there be and is hereby levied and assessed upon the lot improved by the aforementioned nuisance abatement, the amount reported as aforesaid which assessment, together with the description of said lot is now on file in the office of the Clerk of this Commission and in the office of the Director of Finance and is not in excess of the special benefits to said property, and is not in excess of a statutory limitation.

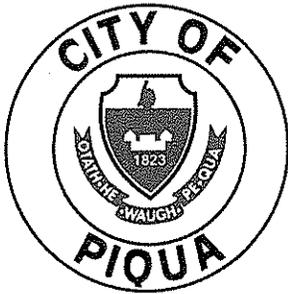
SEC. 2: The total assessment against said lot and parcel of land shall be payable in cash to the Finance Director of the City within thirty days after completion of this improvement, or, at the option of the property owner assessed, in five installments with interest at the same rate as is borne by the bonds issued in anticipation of the collection of such assessments and installments thereof which have not been paid at the expiration of said thirty day period shall be certified by the Clerk of this Commission to the County Auditor to be placed by him on the tax duplicate and collected at the same time and in the same manner as other taxes are collected, as provided by law. Said assessment shall include the cost of publishing and serving of any and all notices, ordinances and resolutions required.

SEC. 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



FINANCE DEPARTMENT

Cynthia A. Holtzapple – Director of Finance
201 West Water Street • Piqua, Ohio 45356
(937) 778-2065 • FAX (937) 778-1130
E-Mail: choltzapple@piquaoh.org

July 27, 2011

Fred Enderle
City Manager

RE: Special Assessments for Stormwater Improvements per Nuisance Abatement

I am requesting this ordinance be placed on the agenda for the city commission meeting of August 2, 2011. This is for authorization to certify the unpaid Stormwater Improvement assessment to the county auditor's office to be placed on the property tax duplicate. Following is a breakdown of the property owners' principal, interest and administrative costs for five year financing per the property owner's choice. Assessments must be to the county auditor's office by September 12th, 2011.

	<u>PRINCIPAL</u>	<u>INTEREST & ADMIN</u>
Choice of Five Year Financing by Property Owner	\$2,725.66	\$3,980.83

If you need any additional information, please let me know.

Sincerely,

Cynthia A. Holtzapple,
Assistant City Manager/Finance Director

PARCEL #	OWNER	ADDRESS	TOTAL COST PER PARCEL	ADMIN COSTS	TOTAL INTEREST	TOTAL ADMIN & INT	TOTAL COSTS WITH ADMIN & INT	Dec-11	Jun-12	Dec-12	Jun-13	Dec-13	Jun-14	Dec-14	Jun-15	Dec-15	Jun-16	TOTAL PAYMENTS
N44-065220	Carolyn Copeland	1534 Garfield St.	\$2,725.66	408.85	846.32	1,255.17	3,980.83	454.50	454.50	426.30	426.30	398.08	398.08	368.87	368.87	341.67	341.66	\$3,980.83

RESOLUTION NO. R-89-11

**A RESOLUTION AWARDING A CONTRACT
TO CARGILL, INC. FOR THE PURCHASE OF
ROAD SALT FOR THE STREET DEPARTMENT**

WHEREAS, road salt must be purchased to remove snow and ice from City streets; and

WHEREAS, bids were received under the Southwest Ohio Purchasers for Government; and

WHEREAS, after solicitation, bids were opened resulting in the tabulation of bids as listed in Exhibit "A" attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A contract for road salt is hereby awarded to Cargill, Inc. as the lowest responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, at the rate of \$64.67 per ton.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of August 2, 2011

TO: William P. Murphy, Interim City Manager
FROM: Beverly Yount, Purchasing Analyst
SUBJECT: Road Salt Purchase Order for 2011-2012 Winter Season

PURPOSE:

Approve the Resolution No. R-89-11 awarding a contract to Cargill, Inc. for the purchase of road salt for the Street Dept. during the 2011-2012 winter season for the purpose of de-icing the City roadways.

RECOMMENDATION:

I am requesting approval of Resolution No. R-89-11 awarding a contract to Cargill, Inc. for the purchase of road salt for the Street Dept. during the 2011-2012 winter season.

BACKGROUND:

We belong to an organization named Southwest Ohio Purchasers for Government (SWOP4G) which bid out the road salt purchase on behalf of approximately 93 entities this year. The City of Piqua has participated in this joint bid successfully for many years. We have found great value in the quantity discounts the vendors offer to all of the area communities that participate in this bid.

ALTERNATIVES:

- 1) Approve Resolution No. R-89-11 awarding a contract to Cargill, Inc. for the purchase of road salt for the Street Dept. during the 2011-2012 winter season.
- 2) Do not approve the Resolution and require us to perform the formal bid process ourselves.

DISCUSSION:

- 1) This alternative will allow for us to purchase the road salt for our Street Dept. at a very competitive rate. By participating in the joint bid through SWOP4G, we get the discounts of a large buying group, but do not have the expense of advertising and working on the bid documents themselves.
- 2) This alternative will require more time and investment with no guarantee of a better rate.

FINANCIAL IMPACT:

- 1) The rate for this contract will be \$64.67/ton and we anticipate needing 2,500 tons for a total cost of \$161,675.00. The complete bid tabulation is attached for your reference. This rate is

slightly higher than last year and we have been very satisfied with Cargill's services and the quality of their salt product. Our other bids received were as follows:

North American	\$69.20	\$173,000	+\$11,325
Morton	\$70.89	\$177,225	+\$15,550
American	\$72.30	\$180,750	+\$19,075

2) The City would pay for the cost of our advertisement in the local newspaper and staff time for preparation of the bid documents with an unlikely chance of a getting a better rate per ton.

COMMUNITY IMPACT:

Our City has been well served in the past by the Street Dept. purchasing their road salt through this SWOP4G bid. We have the same expectations this year. We are not required to purchase all 2,500 tons if we do not need it, but it will be available to us if we have another harsh winter.

CONFORMITY TO CITY PLANS & POLICIES:

Of course the safety of our citizens and employees is always a top priority for us. We strive to maintain the streets in the very best condition that we can even when the weather is at its worst. Passage of this Resolution will allow our Street Dept. to continue providing excellent de-icing coverage on our roadways during the upcoming winter season.

		Morton	Cargill	American	North American	2011	2010	Diff	% Change
	Qty./Tons	Price/Ton	Price/Ton	Price/Ton	Price/Ton	Low Bid	Low Bid		+ / (-)
43	Indian Hill Village of	\$64.28	\$64.90	\$78.16	\$66.98	\$64.28	\$59.80	\$4.48	7.49%
44	Jackson Township Road Dept	\$67.80	\$68.05	\$74.38	\$73.03	\$67.80	\$65.20	\$2.60	3.99%
45	Jefferson Township Road Dept	\$67.63	\$69.05	\$70.66	\$64.70	\$64.70	\$65.03	(\$0.33)	-0.51%
46	Kettering City of	\$66.32	\$62.70	\$71.54	\$69.11	\$62.70	\$61.70	\$1.00	1.62%
47	Lebanon City of	\$66.39	\$65.18	\$73.25	\$63.52	\$63.52	\$63.84	(\$0.32)	-0.50%
48	Mad River Local Schools	\$69.14	\$67.52	\$71.15	\$72.04	\$67.52			
49	Mad River Township Clark Cty	\$69.14	\$66.89	\$69.47	\$72.04	\$66.89	\$64.32	\$2.57	4.00%
50	Mason City of	\$67.71	\$63.18	\$73.25	\$62.68	\$62.68	\$62.99	(\$0.31)	-0.49%
51	Miami County Engineer	\$69.28	\$66.89	\$71.99	\$72.19	\$66.89	\$64.45	\$2.44	3.79%
52	Miami Township Clermont Cty	\$60.73	\$61.79	\$78.16	\$65.41	\$60.73	\$58.40	\$2.33	3.99%
53	Miami Township Mont Cty	\$66.70	\$63.19	\$72.81	\$69.50	\$63.19	\$62.05	\$1.14	1.84%
54	Miamisburg City of	\$66.70	\$63.51	\$72.81	\$69.50	\$63.51	\$62.05	\$1.46	2.35%
55	Middletown City of	\$61.80	\$66.05	\$77.29	\$66.57	\$61.80	\$59.43	\$2.37	3.99%
56	Milford City of	\$63.66	\$66.79	\$78.16	\$62.35	\$62.35	\$61.22	\$1.13	1.85%
57	Monroe City of	\$61.62	\$66.68	\$77.84	\$66.37	\$61.62	\$59.25	\$2.37	4.00%
58	Montgomery City Engineers	\$66.05	\$61.45	\$71.58	\$68.83	\$61.45	\$61.45	\$0.00	0.00%
59	Moraine City of	\$67.77	\$63.63	\$71.54	\$70.62	\$63.63	\$63.05	\$0.58	0.92%
60	Mt. Gilead, Village of	\$64.87	\$64.93	\$67.89	\$62.07	\$62.07	\$62.42	(\$0.35)	-0.56%
61	New Albany, City of	\$71.14	\$60.39	\$60.23	\$66.06	\$60.23			
62	New Carlisle City of	\$68.83	\$68.51	\$66.97	\$71.72	\$66.97	\$64.03	\$2.94	4.59%
63	Oakwood City of	NO BID	\$66.52	\$70.66	\$72.10	\$66.52	\$64.37	\$2.15	3.34%
64	Obetz, Village of	\$71.14	\$64.39	\$60.23	\$66.06	\$60.23	\$58.98	\$1.25	2.12%
65	Orange Township	\$61.77	\$62.26	\$61.58	\$66.53	\$61.58	\$59.40	\$2.18	3.67%
66	Pataaskala Village of	\$71.14	\$64.71	\$64.58	\$67.87	\$64.58	\$60.59	\$3.99	6.59%
67	Pierce Township	\$64.01	\$70.39	\$78.16	\$62.69	\$62.69	\$61.55	\$1.14	1.85%
68	Piqua City of	\$70.89	\$64.67	\$72.30	\$69.20	\$64.67	\$61.78	\$2.89	4.68%
69	Powell Village of	\$71.71	\$60.59	\$61.26	\$66.53	\$60.59	\$59.40	\$1.19	2.00%
70	Reynoldsburg City of	\$71.14	\$64.39	\$60.23	\$66.06	\$60.23	\$58.98	\$1.25	2.12%
71	Rickenbacker Int'l Airport	\$71.14	\$64.40	\$60.25	\$66.06	\$60.25	\$58.98	\$1.27	2.15%
72	Riverside City of	\$66.46	\$63.77	\$71.15	\$69.26	\$63.77	\$61.83	\$1.94	3.14%
73	Sharonville, City of	\$64.01	\$68.97	\$77.53	\$62.69	\$62.69	\$61.55	\$1.14	1.85%
74	Sidney City of	\$65.52	\$67.39	\$73.31	\$63.30	\$63.30	\$63.62	(\$0.32)	-0.50%
75	St. Bernard, City of	\$64.50	\$68.97	\$78.48	\$64.69	\$64.50	\$62.02	\$2.48	4.00%
76	Sugarcreek Township	\$67.28	\$64.66	\$71.15	\$70.11	\$64.66	\$62.59	\$2.07	3.31%
77	Tate Township	\$63.00	\$67.48	\$78.16	\$66.65	\$63.00			
78	Tipp City, City of	\$71.73	\$67.12	\$71.86	\$72.62	\$67.12	\$64.83	\$2.29	3.53%
79	Trenton, City of	\$66.01	\$66.79	\$76.90	\$63.90	\$63.90	\$64.22	(\$0.32)	-0.50%
80	Troy, City of	\$67.28	\$66.83	\$71.92	\$72.47	\$66.83	\$64.70	\$2.13	3.29%
81	Union, City of	\$63.56	\$64.62	\$72.43	\$68.53	\$63.56	\$61.18	\$2.38	3.89%
82	Union Township	\$67.58	\$61.23	\$78.16	\$66.23	\$61.23	\$59.13	\$2.10	3.55%
83	Upper Arlington, City of	\$71.14	\$62.73	\$60.23	\$66.06	\$60.23			
84	Urbana City of	\$66.73	\$67.48	\$66.02	\$71.88	\$66.02	\$64.17	\$1.85	2.88%
85	Vandalia City of	\$67.84	\$65.92	\$71.15	\$70.69	\$65.92	\$63.11	\$2.81	4.45%
86	Washington Twp Mont Cty	\$66.42	\$64.36	\$71.17	\$71.54	\$64.36	\$63.87	\$0.49	0.77%

RESOLUTION NO. R-90-11

**A RESOLUTION REQUESTING AUTHORIZATION TO
ENTER INTO CONTRACT WITH CAMP DRESSER & McKEE
FOR PROFESSIONAL SERVICES OF THE WATER
DISTRIBUTION SYSTEM MASTER PLAN**

WHEREAS, the next step in the Plan of Action towards building a New Water Plant is to be certain how it will work with the distribution system; and

WHEREAS, knowing how and where to connect of the new major feed line along with any possible emergency feed lines is of utmost importance; and

WHEREAS, Camp Dresser & McKee consulting engineers is performing work in these areas i.e., (Wastewater Master Plan); and

WHEREAS, by performing both Water and Wastewater master plan at the same time will save from budgeted figures for 2012.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A contract for said services is hereby authorized and approved and payment not exceeding \$158,500 is hereby authorized and approved for said services;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to this Resolution;

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of 8-2-11

or

For the Special Meeting of _____

or

For the Study Session of _____

Date

TO: Bill Murphy, City Manager

FROM: Dave Burtner, Don Freisthler, Todd Brandenburg

SUBJECT: Engineering Services for the Water Distribution System Master Plan

PURPOSE:

Enter into an contract with Camp Dresser and McKee Corp. consulting engineers for professional engineering services, to prepare a Water Distribution System Master Plan (WDSMP) and access latest system improvements.

RECOMMENDATION:

Approval of Resolution R-90-11 authorizing the City Manager to enter into a contract with Camp Dresser and McKee Corp. for professional services for a WDSMP, at a cost not to exceed \$158,500.

BACKGROUND:

J&H performed Water Distribution System modeling 2005 and this model was reviewed by Black & Viech in 2009 but were unable to calibrate the model at that time. The ability to have a reliable model to base the connections to the distributions while planning for the new water plant is imperative.

It is common for the Ohio EPA to request that a possible connection to a satellite water system for help on an emergency basis be evaluated.

This would also let us know how a new Water Tower in the central pressure zone would effect the water system.

All businesses of any size want to know how much water pressure will be in the area of there business, this is of interest to the sprinkler system installers and the fire insurance companies.

ALTERNATIVES:

- 1) Approve Resolution R-90-11 awarding the contract to Camp Dresser & McKee for WDSMP and continue moving forward with plan. This is the best of the year to meter*

large flow situations to not cause icing of streets. The dry weather has the pumping from the treatment plant at a higher rate and will show the higher usage areas..

- 2) *Do not approve the Resolution, this would have us making connections that could reverse the water flow in the system causing pressure problems, white water trouble, a Water Tower at the wrong location or height so it would not furnish enough water for fires or main breaks..*

DISCUSSION:

The City of Piqua has been proactive on this subject making improvements when needed to keep the distribution system in good condition.

This resolution would allow us under the current budget to continue to move forward, in the attempt to keep the New water plant project on schedule. This would also be furnishing the information needed to place the downtown water tower that is in the ten-year projections.

FINANCIAL IMPACT:

Though this work was not budgeted for in the 2011 Budget year. All work will be performed without rate increases having to take place.

The improper placement of towers, or connections could allow for very costly mistakes to happen.

COMMUNITY IMPACT:

If approved the community impact will be minimal due to the fact we continue to perform this work under current rate structure. This project maintains the health, safety and welfare of the citizens of Piqua in years to come.

CONFORMITY TO CITY PLANS & POLICIES:

The City of Piqua wishes to continue a strong infrastructure in accordance to the comprehensive plan, which allows for future growth of the City.

**CITY OF PIQUA, OHIO
DEPARTMENT OF UTILITIES
ENGINEERING SERVICES FOR
WATER DISTRIBUTION SYSTEM MASTER PLAN**

**EXHIBIT A
SCOPE OF SERVICES**

The scope of services encompasses the development, calibration, and use of a hydraulic model to analyze the City of Piqua's (OWNER's) water distribution system. The model will be used to evaluate and identify required capital improvements needed to increase the level of service to the OWNER's current and future customers over a 20-year planning period. The model will also be used to evaluate the impacts of supplying finished water from the south side of the City, identify required capital improvements to distribute water from the new supply source, and needed capital improvements using this finished water source to increase the level of service to the OWNER's current and future customers over a 20-year planning period.

Task 1

1. Model Construction

1.1. Data Collection

1.1.1. Collect and Review Existing System Data

ENGINEER will review available data including the OWNER's existing models, reports, GIS mapping, water consumption records, and system data. Data available at the beginning of the project will be provided by the OWNER at the kickoff meeting, Workshop No. 1. Subject to availability, data to be obtained may include:

- Copies of relevant previous reports and data(e.g., GIS, master plans, and system maps)
- Planning documents showing population projections and industrial and commercial growth for the OWNER's service area for a 20-year planning period including the City's 2007 Comprehensive Plan Update, data from the Miami Valley Regional Planning Commission (MVRPC), along with guidance and consultation with the City's Planning Department on potential growth and development opportunities in and around the OWNER's water service area.
- As-built drawings of completed distribution system projects since any master plan/map/model development
- Water production records for the last 5 years, including monthly averages and maximum- and minimum-day flow rates
- Customer water billings by address and amount for the last 2 years, including water sold to other water utilities/agencies

- Storage reservoir and/or tank information (dimension, elevation, etc)
- Pump information, including pump curves and operation guidelines
- SCADA information including clear well level, high service and booster pump station flow, discharge pressure, pump on/off status and elevated tank water levels
- Description of known system deficiencies and problem areas
- Insurance Services Office, Inc. (ISO) fire flow test results and fire flow requirements

ENGINEER and the OWNER will agree upon a reasonable timeframe for the OWNER to provide reports and data after the data request. ENGINEER expects that the OWNER staff will be available to assist in obtaining any additional information.

1.1.2. Develop Understanding of System Operations

ENGINEER will work with OWNER's operations staff to develop an understanding of existing system configuration and operation.

1.1.3. Develop System Data and Operations Technical Memorandum (TM)

A TM will be developed to document available data and list additional data needs. The TM will also include a summary of water system operations.

1.2. Hydraulic Model Preparation

1.2.1. Develop Water System Performance Criteria

A set of water system performance criteria will be developed to serve as a guide for evaluating system deficiencies, identifying issues or concerns relative to the criteria, and for capital improvement planning. The performance criteria should address the following issues:

- Storage facilities - criteria for equalizing normal operations, fire, and emergency - the model will take into consideration the operation of existing water storage facilities
- Transmission and distribution - grid pressure, pipe velocity and head loss
- Fire flow and volume
- Emergency operations/system reliability

1.2.2. Develop GIS

ENGINEER will create a GIS database of the OWNER's existing water distribution system based on the pipe network included in the OWNER's most recent water distribution model that was prepared with WaterGEMS software. The GIS database will consist of pipes, division valves, elevated tanks, and pump stations that are necessary for the model. Other system infrastructures such as hydrants and service lines will not be included in the GIS. The GIS will be developed to overlay the County's GIS background files, and will be based on NAD83 Ohio State Plane Coordinates - Ohio South. The GIS will be updated by populating missing 3

information provided by the OWNER. The existing WaterGEMS model contains pipe material information on all pipes, with the vast majority of the pipes being cast iron. However, the existing model does not contain any information on pipe age, which will be identified under this project through interviewing OWNER staff. The OWNER will also work with ENGINEER in identifying pipe connectivity issues when they arise.

1.2.3. Develop Hydraulic Model

The GIS system will be used to develop the hydraulic model. The hydraulic model will be built as an extended period simulation model which will include all pipes in the OWNER's water distribution system. The existing WaterGEMS model will be used as the basis of model development.

1.2.4. Demand Preparation and Allocation

1.2.4.1.1. Develop and Allocate Existing Demands

System-wide water demands will be developed for current conditions using the last two complete years of customer billing records. Existing water demands will be allocated to the appropriate nodes in the model using a geocoding process by address or parcel. Large water users will be identified and their demands will be assigned to individual nodes. All readily available demand information will be collected by ENGINEER and input into the model. The unaccounted-for-water (UFW) will be calculated based on the water production and water billing records. The UFW will be distributed evenly throughout the system unless more specific UFW is known at specific locations.

1.2.4.1.2. Develop Diurnal Patterns

Diurnal patterns will be developed for residential, commercial, and industrial customer land uses, if data is available. Otherwise, zonal diurnal patterns will be developed and used in modeling. ENGINEER and the OWNER will work together to determine if there are larger users in the system that consume a significant amount of water produced (e.g. higher than 5%) or have known water patterns (e.g. only 1st and 2nd shifts). For these large users, specific water usage patterns will be developed.

1.2.4.1.3. Develop Service Areas and Potential Growth

ENGINEER will review the City's 2007 Comprehensive Plan Update, data from the Miami Valley Regional Planning Commission (MVRPC), along with guidance and consultation with the City Planning Department on potential growth and development opportunities in and around the OWNER's water service area.

1.2.4.1.4. Develop Future Demand Projections and Allocate Future Water Demand

Based on the data obtained from the referenced planning documents, the future population and growth, industrial, and commercial development will be used to project the future 20-year average day, maximum day and peak

hour water demands at nodes throughout the system. The future demands will be based on the future water use projections being performed under the Water Treatment Plant Planning and Preliminary Design project currently underway. The projected future demands will be spatially allocated into the model.

1.2.5. Document Model Development

A Technical Memorandum will be prepared documenting the development of the hydraulic model and the water system performance criteria.

Task 2

2. Field Data Collection and Model Calibration

2.1. Field Data Collection

The overall purpose of the field data collection is to develop a more detailed model and enhance model calibration so that it can be used to assess the system under varying demand conditions.

2.1.1. Conduct Workshop to Review Model and Plan Field Testing

The model will be reviewed with OWNER staff in Workshop No. 2 and refined as appropriate to provide an accurate, functional model. Performance criteria, or level or service goals, such as minimum and maximum allowable pressure, maximum water velocity in the pipes, etc, will also be reviewed at the workshop to ensure that achievable performance goals are developed. These criteria will be used to evaluate the OWNER’s water distribution system operations and identify deficiencies to those criteria. ENGINEER will develop a field data collection plan to obtain the necessary field information to calibrate the model. The field data collection plan will identify the type and location of data to be collected and the proposed schedule for data collection. Field test planning will be discussed during Workshop No. 2 and will be submitted to the OWNER for review and endorsement before being finalized.

2.1.2. Field Data Collection

The scope of services is based on the following field tests to achieve the desired data collection:

Data to be Collected	Method of Data Collection & Base Number of Field Tests
Pressure variations throughout the system	Review distribution system and select high and low points in each pressure zone for installation of hydrant pressure data loggers – 6 tests
System response to stress	Conduct hydrant flow tests to stress the system to collect system pressures at multiple locations during high-flow conditions – 12 tests

Flow rates from major water customers	Review available data and install flow measurement devices in locations deemed necessary for model calibration – may be needed if there are large water users that consume a significant portion of the water produced. Otherwise, zonal or system wide diurnal patterns will be used in modeling. <i>(Installation of these flow measurement devices is not included in the scope of services or fee.)</i>
High Service and Booster Pump Station testing	Perform high service and booster pump testing to determine flow rate at various head conditions to create field pump curves for each pump in service.

ENGINEER will subcontract with a professional testing firm to provide the necessary equipment and personnel to conduct the field tests. ENGINEER will provide a representative during the field tests to make sure proper procedures are followed and data collected are suitable for model calibration purposes.

The OWNER will provide SCADA information from the field testing periods for use in model calibration. The information to be collected will include clear well level, high service pump and booster pump station flow, discharge pressure, pump on/off status and tank water levels.

2.2. Hydraulic Model Calibration

2.2.1. Perform Model Calibration

The hydraulic model will be calibrated using information obtained during the field tests. Model results will be compared to the collected field data from the previous task.

2.2.2. Conduct Calibration Workshop and Refine Calibrations

The model results and potential discrepancies in calibration will be reviewed at Workshop No. 3. Input will be obtained from OWNER staff for correcting discrepancies and final adjustments will be made. Additional field work, completed by the OWNER, may be necessary to investigate field conditions (for example, a 6

suspected closed valve) if the model and field data differ significantly. Develop Hydraulic Model Calibration Technical Memorandum (TM).

2.2.3. Conduct Calibration Workshop and Refine Calibrations

The model results and potential discrepancies in calibration will be reviewed at Workshop No. 3. Input will be obtained from OWNER staff for correcting discrepancies and final adjustments will be made. Additional field work, completed by the OWNER, may be necessary to investigate field conditions (for example, a suspected closed valve) if the model and field data differ significantly. Develop Hydraulic Model Calibration Technical Memorandum (TM).

2.2.4. Develop Model Calibration Technical Memorandum (TM)

ENGINEER will prepare a TM summarizing the results of the field tests and subsequent model calibration efforts.

Task 3

3. Capital Improvement Planning and Report

3.1. Hydraulic Alternative Analysis

The model will evaluate service pressures, hydraulic gradients, and other characteristics to determine whether hydraulic performance is within acceptable level of service under both current and future demand conditions, with and without fire flows. ENGINEER will develop potential alternative solutions to improve hydraulic level of service, if required. Two scenarios will be evaluated. The first scenario assumes that the finished water supply will continue to be supplied from the current Water Treatment Plant. The second scenario assumes that the finished water supply will be from the south side of the City.

3.1.1. Scenario 1 - Alternatives Analysis with Current Finished Water Supply

An alternatives analysis, with the finished water supply to continue being supplied from the current water treatment plant vicinity north of the City, will address current modeled deficiencies and modeled deficiencies resulting from future growth demands. The system performance criteria will be used to evaluate the effectiveness of the alternative solutions. These alternatives will potentially include a range of new water main piping, pressure zone modifications, new or modified elevated storage tanks, new or modified pump stations, and other capital improvements.

3.1.2. Scenario 2 – Alternatives Analysis with Finished Water Supply from the South

An alternatives analysis, with the finished water supply from the south side of the City, will address current modeled deficiencies and modeled deficiencies resulting from future growth demands. It is assumed that the OWNER’s water service area and demands will be the same as for Scenario 1. The system performance criteria will be used to evaluate the effectiveness of the alternative solutions. These altern

will potentially include a range of new water main piping, pressure zone modifications, new or modified elevated storage tanks, new or modified pump stations, and other capital improvements to be able to distribute finished water within the City’s distribution system

3.2. Develop Capital Improvement Plan Report (CIP)

ENGINEER will develop a CIP report presenting a summary of system deficiencies and proposed recommendations. The CIP will provide recommendations about how to phase the implementation of the improvements to address existing system deficiencies and to meet projected demands in 2030 (20-year planning period). The CIP report will include recommendations for both Scenario 1 and Scenario 2. Workshop No. 4 will be conducted to present the recommendations and draft CIP report to the OWNER and receive feedback and comments.

All deliverables developed for this project will be delivered in both electronic and hardcopy format to the OWNER. The developed GIS and water model will be provided to the OWNER in electronic format. The final CIP report will be developed based on the technical memoranda already prepared and will include the recommended CIP projects. The report will be provided to the OWNER initially in draft format for review and discussion; the report will be finalized following discussions with the OWNER during Workshop No. 4. Five hardcopies of the draft and final report will be provided, along with an electronic copy.

Task 4

4. Kick-off Meeting, Project Management, and Quality Control

4.1. Kick-off Meeting (Workshop No. 1)

ENGINEER will attend a project kick-off meeting with the OWNER. The purpose of the meeting will be to introduce the project team, identify critical data needs, critical issues, and milestones. Initial criteria will be reviewed, and requests for additional

information will be conveyed to the OWNER. ENGINEER will prepare meeting minutes and distribute them to those in attendance.

4.2. Project Management and Quality Control

ENGINEER will perform necessary project management and oversight during the project to oversee and implement ENGINEER's quality control process, prepare monthly invoices, coordinate subcontractor invoicing and payment, and perform other necessary project-related administrative tasks.

OWNER's Responsibility

To support the performance of the scope of services described above, the OWNER will conduct the following activities:

- Contact property owners and obtain permission regarding access for field visits and equipment access as necessary.
- Provide data in electronic media that can be edited and manipulated for use in this evaluation.
- Provide detailed, electronic water billing data for all customers over the past 2 complete years, which includes water consumption information and meter address.
- Provide SCADA data electronically for model calibration.
- Provide fire flow tests and fire flow requirements from the Insurance Services Office, Inc. (ISO).
- Review data and reports prepared by ENGINEER and provide review comments in a timely manner.
- Provide information on pipe connectivity and attributes which include pipe nominal diameter, length, material, and date of installation.
- Operate water distribution system valves and hydrants and pumping station pumping equipment and valves for conducting field testing.
- Perform pipe tapping as necessary for installation of temporary flow meters and pressure gauges for the field testing program.

- Purchase modeling software for its own use, if desired, in operating the model that will be developed under this project.

Project Schedule

The project is expected to be completed within approximately 4 months with estimated milestones provided below. ENGINEER will invoice the services performed based on Exhibit C, ENGINEER's Fee Schedule for Professional Services (attached). C-

1

EXHIBIT C
CAMP DRESSER & McKEE INC.
FEE SCHEDULE FOR
PROFESSIONAL SERVICES

1. ENGINEER shall be compensated for services performed based on the following hourly billing rates:

HOURLY

LABOR CATEGORIES RATES

PROFESSIONAL SERVICES

Professional I \$100.00

Professional II \$125.00

Senior Professional \$150.00

Principal \$170.00

Associate/Officer \$230.00

PROFESSIONAL SUPPORT SERVICES

Technician \$60.00

Drafter \$90.00

Senior Drafter \$120.00

FIELD SERVICES

Professional \$85.00

Senior Professional \$115.00

PROJECT SUPPORT SERVICES

Project Administration \$85.00

2. Direct Costs:

In addition to the above rates, OWNER will reimburse ENGINEER for the direct costs applicable for this project as listed below.

All expenses incurred for this project from outside vendors will be invoiced at cost plus 10 percent to cover administrative expenses. These items may include, but are not limited to: shipping charges; printing supplies; equipment; special insurance, licenses; permits; or subcontractors.

Contract employees will be invoiced at cost plus 50 percent to cover overhead costs associated with office support. Total rate for services of contract employees shall not exceed the hourly billing rate of comparable, full-time ENGINEER staff. C-2

ENGINEER's in-house services will be invoiced at the following rates:

Transportation – at Federal Rate for personal or company-owned vehicles.

Reproduction:

\$0.10/copy for standard page-sized documents

\$1/copy for blueprints

\$2/copy for sepias

\$10/copy for Mylars

\$6/sheet for CADD Vellum

\$16/sheet for CADD Mylars

Laboratory - Unit prices for sample testing, handling, and storage will be established for individual assignments, if appropriate.

Equipment - A schedule of usage rates for specialty equipment will be established for field assignments, if appropriate.

3. In the event that performance of the services under this Agreement is delayed past December 31, 2011, for reasons beyond the control of ENGINEER or because the scope of such services is changed, the amounts set forth herein shall be subject to adjustment.

Anticipated Notice to Proceed July 22, 2011

Develop GIS and Model August 31, 2011

Field Data Collection August 31, 2011

Deliver Model Calibration Draft TM September 30, 2011

Deliver CIP Draft Report October 28, 2011

Complete Project November 4, 2011

Proposed Fee

The total estimated “not-to-exceed” fee for the Scope of Services is \$158,500. The table below shows the total estimated fee for each task, including the total “not-to-exceed” amount. Task Description	Estimated Fee
Task 1 – Model Construction	\$35,340
Task 2 – Field Data Collection & Model Calibration	\$60,118
Task 3 – Capital Improvement Planning & Report	\$51,250
Task 4 – Kick-off Meeting, Project Management & Quality Control	\$11,792
Total Estimated Fee	\$158,500

ENGINEER will invoice the services performed based on Exhibit C, ENGINEER’s Fee Schedule for Professional Services (attached). C-1

**EXHIBIT C
CAMP DRESSER & McKEE INC.
FEE SCHEDULE FOR
PROFESSIONAL SERVICES**

1. ENGINEER shall be compensated for services performed based on the following hourly billing rates:

<u>LABOR CATEGORIES</u>	<u>HOURLY RATES</u>
<u>PROFESSIONAL SERVICES</u>	
Professional I	\$100.00
Professional II	\$125.00
Senior Professional	\$150.00
Principal	\$170.00
Associate/Officer	\$230.00
<u>PROFESSIONAL SUPPORT SERVICES</u>	
Technician	\$60.00
Drafter	\$90.00
Senior Drafter	\$120.00
<u>FIELD SERVICES</u>	
Professional	\$85.00
Senior Professional	\$115.00
<u>PROJECT SUPPORT SERVICES</u>	
Project Administration	\$85.00

2. Direct Costs:

In addition to the above rates, OWNER will reimburse ENGINEER for the direct costs applicable for this project as listed below.

All expenses incurred for this project from outside vendors will be invoiced at cost plus 10 percent to cover administrative expenses. These items may include, but are not limited to: shipping charges; printing supplies; equipment; special insurance, licenses; permits; or subcontractors.

Contract employees will be invoiced at cost plus 50 percent to cover overhead costs associated with office support. Total rate for services of contract employees shall not exceed the hourly billing rate of comparable, full-time ENGINEER staff. C-2

ENGINEER's in-house services will be invoiced at the following rates:

Transportation – at Federal Rate for personal or company-owned vehicles.

Reproduction:

\$0.10/copy for standard page-sized documents

\$1/copy for blueprints

\$2/copy for sepias

\$10/copy for Mylars

\$6/sheet for CADD Vellum

\$16/sheet for CADD Mylars

Laboratory - Unit prices for sample testing, handling, and storage will be established for individual assignments, if appropriate.

Equipment - A schedule of usage rates for specialty equipment will be established for field assignments, if appropriate.

3. In the event that performance of the services under this Agreement is delayed past December 31, 2011, for reasons beyond the control of ENGINEER or because the scope of such services is changed, the amounts set forth herein shall be subject to adjustment.

RESOLUTION NO. R-91-11

**A RESOLUTION REAPPOINTING A MEMBER TO THE
STORMWATER UTILITY BOARD**

BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: James D. Vetter is hereby reappointed as a member of the Stormwater Utility Board for a one-year term to expire on August 1, 2012 or until his successor is confirmed and qualified;

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION