

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, SEPTEMBER 20, 2011  
7:30 P.M. – COMMISSION CHAMBER – 2<sup>nd</sup> FLOOR  
201 WEST WATER STREET  
PIQUA, OHIO 45356**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**REGULAR CITY COMMISSION MEETING**

**PRESENTATION:**

Rev. Hinds and Mr. Michael Yannucci – Presentation of 9/11 Ceremony Field of Honor Flag

**RESIDENCE PRIDE AWARDS**

- |                       |  |
|-----------------------|--|
| ➤ 326 N. Wayne Street | Murray, Wells, Wendeln & Robinson, CPA's |
| ➤ 1002 Nicklin Avenue | Daniel & Irene Dunton                    |
| ➤ 538 W. North Street | Harry Lamoreaux                          |
| ➤ 416 Walker Street   | Glen & Jan Foutz                         |
| ➤ 1516 Amesbury Court | Charles & Mary Sue Tullis                |

**A. CONSENT AGENDA**

a. **APPROVAL OF MINUTES**

Approval of the minutes from the September 6, 2011 Regular Piqua City Commission Meeting and the minutes from the September 9, 2011 Special Meeting-Executive Session

**B. OLD BUSINESS**

a. **ORD. NO. 12-11 (3<sup>rd</sup> Reading)**

An Ordinance amending Schedule I-Speed Limits, adopted in accordance with City of Piqua Code of Ordinances Section 77.01 – Traffic Schedules Adopted of Chapter 77 Traffic Code

**C. NEW BUSINESS**

a. **RES. NO. R-107-11**

A Resolution authorizing the City Manager to contract with the Miami County Public Defender Commission

b. **RES. NO. R-108-11**

A Resolution approving the tax rates for the City as determined by the Miami County Budget Commission

c. **RES. NO. R-109-11**

A Resolution accepting the resignation of Joe Drapp as a member of the Energy Board

- d. RES. NO. R-110-11  
A Resolution accepting the resignation of Joe Drapp as a member of the Stormwater Utility Board
- e. RES. NO. R-111-11  
A Resolution authorizing a purchase order to Francis Office Supply for various office products
- f. RES. NO. R-112-11  
A Resolution authorizing the City Manager to increase the purchase order amounts for two vehicle maintenance vendors
- g. RES. NO. R-113-11  
A Resolution authorizing a purchase order to Piqua Materials Inc. for various types of stones
- h. RES. NO. R-114-11  
A Resolution accepting the resignation of Jeff Ortieb as a member of the Income Tax Board of Review
- i. RES. NO. R-115-11  
A Resolution requesting authorization to enter into contract with Camp Dresser & McKee for Professional Services of the Wastewater Plant Master Plan
- j. RES. NO. R-116-11  
A Resolution authorizing transfers of cash from the General Fund to the other funds for the Fiscal Year 2011
- k. RES. NO. R-117-11  
A Resolution authorizing a Professional Services agreement with RA Consultants, LLC
- l. RES. NO. R-118-11  
A Resolution authorizing the City Manager to enter into a contract with Burgess and Niple, Inc. for all Certified Professional and Environmental Management Services required to complete the environmental remediation and demolition of the Piqua Hospital Site at a cost not exceed \$197,100

**D. ADJOURNMENT TO EXECUTIVE SESSION**

To consider the appointment, employment, dismissal, discipline or compensation of the City Manager.

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday September 6, 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.

**REGULAR CITY COMMISSION MEETING**

**EXECUTIVE SESSION:**

Moved to Executive Session to consider pending or imminent litigation and to consider the purchase or sale of property for public purposes.

Moved by Commissioner Martin, seconded by Commissioner Terry, to move in to Executive Session to consider pending or imminent litigation and to consider the purchase or sale of property for public purposes. Roll call, Aye: Terry, Martin, Vogt, Fess, and Wilson. Nay: None.

Moved by Commissioner Vogt seconded by Commissioner Martin to adjourn from the Executive Session at 7:59 P.M. Voice vote, Aye: Martin, Fess, Wilson, Terry, and Vogt. Nay: None.

Moved by Commissioner Vogt, seconded by Commissioner Martin to reconvene as the Piqua City Commission at 8:00 P.M. Voice vote, Aye: Fess, Martin, Vogt, Terry, and Wilson. Nay: None.

**Approval of Minutes**

Approval of the minutes from the August 16, 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 August 16, 2011 be approved. Voice vote, Aye: Fess, Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

**OLD BUSINESS**

**ORD. NO. 9-11 (3rd Reading)**

An Ordinance determining to proceed with and levying assessments for the improvement of Broadway Street Reconstruction

Interim City Manager Bill Murphy stated this is the third reading of the assessments associated with the Broadway/Riverside Street Reconstruction project. The property owners were given the option of paying the fees after the project was completed or assessing the fees to their property taxes for a period of five or ten years.

**Public Comment**

No one came forward to speak for or against Ordinance No. 9-11 at this time.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Ordinance No. 9-11 be adopted. Roll call, Aye: Terry, Martin, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Ordinance No. 9-11 adopted.

**ORD. NO. 10-11 (3rd Reading)**

An Ordinance to levy special assessments to pay for the cost of nuisance abatement assessments relating to a Stormwater Improvement

Interim City Manager Bill Murphy stated this is the third reading of Ordinance No. 10-11 that specifically deals with a property on Garfield Street for improvements made to a water drainage issue that was going out into the street. The property owner was responsible for making the improvements and chose to have the fee assessed to their property taxes for a five-year period.

**Public Comment**

No one came forward to speak for or against Ordinance No.10-11 at this time.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Ordinance No. 10-11 be adopted. Roll call, Aye: Vogt, Wilson, Fess, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 10-11 adopted.

**ORD. NO. 11-11 (2nd Reading)**

An Ordinance to levy Special Assessments to pay for the cost of nuisance abatement assessments

Interim City Manager Murphy stated Ordinance No. 11-11 is for assessments that are related to maintenance issues, mostly to tall grass and a couple of property maintenance issues.

Finance Director Cynthia Holtzapple stated the option to submit the assessments to the County is only open one time a year. Ms Holtzapple further explained the assessments must be filed at the Miami County Auditors Office by September 12, 2011. They chose to go with the two readings to allow more property owners to pay the fees and for the notifications to go out in a timely manner. This is something that has been done in the past with the billings being sent out to property owners and payments being accepted through August 31, 2011.

Mayor Fess asked what the total amount of the assessments is at this time? Ms. Holtzapple stated the total amount of the assessments is \$27,015.04. This is about \$5000 less than last year stated Mayor Fess.

Ms Holtzapple explained what the assessments consist of stating the assessments are applied when property owners do not take care of the grass, brush and some property maintenance issues and the City has to take care of the problem. The cost is then passed on to the property owner and assessed on their taxes if they so chose.

**Public Comment**

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

Commissioner Terry asked if any of the property owners have come in to pay the assessments. Ms. Holtzapple stated yes, they had five property owners come in and pay their assessment, which amounted to a total of \$237.50.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 11-11 to be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay: None. Motion carried unanimously.

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

**ORD. NO. 12-11 (2nd Reading)**

An Ordinance amending Schedule 1-Speed Limits, adopted in accordance with City of Piqua Code of Ordinances Section 77-01 Traffic Schedules Adopted of Chapter 77 Traffic Codes

Interim City Manager Murphy stated this is the second reading of Ordinance No. 12-11 relating to the rerouting of State Route 185. At the August 16, 2011 Commission Meeting there was discussion concerning the speed limits on portions of the existing State Route 185 being abandoned, and how the City is guided by the Ohio Revised Code in setting the speed limits.

Mayor Fess stated she has received several calls stating their resistance to the changing of the speed limit. Mayor Fess stated she agrees with the citizens stating the speed limit should remain the same at 35 MPH. At this time the City needs to find out what the State ruling is, and have asked the Law Director to research it. We hope by the next Commission Meeting to have the research back from the Law Director, stated Mayor Fess.

Commissioner Terry asked if the State should tell the City they do not have a say, then the City would have no choice in the matter, why would we have to vote on it then? Maybe we do have a say in this, stated Commissioner Terry.

City Planner Chris Schmiesing explained what the State Code states. After looking at the initial review of the applicable code sections we have arrived at the conclusion the 25 MPH is the required speed limit under the circumstances that will exist here. However, we will defer to the Law Director on the findings. Mayor Fess stated she was looking at that it has been 35 MPH, now we have to lower it to 25 MPH and that was initiated because of the rerouting of State Route 185. The reason is due to the removing of the State Route on the streets we are talking about, as long as it is a State Route the applicable standards specify the speed limit will be 35 MPH. When it is no longer a State Route than there is a different set of standards that apply, stated Mr. Schmiesing.

Commissioner Vogt mentioned State Routes and standards that apply citing Clark Avenue, McKinley Avenue, and South Street are all 35 MPH, and voiced his opinion on keeping the 35 MPH speed limit. Lets work on this and see if we can keep the 35 MPH, said Commissioner Vogt.

Law Director Wall stated she would certainly double check and see if there are any exceptions to the code requirements. The primary issue which is confusing is the belief that because the City of Piqua is a Charter City they can make any law they want. That is not true, we are a Charter City but can only govern those things that are not General Law, and they have to be a special law specific to the City only. A General Law is something that affects anyone and speed limits are General Laws. Any person driving through the City of Piqua regardless if they are a citizen or not is affected by the speed limits, which makes it a General Law, stated Ms. Wall. The Case Law indicates even with a General Law the State gets to make the decisions and govern the law, and that is the dilemma right now. It is a State governed issue because it is a General Law, but Ms. Wall indicated she would do her best to see if there is any type of exception the City can apply for, because this section of the code is based very specifically on definitions.

Commissioner Vogt asked if we are going to look at all the streets we are comfortable with now at 35 MPH, and are going to have to change them back to 25 MPH and cause more problems? In determining if there is any exception we will have to re-evaluate where there were State Routes that were removed or why certain streets have been designated as 35 MPH and not 25 MPH. They will look at it through the Planning & Engineering Departments and see if anything needs to be changed.

Commissioner Martin stated he was given some information on speed limits and would like to pass it on to the Law Director. This information states that ODOT only has to give the City approval to lower the speed limits, not to raise the speed limits, said Commissioner Martin. According to the information from ODOT if we leave the speed limit at 35 MPH we don't have to get an approval from ODOT to do that. Commissioner Martin stated he maybe misinterpreting the

information he received. Ms Wall explained that is a different issue, but what the city is stating is that under the State Code we are required to lower the speed limit. What the information is saying if the city wanted to raise the speed limit weather or not ODOT would require approval. This is not the city stating lets reduce the speed limit now we need ODOT approval, we are stating the city is required to reduce the speed limit and that is where the Revised Code comes in.

Commissioner Martin stated according to the information the city is not required to reduce the speed limit if they chose not to, we could leave it same, but lowering the speed limit requires ODOT approval. Lowering the speed limit requires ODOT approval, but leaving it at 35 MPH would not make a difference, stated Commissioner Martin.

Ms. Wall stated there is another part of the Code under Chapter 45.11 of the Ohio Revised Code that seems to require based on the definitions the lowering of the speed limit, that is the issue.

Mayor Fess stated this is not something the city has an issue with; it is something that has been put on the city because of the code. Ms. Wall stated to her knowledge the city did not say, "hey, great idea lets lower the speed limit", this only happened due to the rerouting of State Route 185.

Commissioner Vogt asked if the city was told they had to do it, or did we look in the book and say we were going to change it because of the rerouting? City Managers and Planners have the ability to read between the lines to get a true understanding rather than cut and dry just the way it is written, different interpatations come out of every ordinance, lets look at it, stated Commissioner Vogt.

Mayor Fess stated it is Ms. Wall's plan is to see if there is any way to keep it at 35 MPH, and we hope she is successful at doing that. We will do what we have to do, said Mayor Fess.

### **Public Comment**

Brad Boehringer, Mound Street came forward and stated he was going to throw another interpatation into the works. A certain section of Broadway that runs coexistent with a State Route that being 66 from the point up to the north corporation limits, and believes that the speed limit is 35 MPH, does that sound right to you? From a safety standpoint it would make sense to keep that stretch within the city limits that you are talking about changing at 35 MPH, unless you post signage that says reduced speed ahead, not sure if that is in the plans or not. There will a chance for more traffic accidents and that is something that should be considered when doing the research; it is practicality more than it is code, said Mr. Boehringer.

Mayor Fess thanked Mr. Boehringer and stated she did not feel anyone setting up there is truly in favor of changing the speed limit and lowering it, we just have to see what the rules and the laws are and it is our job is to follow these laws. We hope that Stacy can come up with something that is more pleasing than what we are thinking about now, said Mayor Fess.

Russ Fashner, Forest Avenue came forward and stated correct me if I am wrong in this ordinance we are looking at passing, this deals with the section of town that is State Route 185 right now, correct? Mr. Fashner further stated a work session was held on this and he attended along with some of his other neighbors. When we left the meeting we all said it needs to be 25 MPH. Mr. Fashner said he is not sure what date that was. But in front of his house is one of the issues it is 35 MPH, and thanks God no one has ever been hit there to his knowledge. The whole purpose we voted was to pass it on to the State to get State Route 185 moved, and to lower the speed limits. That was the purpose of State Route 185 getting moved as the way he understood it. If we are not going to change these speed limits, all the time spent in departments doing the mapping to get it changed it, he hates to say it, but it is stupid and it is a waste of time. If we are not going to change it leave it State Route 185 and we will still get State funding for that area of town. Mr. Fashner stated he thinks a Work Session should be held on this. Having the Law Director look into things is great, but you are going to bring that information to the public on a third reading, and if the public is not here like he is, they are not going to be able to voice their opinion on a third reading before it is voted on.

Mr. Fashner believes there are issues there on deciding this issue, and it was talked about Broadway and again in front of his house to Park Avenue Hill, the hospital area possibly having a new school there, Nicklin School, the Catholic Schools, that was all in this work session on getting rid of State Route 185 and having a 25 MPH speed limit. Having the Law Director check on this is a waste of her time, and the whole idea of this project was to make these roads 25 MPH for safety.

Commissioner Vogt stated it was his understanding that to move State Route 185 to have it follow Route 36 was to keep the trucks and semis off of Broadway and Park Avenue because they are driving over the ADA access at the corners, and there is not enough room for them to turn.

Mr. Fashner stated from the work session he attended they are not going to get rid of truck traffic because they are servicing the schools with food deliveries, servicing the Marathon Station, there is a truck that goes out to the Tecumseh Pool, and there is still going to be truck traffic making those turns. There is not that much truck traffic that follows State Route 185 that passes by Mr. Fashner's house compared to Rt. 36. Mr. Fashner believes the agenda for the meeting was to get rid of the State Route so the City could lower the speed limit for the safety of the school area and the bike path.

Mayor Fess thanked Mr. Fashner for his comments and asked who conducted the meeting in question. City Planner Schmiesing stated he and City Engineer Havenar conducted the meeting. Mayor Fess asked if there were minutes from the meeting. Mr. Schmiesing stated yes we have minutes. The discussion revolved around the truck traffic on State Route 185 as part of the discussion and the speed limit issue was raised, and was also discussed during the course of the conversation.

Commissioner Terry asked along where the schools are the speed limit automatically drops and there is signage. So when you go down Broadway and get close to the school it drops down to 25 MPH and 20 MPH when school is in session. At the Bike Path area is it not 25 MPH and is there signage to drop it?

Mr. Schmiesing stated you want to be careful not to have hit and miss speed limits so far as not having uniformity along the corridor if you have a 25 MPH and 35 MPH it is a little confusing to the motorist. Right now there is a speed advisory plate near the Bike Path, but it is not enforceable but advises motorist to slow down.

Mayor Fess stated Mr. Fashner is the first person she has spoken with who is in favor of the 25 MPH, and after his comments she would like to have a copy of the minutes of the meeting Mr. Fashner is referring to.

Ruth Koon, Park Avenue came forward and stated she lives on the portion of Park Avenue from Sunset to where Mr. Fashner lives. Mrs. Koon and her husband were out of town the evening of the meeting but stated they were in favor of the rerouting of State Route 185 for a couple of reasons. Park Avenue is very narrow street, and it is hard for two semi trucks to pass and she is in favor of dropping the speed limit down to 25 MPH. Another reason is there is a large number of deer in the area and on the roads. Children walk on Park Avenue and she feels the 25 MPH would be great.

Mayor Fess stated the next meeting will be the third reading for this resolution but it can always be tabled to give the community the opportunity to provide input.

Ordinance No. 12-11 was given a second reading.

## **NEW BUSINESS**

### **ORD. NO. 13-11 (1<sup>ST</sup> Reading)**

An Emergency Ordinance to make Appropriations for the City of Piqua, Ohio for the year 2011

Interim City Manager Murphy stated this is the annual appropriation that the city goes through this time each year.

Finance Director Cynthia Holtzapple gave a brief overview of the appropriations. (See enclosed copy of the appropriations and the Summary.)

There was discussion on several items, and Ms. Holtzapple explained them.

The total impact to the General Fund will only be \$9500, stated Mayor Fess.

### **Public Comment**

Hal Heiner, Lambert Drive came forward and stated he does not believe we will ever have an end to supplementary appropriation adjustments. Mr. Heiner asked over the last five years has the percent to appropriations increased in looseness or has it been more refined. Finance Director Holtzapple explained we have definitely modified and decreased the General Fund Budget; last year alone the departments decreased their budgets by \$1.5 million. Before we may have had General Fund expenditures on the level of \$12 - \$13 million where we are now at about \$10.5 million.

Mr. Heiner also asked if it would be possible to make adjustments and to make the presentation to Council in August so there would not be a need to have an Emergency Ordinance. Ms. Holtzapple explained the reason for the Emergency Ordinance. The illusion that this presents to people who read the paper is that the City is scrambling and not up to date. The end budget after it is signed is exactly correct, but to put it into an emergency situation does not give the appropriate illusion to people who are reading the paper. Mr. Heiner stated when he saw the \$2.5 million he did not know where it was in comparison to the \$79 million, but now knows. Next year he would like to see if it would be possible to not to be an emergency situation.

Commissioner Martin asked about the \$72,000 that was transferred to the Safety Fund and why it has brackets around it, does it mean we spent \$72,000 less? Ms. Holtzapple explained they are reducing the estimated transfer to the Safety Fund by \$72,000 from the General Fund but it does not mean they will necessarily spend less than their budget. Because they receive a portion of that additional income tax revenue the portion of \$300,000 that it is increasing for. Commissioner Martin asked if it shows anywhere where they get the \$72,000 back? Ms. Holtzapple stated in the revenue, this is the expenditure appropriation, you would see it in the increased revenue that is required according to the tax ordinance.

Moved by Commissioner Martin, seconded by Commissioner Terry, that the rule requiring Ordinance No, 13-11 to be read fully and distinctly on three separate days be suspended. Roll call, Aye: Wilson, Terry, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Ordinance No. 13-11 be adopted. Roll call, Aye: Vogt, Martin, Fess, Terry and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Ordinance No. 13-11 adopted.

### **RES. NO. R-97-11**

A Resolution requesting authorization to purchase the real property located at State Route 66, Parcel ID No. M40-04100, 18,823 acres on the Water Treatment Plant Construction, payable to Rosalyn Lee Toland, Bradley W. Jacob, C. Patricia Jacob, Andrew Douglas Keyt, Bernard Morris

Keyt, Ann Gantvoort, Bets Vondrasek and Gretchen Gantvoort in the amount not to exceed \$140,000

Interim City Manager Bill Murphy stated Resolution No. R-97-11 is the second purchase of property needed for the proposed new Water Treatment Plant on State Route 66 just beyond Hardin Road.

Water Superintendent Don Freisthler gave a brief explanation on the reason for the purchase of the property. The first parcel is right at about twenty acres, and the footprint for the new plant is right around ten acres. We want to make sure we do not disturb the wooded area so we want to purchase the extra acreage to make sure the plant is a friendly neighbor and have plenty of room for landscaping mounds. The total acreage for these two properties is about forty acres, and the new Water Plant will need ten acres with room for additional plant processes that will be added in the future. Ultraviolet light will need to be added since we will be treating surface water. This will insure the city has enough room for the additional processes that will be required in the future, said Mr. Freisthler.

### **Public Comment**

Joe Mikolajewski, Shawnee Trail lives in the Northwood Hills Housing Development across from the Johnson Farm. Mr. Mikolajewski stated he wanted to put it officially on record that the neighborhood out there would like to object to the purchase of this property. He stated they are not against the Water Treatment System but would like to get more information. He stated he wanted to thank the team that came out to discuss the information with them. The neighbors would just like to get a little more information such as what this really means safety wise, what kind of expansion, what kind of buffer is planned, how the neighborhood is going to be protected environmentally, and for the goodness of everybody involved. Mr. Mikolajewski stated he does not feel there is anything under board but just wants to make sure they understand what is going to happen to the neighborhood with the additional eighteen acres, and how it is going to effect them. The additional eighteen acres runs adjacent to some of the neighborhood properties and we want to make sure we officially go on record objecting. They want to continue to work with the city and see what it is all about, and would like some time to find out what is going on. Mr. Mikolajewski stated they would like to guarantee there would be three readings on this to have time to go through this.

Mayor Fess explained Resolutions do not go through three readings; it is only on the agenda for one reading. Mayor Fess stated Dave Burtner, Don Freisthler, Bill Murphy and she met with the group and attempted to answer most of their questions. Mayor Fess further stated they are very cognicent of the neighborhood and their lovely area and want to make sure it is protected. That is the reason for keeping the wooded area and purchasing the forty acres which is twenty-five more than we will ever need, but this is to make sure there is a lot of buffers around the area. Mayor Fess thanked Mr. Mikolajewski for his comments.

Commissioner Terry asked is the reason for the purchase of the second parcel to make sure the neighbors have a bigger buffer area in their neighborhood. Mr. Freisthler stated yes, it allow more room for a larger buffer area, and it is not something they will be able to view from their homes. Some of the things that led them to the site is the availability to come back into town to hook into the distribution system without having to run miles of extra pipe and get source water and to bring the raw water lines up from a pump station as well. This is what led them to the site, as the additional area will allow the city to place the plant in the best location for all involved.

Interim City Manager Murphy stated they shared with the Neighborhood there would be additional opportunities to make sure items such as screening would be taken into consideration, the kind of building materials used in the construction of the facility. Mr. Murphy further stated there will be additional opportunities for public input in terms of specific screening requirements and design.

Mayor Fess stated this is still in the initial phase of the design, and it is not something that will occur overnight. The City Commission and the Department Heads fully intend to keep you all

involved in the process including the screening so it will not interfere with the properties in your neighborhood, and understand you wanting to keep that area pristine the way it is. The city looked at several properties and this particular one was chosen by the consultant and is the best use of any of the properties we could find. We want to make it nice and want to make sure that you are not offended by it, said Mayor Fess.

Commissioner Wilson mentioned by purchasing these two properties we will be able to buffer not only the homes but also along St. Rt. 66 and the Johnson Farm so the whole area around the plant will be buffered.

Commissioner Martin stated the reason for purchasing the two properties was to be able to put the plant in the middle so this gives us plenty of room for buffering.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adopt Resolution No. R-97-11. Roll call, Aye: Fess, Martin, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-97-11 adopted.

#### **RES. NO. R-98-11**

A Resolution awarding a contract to VTF Excavation, LLC for the North Cemetery Bridge Replacement Project

Interim City Manager Bill Murphy stated they have had some discussion with the Cemetery, and will replace the North Cemetery Bridge with a 20' x 9' concrete box.

Commissioner Wilson stated the plan for the bridge to the south will it be boarded off and only have one bridge for vehicle traffic?

Commissioner Martin asked if the south bridge would closed off or would pedestrians and bicycles be able to cross the bridge?

City Engineer Amy Havenar stated the south bridge will be closed off to vehicles but would be open to pedestrians and bicycle traffic.

Commissioner Vogt asked if Forest Hill Cemetery contributed anything to the cost of the bridge. Mayor Fess stated no, the bridges are the responsibility of the City.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-98-11 at this time.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-98-11 be adopted. Voice vote, Aye: Fess, Terry, Wilson, Martin and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-98-11 adopted.

#### **RES. NO. R-99-11**

A Resolution awarding a contract to Walls Brothers Asphalt Company, Inc. for the 2011 Street Resurfacing Program

Interim City Manager Bill Murphy stated Resolution No. R-99-11 is for the local street repaving program which consists of approximately 2/3 of a mile on County Road 25A on the south side of the corporation limits. This includes from Fox Drive on County Road 25A west to the curve, and County Road 25A from the south corporation limit to the north driveway of the trailer court across from Aesthetic Finishers.

Commissioner Terry asked if the project has been budgeted in the Street Fund. Mr. Murphy stated yes.

**Public Comment**

No one came forward to speak for or against Resolution No. R-99-11 at this time.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-99-11 be adopted. Roll call, Aye: Terry, Wilson, Vogt, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-99-11 adopted.

**RES. NO. R-100-11**

A Resolution authorizing the adoption of the Operations and Maintenance manual for the Shawnee Pump Station, as certified by the City Engineer, including all amendments thereto

Interim City Manager Murphy stated this resolution deals with the levee accreditation by the Miami Conservancy District, a requirement that they have in order for the City of Piqua to receive accreditation.

City Engineer Amy Havenar explained the city is required to sign an agreement with the Miami Conservancy District, a "PAL" a Provisionally Accredited Levee. In order for our levee to be accredited by FEMA information must be submitted to the Miami Conservancy District and part of that is an Operation and Maintenance Manual of the Pump Station, then they will turn the information into FEMA and hope the levees are accredited. If it comes back and there is something wrong with the levees and they don't receive accreditation, then the majority of the City of Piqua that is not typically paying flood insurance would be required to carry it. It is critical that we comply with all the requirements from MCD to assure the levees stay accredited.

Mayor Fess stated this is something that is near and dear to Commissioner Martins heart as he has had a lot of contact and dedicated work over there with the Pump House in Shawnee.

Commissioner Martin asked if the Pump House was up and running like it was originally planned to be?

City Engineer Havenar stated the pumps are running as designed kicking on and off, but there is still one issue with the dialer, when the pumps kick on it is supposed to dial a handful of people. It is not letting them know but the pumps are running and they are in the process of working with the consultant to get that fixed.

**Public Comment**

No one came forward to speak for or against Resolution No. R-100-11 at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-100-11 be adopted. Roll call, Aye: Wilson, Vogt, Fess, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-100-11 adopted.

**RES. NO. R-101-11**

A Resolution amending the total payment to Sulzer Turbo Services for emergency repairs to #8 gas turbine

Interim City Manager Murphy stated this resolution deals with repairs that are necessary to the #8 Gas Turbine.

Power Systems Director Ed Krieger stated on July 5, 2011 the City Commission approved a resolution for up to \$995,000 to Sulzer Turbo Services for repairs to the #8 gas turbine. Realizing that the scope of the repairs would not be fully known until the unit was disassembled. Sulzer came on site and disassembled the unit and found out that we had significantly underestimated

the repairs. Total repair costs are expected to exceed \$2.7 million, and the MVRMA policy covers just over \$1.2 million. We are 99% sure that \$1.5 million will cover our share of the costs associated with this damage. We recognize these gas turbines are a very important asset to the Power System as this unit is a backup source to over half of the City's customers should it be needed, and in addition will reduce our exposure to significant financial penalties should the City be called upon to operate the gas turbines as part of our participation in the PJM demand response program. Our continued participation in this program saves electric customers over \$1.3 million annually on their electric bills, said Mr. Krieger.

Commissioner Martin asked what we are getting for the \$1.5 million. Mr. Krieger further explained we really did not know what was wrong with the turbine until we got into it. We were hoping for only having to repair three rows of compressor blades and it turned out to be ten rows of compressor blades, which is a significant difference. The other major difference is that the unit is forty-one years old; it does not run a lot and is used for backup purposes. The \$1.5 million is not related to the failure but is related to age of the unit, the deterioration of the unit over time, and our goal is to get this unit back in like new condition.

Mayor Fess stated that the money would come out of the Enterprise Fund reserves correct? Mr. Krieger stated the money would come out of existing cash reserves. Mr. Krieger further explained the importance of the gas turbines to the City.

Commissioner Wilson asked about the damage that was found was City personnel able to verify that it was legitimate damage, and we were not solely going on what we were told? Mr. Krieger explained, some of the damage found is very common, and our consultant Jim Vines has been working with gas turbines for years and agreed.

Law Director Wall stated she has been talking with MVRMA about this claim. MVRMA is extremely impressed with the quality of the repairs that have been done on this project in terms of the expertise in evaluating the unit and assessing the damage.

Ms. Wall explained what MVERMA is and the reason the City has it.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-101-11 at this time.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-101-11 be adopted. Roll call, Aye: Vogt, Fess, Martin, Terry, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-101-11 adopted.

#### **RES. NO. R-102-11**

A Resolution awarding a purchase order to Barrett Paving Materials, Inc. for the purchase of stone for the Street Department

Interim City Manager Murphy stated there has been a need for additional stone purchases for several of the Street Projects and is asking for approval for these purchases.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-102-11 at this time.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-102-11 be adopted. Roll call, Aye: Fess, Martin, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-102-11 adopted.

**RES. NO. R-103-11**

A Resolution authorizing a purchase order to Wall Bros. Asphalt Co. for the placement of 301 Asphalt Base

Interim City Manager Murphy stated this relates to two projects, one is the Water Street project, and the other is the Hemm Avenue Roadway Improvements associated with the new Power Systems Service Center.

City Engineer Havenar further explained it was originally thought this could be done in house, but there were issues on how much the Street Department could do, plus the fact that we are running out of time to get this paved. We were able to coordinate our efforts with the Power System on Hemm Avenue and go out for one bid together to do both jobs, said Ms. Havenar.

Interim City Manager Murphy stated he wanted to clarify that this is just the base asphalt on the Water Street Project. ODOT will come in after the base is done and finish the asphalt. Hemm Avenue will not be getting a final layer of asphalt at this time.

City Engineer Havenar stated this would just be for the base asphalt on both of the projects. ODOT will be paying for 80% of the surface course of asphalt on St. Rt. 36 from Spring Street to Downing Street and also on St. Rt. 185. This is for the six inches of 301 base, and then ODOT will put another three inches of asphalt down. Hemm Avenue will only get the 301 asphalt base at this time.

**Public Comment**

No one came forward to speak for or against Resolution No. R-103-11 at this time.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-103-11 be adopted. Roll call, Aye: Martin, Terry, Wilson, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-103-11 adopted.

**RES. NO. R-104-11**

A Resolution authorizing the settlement of the appropriation of 439 E. Ash Street, Piqua, Miami County, Ohio

Interim City Manager Murphy stated this is one of the items that was discussed in Executive Session and relates to the East Ash Street Reconstruction Project and the two properties that we need to acquire for the widening project. This deals with the Commercial property, the former Dog Grooming business.

Law Director Wall stated the property owner was represented by legal counsel and the matter was settled before the filing of the complaint. The permanent Highway Easement and the Temporary Easement agreements were both signed with the agreement price of \$40,000.

**Public Comment**

No one came forward to speak for or against Resolution No. R-104-11 at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-104-11 be adopted. Roll call, Aye: Terry, Wilson, Vogt, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-104-11 adopted.

**RES. NO. R-105-11**

A Resolution authorizing the reassignment of the City's Canal Sublease for 110 E. Ash Street, Piqua, Ohio, Parcel No. N44-000895

Interim City Manager Murphy stated this resolution also relates to an issue that was discussed in Executive Session relating to the sale of property.

Law Director Wall explained the Canal Lease agreements and how the City reassigns the lease to the property owners. The next resolution allows the City to renegotiate the Master Lease.

**Public Comment**

Brad Boehringer, Mound Street came forward and asked if the City has ever explored the option of purchasing the Canal Land from the State avoiding the burdensome renegotiations of the Canal Leases. Law Director Wall stated she is not sure but believes the State of Ohio has not been interested in selling, they have always been maintained them under a lease agreement. The lease was signed in 1926 and was for a period of ninety-nine years and it has not yet expired, stated Ms. Wall.

Moved by Commissioner Wilson, seconded by Commissioner Vogt, that Resolution No. R-105-11 be adopted. Roll call, Aye: Wilson, Vogt, Fess, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-105-11 adopted.

**RES. NO. R-106-11**

A Resolution authorizing the City of Piqua to terminate the Master Canal Lease with the State of Ohio, being entered into March 30, 1926, and to modify the terms and conditions to enter into a new Master Lease

Interim City Manager Murphy stated this is the second part of the discussion that Ms. Wall just explained in the previous Resolution..

**Public Comment**

No one came forward to speak for or against Resolution No. R-106-11 at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-106-11 be adopted. Roll call, Aye: Vogt, Fess, Martin, Terry, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-106-11 adopted.

**OTHER**

Monthly Reports – July 2011

Monthly Reports for July 2001 were accepted.

**PUBLIC COMMENT**

Ruth Koon, Park Avenue came forward and congratulated several individuals and organizations that have made a positive impact in the Piqua Community. Jeff Lange for his continued leadership in the POW Organization, The Piqua Civic Band for their summer sessions each week in the Park, Golf Pro Chip Fox at Echo Hills Golf Course for putting together the Junior Golf Camp this year, and the Southview Neighborhood Association as they were able to show that good results do happen when working with the City, and are very pleased with the money that is going to be spent at Mote Park. These are some of the positive things that are going on in our Community and wanted citizens to be aware of them, said Ms. Koon.

Commissioner Wilson stated Channel 5 has been converting over to digital and looks pretty impressive so far, and is a big improvement. Commissioner Wilson noted there is a coach's show aired each week with Piqua Football Coach Bill Ness covering the Piqua Football games on Wednesday, Thursday, and Friday.

Volunteers are very important to our Community and it is wonderful how they all help out in various ways and on committees, stated Commissioner Wilson.

Commissioner Terry stated she attended the Heritage Festival and further stated we have so much in the City of Piqua to be thankful for. Commissioner Terry also reminded citizens to attend the Day of Honor on Sunday September 11, 2011 at Fountain Park beginning at 2:00 P.M.

Mayor Fess stated a group of 4<sup>th</sup> grade students are participating on Sunday as these students were born in 2001, and they will have a part in the Day of Honor Program. This is a coming together in a day of unity, said Mayor Fess.

Commissioner Vogt also encouraged citizens to attend the Day of Honor on September 11, 2011. Commissioner Vogt attended the Heritage Festival and stated the volunteers are to be thanked and honored for their work, and encouraged citizens to volunteer.

Interim City Manager Murphy stated there are openings on several Boards and Committees. Two on the Community Diversity Committee, two on the Stormwater Utility Board, and one on the Energy Board. Mayor Fess stated applications are available in the City Manager's office and on the City's website, and encouraged citizens to apply for these seats.

Law Director Wall stated an Emergency Preparedness Operation is scheduled for Saturday, September 10, 2011 at the Piqua Airport. The Piqua Airport will be closed Thursday, Friday, and Saturday for this operation. The Piqua Fire Department will be the lead agency on this operation, and this is not in coordination with any of the other 9/11 events, stated Ms. Wall.

Mayor Fess asked Power System Director Krieger to give a brief explanation on the power outage that occurred on Saturday in Piqua. Mr. Krieger explained the reason for the one and one-half hour and outage, and thanked Bob Bowman and his crew for doing such a good job in restoring the power so quickly.

Mayor Fess also asked Mr. Krieger to give a brief update on the power outage that occurred in Tipp City recently. Mr. Krieger stated Piqua sent several employees to help out in Tipp City and worked with DP & L to help restore power.

Mayor Fess thanked all of the Heritage Festival volunteers, and encouraged citizens to attend the Day of Honor.

Mayor Fess noted the passing of Paul "Skip" Jackson, Jr.; he was very well respected in the Piqua Community, loved by all and was everybody's friend. Mr. Jackson was active in the City serving on committees including the Civil Service Board, and the AD Hock Committee. Mayor Fess asked the Community to keep the Jackson family in their thoughts and prayers.

Mayor Fess stated she wanted to thank all who called and sent her cards following her recent surgery.

**Adjournment**

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:50 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

\_\_\_\_\_  
Lucinda L. Fess, Mayor

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION

**ORDINANCE NO. 13-11**  
**AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE**  
**CITY OF PIQUA, OHIO FOR THE YEAR 2011**

Whereas, Section 5705.38 empowers the municipal legislative authority to pass supplemental appropriations measures as it finds necessary; and therefore:

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

SEC. 1: That there be appropriated from the GENERAL FUND (001)

<u>ACCOUNT</u>	<u>2011 APPROPRIATIONS</u>	<u>2011 SUPPLEMENTAL</u>	<u>2011 REVISED APPROPRIATIONS</u>
<b>Fund 001 General Fund</b>			
<b>City Manager</b>			
Personal Services/Administrative Support	\$293,134		\$293,134
Operation and Maintenance	\$28,560	\$9,400	\$37,960
Allocated Expenses	(\$235,480)	(\$6,881)	(\$242,361)
<b>Total City Manager</b>	<b>\$86,214</b>	<b>\$2,519</b>	<b>\$88,733</b>
<b>Engineering</b>			
Personal Services/Administrative Support	\$330,476		\$330,476
Operation and Maintenance	\$29,452	\$300	\$29,752
Allocated Expenses	(\$293,053)	(\$245)	(\$293,298)
<b>Total Engineering</b>	<b>\$66,875</b>	<b>\$55</b>	<b>\$66,930</b>
<b>Health</b>			
Operation and Maintenance	\$97,728	\$4,012	\$101,740
<b>Human Resources</b>			
Personal Services/Administrative Support	\$163,908		\$163,908
Operation and Maintenance	\$13,690	\$2,500	\$16,190
Allocated Expenses	(\$152,219)	(\$2,143)	(\$154,362)
<b>Total Human Resources</b>	<b>\$25,379</b>	<b>\$357</b>	<b>\$25,736</b>
<b>Purchasing</b>			
Personal Services/Administrative Support	\$69,963		\$69,963
Operation and Maintenance	\$5,071	\$5,200	\$10,271
Allocated Expenses	(\$73,233)	(\$5,075)	(\$78,308)
<b>Total Purchasing</b>	<b>\$1,801</b>	<b>\$125</b>	<b>\$1,926</b>
<b>Transfers</b>			
Transfer to Safety Fund 106	\$3,550,000	(\$72,000)	\$3,478,000
Transfer to Pro Piqua Fund 128	\$45,000	\$14,000	\$59,000
Transfer to Golf 409	\$238,000	\$25,000	\$263,000
Transfer to Ft. Piqua Plaza 410	\$150,855	\$33,000	\$183,855
<b>Total Transfers</b>	<b>\$3,983,855</b>	<b>\$0</b>	<b>\$3,983,855</b>
<b>Fund 101 Street Maintenance Fund</b>			
Personal Services/Administrative Support	\$833,253	\$30,000	\$863,253
Operation and Maintenance	\$1,175,328	\$61,000	\$1,236,328
<b>TOTAL</b>	<b>\$2,008,581</b>	<b>\$91,000</b>	<b>\$2,099,581</b>
<b>Fund 103 Street Income Tax Fund</b>			
Operation and Maintenance	\$325,975	\$53,500	\$379,475
Non Government/Transfers/Refunds	\$97,368	\$76,387	\$173,755
<b>TOTAL</b>	<b>\$423,343</b>	<b>\$129,887</b>	<b>\$553,230</b>
<b>Fund 105 Park and Recreation Fund</b>			
Operation and Maintenance	\$164,143	\$4,500	\$168,643
Capital Outlay (including labor)	\$100,194	(\$4,500)	\$95,694
<b>TOTAL</b>	<b>\$264,337</b>	<b>\$0</b>	<b>\$264,337</b>
<b>Fund 106 Public Safety Fund</b>			
<b>009 Fire Department</b>			
Operation and Maintenance	\$389,398	\$2,500	\$391,898
<b>Fund 119 C.H.I.P Program Income Fund</b>			
Operation and Maintenance	\$10,064	\$2,000	\$12,064
<b>Fund 128 Pro Piqua Fund</b>			
Operation and Maintenance	\$45,000	\$14,000	\$59,000
<b>Fund 139 FEMA Fund</b>			
Personal Services/Administrative Support	\$20,000	\$15,000	\$35,000
<b>Fund 323 Swimming Pool Construction Fund</b>			
Non Government/Transfers/Refunds	\$5	\$35	\$40
<b>Fund 401 Power System Fund</b>			
Operation and Maintenance	\$21,360,172	\$1,624,978	\$22,985,150
<b>Fund 403 Water System Fund</b>			
Operation and Maintenance	\$1,495,396	\$219,146	\$1,714,542
Capital Outlay (including labor)	\$1,562,192	(\$219,146)	\$1,343,046
<b>TOTAL</b>	<b>\$3,057,588</b>	<b>\$0</b>	<b>\$3,057,588</b>

	2011 <u>APPROPRIATIONS</u>	2011 <u>SUPPLEMENTAL</u>	2011-REVISED <u>APPROPRIATIONS</u>
<b>Fund 404 Wastewater System Fund</b>			
Personal Services/Administrative Support	\$1,088,460	(\$11,600)	\$1,076,860
Operation and Maintenance	\$1,481,602	\$11,600	\$1,493,202
Capital Outlay (including labor)	\$153,221	\$145,172	\$298,393
<b>TOTAL</b>	<u>\$2,723,283</u>	<u>\$145,172</u>	<u>\$2,868,455</u>
<b>Fund 407 City Income Tax Administration Fund</b>			
Non Government/Transfers/Refunds	\$7,450,000	\$300,000	\$7,750,000
<b>Fund 410 Fort Piqua Plaza Fund</b>			
Operation & Maintenance	\$236,416	\$51,390	\$287,806
<b>Fund 411 Stormwater Utility Fund</b>			
Operation and Maintenance	\$205,411	\$59,000	\$264,411
Capital Outlay (including labor)	\$343,200	\$25,503	\$368,703
<b>TOTAL</b>	<u>\$548,611</u>	<u>\$84,503</u>	<u>\$633,114</u>
<b>Fund 412 Meter Reader Fund</b>			
Personal Services/Administrative Support	\$238,175		\$238,175
Operation and Maintenance	\$28,018	\$1,600	\$29,618
Allocated Expenses	(\$266,193)	(\$1,600)	(\$267,793)
<b>TOTAL</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Fund 413 Utilities Business Office Fund</b>			
Personal Services/Administrative Support	\$459,571		\$459,571
Operation and Maintenance	\$385,900	\$10,874	\$396,774
Allocated Expenses	(\$845,471)	(\$10,874)	(\$856,345)
<b>TOTAL</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Fund 415 Swimming Pool Fund</b>			
Operation and Maintenance	\$72,517	\$3,000	\$75,517
Capital Outlay (including labor)	\$20,000	(\$20,000)	\$0
<b>TOTAL</b>	<u>\$92,517</u>	<u>(\$17,000)</u>	<u>\$75,517</u>
<b>Fund 754 Broadway Street Fund</b>			
Operation and Maintenance	\$0	\$98,250	\$98,250

SEC. 62: That the sums appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2011. Future commitments representing encumbrances of fund balance or future receipts will be appropriated in the future year when those services or goods are rendered to the city.

SEC. 63: That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.

SEC. 64: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2011 when passed and legally contracted for in conformity by law.

SEC. 65: That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed \$1,000,000 in the aggregate nor extend past December 31, 2011; except those that are to be reimbursed by federal or state grant programs that were previously approved by this Commission.

SEC. 66: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

SEC. 67: That this ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and shall take effect and be in force from and after passage.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION

Ordinance 13-11 Revised Appropriation Comparison to Original Exhibit A

General Fund (001)

<b>City Manager</b>			
Operation and Maintenance	\$	9,400	City Manager Search
Allocated Expenses	\$	(6,881)	
<b>Engineering</b>			
Operation and Maintenance	\$	300	Auto Repairs
Allocated Expenses	\$	(245)	
<b>Health</b>			
Operation and Maintenance	\$	4,012	Dog Rescue covered by Donations & Court Judgement
<b>Human Resources</b>			
Operation and Maintenance	\$	2,500	City Policy Manual Review
Allocated Expenses	\$	(2,143)	
<b>Purchasing</b>			
Operation and Maintenance	\$	5,200	Public Buyer Certification Training
Allocated Expenses	\$	(5,075)	
<b>Transfer from General Fund to other funds</b>			
Transfer to Safety Fund 106	\$	(72,000)	Reduced For Additional Income Tax Revenue
Transfer to Pro Piqua Fund 128	\$	14,000	Per WOTVC Contract
Transfer to Golf 409	\$	25,000	Decreased Revenue
Transfer to Ft Piqua Plaza 410	\$	33,000	Loss of Tenant
<b>Net Increase to General Fund</b>	<u>\$</u>	<u>7,068</u>	

Streets Fund (101)

Personal Services/Administrative Support	\$	30,000	Ice Storm
Operation and Maintenance	\$	61,000	Fuel \$21,000; Salt \$30,000; Stone \$10,000
<b>Total Streets (101)</b>	<u>\$</u>	<u>91,000</u>	

Street Income Tax Fund (103)

Operation and Maintenance	\$	53,500	Resurfacing
Non Government/Transfers/Refund	\$	76,387	SIB Loan Transfer (254)
<b>Total Streets (103)</b>	<u>\$</u>	<u>129,887</u>	

Park and Recreation Fund (105)

Operation and Maintenance	\$	4,500	Fuel
Capital Outlay (including labor)	\$	(4,500)	New Mowers Cost Less than Estimated
<b>Total Parks and Recreation (105)</b>	<u>\$</u>	<u>-</u>	

Public Safety Fund (106)

<b>Fire Department 009</b>			
Operation and Maintenance	\$	2,500	Increased Ambulance Runs

C.H.I.P. Program Income Fund (119)

Operation and Maintenance	\$	2,000	Rental Rehab Grant
---------------------------	----	-------	--------------------

Pro Piqua Fund (128)			
Operation and Maintenance	\$	14,000	Per WOTVC Contract
FEMA Fund (139)			
Personal Services/Administrative Support	\$	15,000	Ohio Task Force I
Swimming Pool Construction (323)			
Non Government/Transfers/Refunds	\$	35	Tax Transfers
Power Systems Fund (401)			
Operation and Maintenance	\$	1,624,978	\$1,500,000 Gas Turbine Rebuild; \$124,978 Brownfield
Water System Fund (403)			
Operation and Maintenance	\$	219,146	\$17,156 Flood Gravel Pit; \$19,218 O.R. Colan; \$24,272 Flocculator
Capital Outlay (including labor)	\$	(219,146)	Repair; \$158,500 CDM Study
Total Water System Fund (403)	\$	<u>-</u>	
Wastewater System Fund (404)			
Personal Services/Administrative Support	\$	(11,600)	
Operation and Maintenance	\$	11,600	TV Camera Van
Capital Outlay (including labor)	\$	145,172	Increase in West Sewer Rehab
Total Wastewater System Fund (404)	\$	<u>145,172</u>	
City Income Tax Administration Fund (407)			
Non Government/Transfers/Refunds	\$	300,000	Increase in Tax Collections
Fort Piqua Plaza Fund (410)			
Operation and Maintenance	\$	51,390	Advertising, Contractual Services, Repairs & Maintenance, IT Equipment
Stormwater Utility Fund (411)			
Operation and Maintenance	\$	59,000	Map Survey
Capital Outlay (including labor)	\$	25,503	Leaf Vacuum
Total Stormwater Utility Fund (411)	\$	<u>84,503</u>	
Meter Readers Fund (412)			
Operation and Maintenance	\$	1,600	Radix Repair
Allocated Expenses	\$	(1,600)	
Total Meter Readers Fund (412)	\$	<u>-</u>	
Utility Business Office Fund (413)			
Operation and Maintenance	\$	10,874	Increased Visa Fees due to increase Credit Card Payments
Allocated Expenses	\$	(10,874)	
Total Utility Business Office Fund (413)	\$	<u>-</u>	
Swimming Pool Fund (415)			
Operation and Maintenance	\$	3,000	Cost of Concessions
Capital Outlay (including labor)	\$	(20,000)	No Capital Needed
Total Swimming Pool Fund (415)	\$	<u>(17,000)</u>	
Broadway Street Fund (754)			
Operation and Maintenance	\$	98,250	Broadway Special Assessment
Overall Total	\$	2,548,783	

Summary

General Fund, Safety, & Parks Breakdown

Operation and Maintenance	\$	28,412
Allocated Expenses	\$	(14,344)
Transfers to other Funds	\$	-
Capital Outlay (including labor)	\$	(4,500)
<b>Total General Fund</b>	<b>\$</b>	<b>9,568</b>

Streets 101 & 103 Breakdown

Personal Services/Administrative Support	\$	30,000
Operation and Maintenance	\$	114,500
Non Government/Transfers/Refunds	\$	76,387
<b>Total Streets</b>	<b>\$</b>	<b>220,887</b>

Other Funds Breakdown (119, 128, 323, 407, 754)

Personal Services/Administrative Support	\$	15,000
Operation and Maintenance	\$	114,250
Non Government/Transfers/Refunds	\$	300,035
<b>Total Other Funds</b>	<b>\$</b>	<b>429,285</b>

Enterprise Breakdown

(Power, Water, Wastewater, Stormwater, Meter Readers, Utility Business Office, Plaza, Pool)

Personal Services/Administrative Support	\$	(11,600)
Operation and Maintenance	\$	1,981,588
Allocated Expenses	\$	(12,474)
Capital Outlay (including labor)	\$	(68,471)
<b>Total Enterprise</b>	<b>\$</b>	<b>1,889,043</b>

Overall Total

**\$ 2,548,783**

**PIQUA CITY COMMISSION  
SPECIAL MEETING-EXECUTIVE SESSION  
ADMINISTRATIVE CONFERENCE ROOM  
Friday, September 9, 2011  
10:00 A.M.  
201 W. WATER STREET  
PIQUA, OHIO 45356**

**CALL TO ORDER**

Mayor Fess called the Special Meeting-Executive Session to order at 10:00 A.M.

Moved by Commissioner Martin, seconded by Commissioner Wilson to move into Executive Session at 10:02 A.M. Voice vote, Aye: Martin, Wilson, Vogt, Fess, and Terry. Nay: None. Motion carried unanimously

Purpose of the Special Meeting-Executive Session is to consider the appointment, employment, dismissal, discipline or compensation of the City Manager.

**Adjournment**

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adjourn from the Special Meeting-Executive Session at 11:14 A.M. Voice vote, Aye: Martin, Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 11:15. Voice vote, Aye: Wilson, Fess, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION

**ORDINANCE NO. 12-11**

**AN ORDINANCE AMENDING SCHEDULE I – SPEED LIMITS, ADOPTED IN ACCORDANCE WITH CITY OF PIQUA CODE OF ORDINANCES SECTION 77.01 - TRAFFIC SCHEDULES ADOPTED OF CHAPTER 77 TRAFFIC CODE**

WHEREAS, the City of Piqua and Ohio Department of Transportation (ODOT) have determined that a segment of State Route 185 currently occupying portions of Park Avenue, Broadway, and Ash Street should be rerouted to Sunset Drive from Park Avenue to Covington Avenue, further described as set forth in Exhibit "A" attached hereto; and

WHEREAS, the City of Piqua and ODOT have conducted the necessary engineering study and invited public comments concerning the proposed changes; and

WHEREAS, a public hearing was held on June 13, 2011 at which time the findings of the study and the public comments were presented to the Planning Commission for their consideration; and

WHEREAS, all of the public comments received and presented indicated support for the proposed State Route 185 rerouting, and the study findings presented indicated the proposed rerouting would satisfy applicable engineering standards and noted that it would be appropriate and necessary to reduce the posted speed limit on the abandoned portions of State Route 185 from 35 MPH to 25 MPH; and

WHEREAS, at the June 13, 2011 public hearing the city of Piqua Planning Commission unanimously recommended approving the proposed rerouting of State Route 185 and reducing the speed limit on the affected portions of Park Avenue, Broadway, and Ash Street from 35 MPH to 25 MPH; and

WHEREAS, in accordance with City of Piqua Code of Ordinances section 77.01, Schedule I – Speed Limits is maintained by the City Engineer;

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

SECTION 1: Schedule I - Speed Limits shall be amended to reflect the following:

Park Avenue - Sunset Drive to Broadway	25 MPH
Broadway – Park Avenue to Ash Street	25 MPH
Ash Street – Broadway to Spring Street	25 MPH

SECTION 2: The City Engineer shall cause the appropriate and required changes to be implemented so that the affected streets are properly signed in accordance with the Ohio Manual of Uniform Traffic Control Devices.

SECTION 3. All other sections of Chapter 77 and Section 77.01 of the Piqua Municipal Code not amended herein shall remain in effect as is.

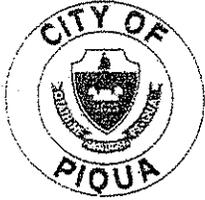
SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1<sup>st</sup> Reading 8-16-2011  
2<sup>nd</sup> Reading 9-6-2011

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



## CITY COMMISSION MEETING REPORT

*For the Regular Meeting of August 16, 2011*

TO: Bill Murphy, Interim City Manager  
FROM: Chris Schimiesing, City Planner  
CC: Amy Havenar, City Engineer

SUBJECT: Adoption of Resolution Authorizing Rerouting of State Route 185 and an Ordinance Amending the Speed Limits Schedule

### **PURPOSE:**

To authorize the rerouting of State Route 185 and the modifications of the speed limits on the portions of the existing State Route 185 to be abandoned.

### **RECOMMENDATION:**

Approve a resolution to authorize the rerouting of State Route 185 as proposed; and, approve an ordinance amending the Speed Limits traffic schedule to reduce the speed limits on the portions of State Route 185 being abandoned.

### **BACKGROUND:**

As part of the Plan It Piqua Comprehensive Plan Update process a community interest in the possibility of rerouting State Route 185 was identified. In response, further exploring this possibility and completing any study necessary to complete the desired modifications to the route alignment was included as an objective in the transportation chapter of the Plan.

Discussions with ODOT officials in 2009 produced a favorable response to the proposed rerouting. Over the next year ODOT provided the City with direction on what was required to move the request forward and the City responded with the necessary information. By summer of 2010 ODOT officials were satisfied with the information provided and indicated they were supportive of advancing the request through the final steps necessary to formally complete the process, although they requested that we delay taking final action on these items until 2011. Therefore, in the spring of 2011 this office contacted ODOT to initiate the final steps necessary to complete the process of considering the rerouting request.

### **ALTERNATIVES:**

- 1) Approve the resolution to authorize the proposed State Route 185 rerouting; and, approve or defeat an ordinance amending the affected traffic schedule to reduce the speed limit on the abandoned portions of State Route 185.
- 2) Defeat the resolution to reject the proposed rerouting of State Route 185; and, defeat an ordinance amending the affected traffic schedule to reduce the speed limit on the abandoned portions of State Route 185.

### **DISCUSSION:**

The proposed rerouting will result in the following modifications to the State Route 185 route designation.

- Park Avenue, Broadway, and Ash Street will no longer be designated State Route 185.

- Sunset Drive from Park Avenue to Covington Avenue will be designated State Route 185. The intersection of Covington and Sunset will become the new beginning/ending point of State Route 185.

By rerouting State Route 185 as described above the state route through traffic, including tractor-trailers, will be removed from narrow collector streets traversing through densely populated residential neighborhoods, and be relocated to a commercial corridor street more appropriately designed for tractor-trailer type traffic. The modifications to the state route designation will also affect certain maintenance responsibilities. ODOT will assume responsibility for the pedestrian/bike structure under Sunset Drive, and the City will assume responsibility for the bridge on Park Avenue over the hydraulic canal. Also, resurfacing the newly established State Route 185 alignment along the affected segment of Sunset Drive will become eligible for ODOT assistance. All other ordinary and routine right of way maintenance will remain the responsibility of the City.

With the removal of the state route designation from Park Avenue, Broadway and Ash streets, the affected portions will no longer be required to be posted 35 MPH and the posted speed limit will be adjusted to reflect the characteristics of the affected streets and to conform to the applicable standards. In accordance with Ohio Revised Code and City of Piqua Charter and Ordinance provisions, the speed limit designation is to be established in conformance with the Ohio Manual of Uniform Traffic Control Devices (OMUTCD). Upon examining the conditions relevant to the OMUTCD factors to be considered (the relatively narrow width of the affected streets, the residential environment in which the streets are located, proximity of schools, the number, proximity and sight conditions related to the drive openings and intersecting side streets, etc...), applying the applicable OMUTCD criteria results in a speed limit of 25 MPH being prescribed for the affected portions of Park Avenue, Broadway, and Ash Street.

With reference to the relevant ODOT policies and procedures for introducing and adopting a modification to a state route alignment, a press release announcing the proposed state route modification and inviting public review and comment was sent to the local media. The press release was also posted on the City of Piqua website and Facebook page. On June 9, 2011 both City and ODOT officials were present at a public meeting that was held to discuss the proposed rerouting. Several citizens called in prior to the meeting and seven citizens, all residents of homes located along Park Avenue, attended the meeting in person. All citizens that provided input spoke in favor of the proposed rerouting and the speed limit modification. Several persons in attendance at the public meeting also commented on the added benefit that reducing the speed limit will have as it relates to the bike path crossing near the bottom of the Park Avenue hill.

At the June 13, 2011 Planning Commission meeting, the Planning Commission held a public hearing to discuss the proposed rerouting and review the public comments received at the public meeting. Hearing no comments at the public hearing, and having studied the proposal and the comments received, the Planning Commission unanimously recommended that the proposed State Route 185 rerouting, and the speed limit modifications, be approved.

#### **FINANCIAL IMPACT:**

If the proposed rerouting is implemented the City will assume resurfacing responsibilities for the abandoned portions of State Route 185 and ODOT will assume responsibility for resurfacing the affected portions of Sunset Drive. The agencies will trade maintenance responsibilities concerning the two affected bridge structures. While the total length of the portions of the State Route 185 alignment to be abandoned are greater than the length of the new alignment, the additional width of the new segments makes the overall pavement areas comparable. Thus, the increased cost to either agency that is associated with the shift in maintenance responsibilities is essentially net zero. It is worth noting that prior to the abandonment of the affected portions of the existing State Route 185 alignment ODOT will be resurfacing the route from Washington Avenue to Spring Street. Thus, the pavement surface along this alignment will be in excellent condition at the time the maintenance responsibilities are returned to the City.

#### **COMMUNITY IMPACT:**

The removal of trucks and other through traffic from the current state route alignment located in residential neighborhoods is expected to have a positive impact on the community.

**CONFORMITY TO CITY PLANS & POLICIES:**

The proposed code amendments are consistent and compatible with all adopted City plans and policies, including the Goal, Principles, and Objectives and Strategies outlined in the Transportation and Land Use chapters of the Plan It Piqua Comprehensive Plan document.



# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

July 25, 2011

Fred Enderle, City Manager  
201 West Water Street  
Piqua, Ohio 45356

Dear Sir:

As per your request, in a letter from Chris Schmiesing – City Planner dated December 23, 2009 and in accordance with section 5511.01 of the Ohio Revised Code, we have reviewed and concur with the proposed rerouting and abandonment of State Route 185 within the City corporation limits. The rerouting of State Route 185 to Sunset Avenue over to United States Route 36 will shift traffic to a 4 lane facility that traverses through a commercial corridor. The existing routing of State Route 185 will be removed from the state's highway inventory and transferred to the city of Piqua. Attached is a copy of the formal Journal Entry and a map which describe the roadways affected in more detail.

Upon receipt of a request from the city of Piqua asking ODOT D-7 to proceed with the proposed rerouting the necessary and required actions will be taken to effect the proposed change.

If you have any questions regarding this matter please contact Mr. Matt Parrill, P.E. at (937) 497-6802.

Respectfully

A handwritten signature in cursive script that reads "Jerry Wray".

Jerry Wray

Director

Ohio Department of Transportation

Enclosure:

R. Chevalley, M. Parrill, L. Cain, M. Ayers (Communication), T. Dyer (Accounting), T. Hill (Environmental Services), A. Bremer (Legislative Services), B. Ujvari (Production), J. Maynard (Real Estate), T. Keller (Structural Engineering), D. Holstein (Traffic Engineering), S. Lowry (FHWA), A. Havenar (City Engineer), C. Schmiesing (City Planner).

# **DIRECTOR'S JOURNAL ENTRY**

07-MIA-2011-01

**STATE ROUTE 185**

**MIAMI COUNTY**

In accordance with section 5511.01 of the Ohio Revised Code, and the Department of Transportation Project Development Process (P.D.P.), I hereby certify, on September 1, 2011, the proposed rerouting and abandonment of sections of State Route 185 as described below, in Miami County Ohio, the City of Piqua.

The roadway rerouting and abandonment of sections of State Route 185, was requested by the City of Piqua due to the flow of heavier state route traffic (including trucks) through established residential areas of the Piqua community. A written request from the Piqua City Planner to start the Journal Entry process was received by the Ohio Department of Transportation, District Seven, on December 23, 2009.

A public meeting concerning this action was held on June 9, 2011 in Piqua, Ohio at the Municipal Government Complex, 201 West Water Street, Piqua, Ohio 45356.

## **THE REROUTING OF STATE ROUTE 185, SITUATED IN PIQUA, MIAMI COUNTY, OHIO.**

More fully described as:

The relocation of State Route 185, in the City of Piqua, beginning at the Park Avenue (State Route 185) and North Sunset Drive intersection, SLM 9.17, thence in a southerly direction on the existing alignment of North Sunset Drive, SLM 0.00, to the Covington Avenue (United States Route 36), South Sunset Drive intersection, SLM 0.78.

## **THE ABANDONMENT OF STATE ROUTE 185, SITUATED IN PIQUA, MIAMI COUNTY, OHIO.**

More fully described as:

The abandonment, to the City of Piqua, of existing State Route 185, beginning at the Park Avenue (State Route 185), Sunset Drive intersection, SLM 9.17, thence in an easterly direction along Park Avenue (State Route 185) for 1.26 miles to the intersection with Broadway (State Route 185), SLM 10.43, thence in a southerly direction along Broadway (State Route 185) for 0.29 mile to the intersection with West Ash Street, SLM 10.72, then in an easterly direction along West Ash Street (State Route 185) for 0.39 mile to the Spring Street (State Route 66), East Ash Street (United States Route 36) intersection, SLM 11.11.

The effective date of the described rerouting and abandonment of State route 185,  
Situating in Piqua, Miami County Ohio, shall be September 1, 2011.

---

Jerry Wray

Director

Department of Transportation

R. Chevalley, M. Parrill, L. Cain, M. Ayers (Communication), T. Dyer (Accounting), T. Hill  
(Environmental Services), A. Bremer (Legislative Services), B. Ujvari (Production), J. Maynard (Real  
Estate), T. Keller (Structural Engineering), D. Holstein (Traffic Engineering), S. Lowry (FHWA), A.  
Havenar (City Engineer), C. Schmiesing (City Planner).

Attachments: Location Drawing  
Request Letter

185

36

VACATE SR 185 DESIGNATION  
(PARK, BROADWAY, AND ASH)

PROPOSED SR 185 DESIGNATION  
(SUNSET DRIVE FROM PARK TO COVINGTON)



**RESOLUTION NO. R-107-11**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO CONTRACT WITH THE MIAMI COUNTY PUBLIC  
DEFENDER COMMISSION**

WHEREAS, the City recognizes its responsibility to provide legal services to indigents charged with loss-of-liberty offenses under the Piqua Code; 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 proposed contract by and between the City of Piqua and the Miami County Public Defender Commission commencing January 1, 2012 and shall terminate on December 31, 2012 is hereby approved;

SEC. 2: The Finance Director is hereby authorized and directed to draw three warrants on the appropriate account of the city treasury in the total amount of \$20, 341.13 consisting of three installments according to Section 2 of said contract;

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

**MIAMI COUNTY PUBLIC DEFENDER ASSOCIATION**

MIAMI COUNTY COURTHOUSE  
201 WEST MAIN STREET  
TROY, OHIO 45373  
(937) 440-3950

September 1, 2011

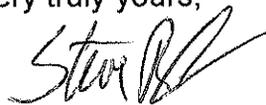
City of Piqua, OH  
Attn: Debbie Stein  
201 W. Water St.  
Piqua, OH 45356

Re: 2012 Public Defender Contract

Dear Ms. Stein:

Enclosed please find the proposed 2012 Public Defender Contract for Miami County Public Defender services for representing indigent defendants. Please note that there has been no increase; so if you have no other questions, I would ask that you please have the contract approved and signed and return it to me at the above address as soon as possible. The contract will then be forwarded to the State Public Defender for approval once all contracts are returned.

Very truly yours,



Steven R. Layman

SRL:ggh

Enclosure



CONTRACT FOR COUNTY PUBLIC DEFENDER SERVICES  
TO MUNICIPAL CORPORATIONS

AGREEMENT

THIS AGREEMENT entered into between the Miami County Public Defender Commission hereinafter called the "Commission" and the City of Piqua, Ohio, hereinafter called the "City".

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with loss of liberty offense in its Municipal Court; and

WHEREAS, the City in furtherance of the execution of its legal responsibilities, desires that the legal services of the Commission be delivered to the City's indigent citizens and others so situated:

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. Scope of Work.

The Commission shall in a satisfactory and proper manner under the terms and conditions contained herein, perform the following services:

Provide legal counsel to indigent persons charged with loss of liberty offenses under, by or through, the Codified Ordinances of the City of Piqua, Ohio and the Ohio Revised Code. The within representation shall include such cases filed in the Miami County Municipal Court, and/or Miami County Common Pleas Court, and Miami County Juvenile Court.

2. Compensation.

The City shall pay to the Commission a sum not to exceed Twenty Thousand Three Hundred Forty One Dollars and Thirteen Cents (\$20,341.13), which shall constitute full and complete payment for all the Commission's services during the term of this contract. Said sum shall be paid in the following manner: One Third of this contract, to wit, Six Thousand Seven Hundred Eighty Dollars and Thirty Seven Cents (\$6,780.37) shall be paid upon the execution of this contract; thereafter Commission shall be paid the balance in two equal payments of one third of the contract price, the first of said payments at the expiration of the first four (4) months of the term of this contract in the amount of Six Thousand Seven Hundred Eighty Dollars and Thirty Eight Cents (\$6780.38), and the second at the expiration of the first eight (8) months of this contract

in the same amount of Six Thousand Seven Hundred Eighty Dollars and Thirty Eight Cents (\$6780.38).

3. Term of Service.

The duration of this contract shall be for one (1) year commencing January 1, 2012, and shall terminate on December 31, 2012.

4. Non-Assignments.

The Commission shall not assign all or any part of this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld.

5. Termination.

If the Commission shall fail to fulfill in a reasonable timely and proper manner its obligations under this Agreement, or if the Commission shall substantially violate any of the covenants, agreements or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Commission of such termination and specifying an effective date thereof at least sixty (60) days before the effective date of said termination. Termination by the City shall not constitute a waiver of any other right or remedy it may have at law or in equity for breach of this Agreement by the Commission.

6. Amendments.

All amendments to this Agreement agreed upon by the parties shall be in writing and made a part of this Agreement.

7. Anti-Discrimination.

There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex or national origin. This provision shall apply to but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, raises of pay or other forms of compensation, and selection for training including apprenticeship. The Commission shall insert a similar provision in any sub-contract for services covered by this Agreement.

8. Conflicts.

Commission covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement. No members of, nor delegates to, the Congress of the United States of America, and no resident Commissioner shall share in any part hereof or any benefits to arise herefrom.

9. Indigent Eligibility Standards

In determining the indigent status of all individuals receiving representation pursuant to this agreement, all applicable standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the Ohio Public Defender will be followed.

10. Verification of Contract Amount

Payment by the municipality, whether by contractual amount or a fee schedule, does not exceed the fee schedule in effect and adopted by the county commissioners of the said herein county wherein the municipal corporation is located.

IN WITNESS WHEREOF, the Parties have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED AS TO FORM:

MIAMI COUNTY PUBLIC  
DEFENDER ASSOCIATION

BY \_\_\_\_\_  
OHIO PUBLIC DEFENDER  
COMMISSION

BY \_\_\_\_\_  
JOHN COTNER  
CHAIRMAN

CITY OF PIQUA, OHIO

BY \_\_\_\_\_

RESOLUTION NO. R-108-11

**A RESOLUTION APPROVING THE TAX RATES FOR  
THE CITY AS DETERMINED BY THE MIAMI COUNTY  
BUDGET COMMISSION**

WHEREAS, on August 30, 2011, the Miami County Budget Commission has, pursuant to general law, certified the following rates of tax to be levied in the City of Piqua for municipal purposes on the general tax duplicate of 2011, subject to any additional levies approved by the electorate; and

WHEREAS, said certified rates of tax require the approval of this Commission;

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 rates of tax to be levied as follows in the City of Piqua for municipal purposes on the general tax duplicate of 2011 (subject to any additional levies approved by the electorate) are hereby approved and certified;

<u>FUND</u>	<u>MILLS</u>	<u>AMOUNT</u>
<u>Ten Mill Limitation</u>		
General	3.70	\$1,172,197
Police Pension	.30	95,043
Fire Pension	.30	95,043
<u>No Limitation</u>		
General Conservancy	.12	\$ 38,017

SEC. 2: The Clerk of this Commission is directed to file a certified copy of this Resolution with the Miami County Auditor forthwith;

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 September 20, 2011*

TO: Bill Murphy, Interim City Manager

FROM: Cynthia A. Holtzapple, Assistant City Manager & Finance Director

SUBJECT: Resolution Approving the Tax Rates for the City as Determined by the Miami County Budget Commission

**PURPOSE:**

Approve the Resolution No. R-108-11 approving the tax rates for the City as determined by the Miami County Budget Commission.

**RECOMMENDATION:**

I am requesting approval of Resolution No. R-108-11 approving the tax rates for the City as determined by the Miami County Budget Commission.

**BACKGROUND:**

Every year about this time, we request an approval of the certified tax rates which will be used to levy property tax on all general duplicates for 2011 to be collected in 2012. These certified rates require the approval of our Commission and certifications to Miami County before October 1, 2011.

**ALTERNATIVES:**

- 1) Approve Resolution No. R-108-11 for the approval of the tax rates for the City as determined by the Miami County Budget Commission. The tax rates are unchanged from last year.
- 2) Do not approve Resolution No. R-108-11 and cause our revenues to drop substantially.

**DISCUSSION:**

- 1) This alternative will allow for the normal collection of real estate taxes of Piqua properties by the Miami County Treasurer's office.
- 2) This alternative will not allow the County to assess the real estate property taxes for properties located in Piqua on our behalf causing a substantial drop in our revenues.

**FINANCIAL IMPACT:**

Passage of this Resolution will allow the City to continue to receive the collection of property tax revenue from the County. These revenues are vitally important to the General Fund and our day to day operations.

**COMMUNITY IMPACT:**

Passage will allow the City of Piqua to continue to receive the normal collection of real estate taxes as approved by our citizens and used to provide various services to them.

**CONFORMITY TO CITY PLANS & POLICIES:**

We are permitted to pass this legislation for the amounts approved by the Miami County Budget Commission; however, if we wish to levy any additional monies, it would need to be approved by the voters.

**RESOLUTION NO. R-109-11**

**A RESOLUTION ACCEPTING THE RESIGNATION  
OF JOE DRAPP AS A MEMBER OF THE  
ENERGY BOARD**

WHEREAS, Joe Drapp was appointed to the Energy Board on February 20, 2007 by Resolution No.R-35-07; and

WHEREAS, Joe Drapp submitted a letter of resignation to the Energy Board on September 3, 2011.

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: This Commission hereby accepts the resignation of Joe Drapp as a member of the Energy Board.

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

**RESOLUTION NO. R-110-11**

**A RESOLUTION ACCEPTING THE RESIGNATION  
OF JOE DRAPP AS A MEMBER OF THE  
STORMWATER UTILITY BOARD**

WHEREAS, Joe Drapp was appointed to the Stormwater Utility Board on July 6, 2010 by Resolution No. R-84-10; and

WHEREAS, Joe Drapp submitted a letter of resignation to the Stormwater Utility Board on September 3, 2011.

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: This Commission hereby accepts the resignation of Joe Drapp as a member of the Stormwater Utility Board.

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

**RESOLUTION NO. R-111-11**

**A RESOLUTION AUTHORIZING A PURCHASE  
ORDER TO FRANCIS OFFICE SUPPLY INC. FOR  
VARIOUS OFFICE PRODUCTS**

WHEREAS, Section 34.19 of the Piqua Code permits the purchase of supplies for City departments without advertising when, in the judgment of the City Purchasing Analyst, advertising would not be of any material economic benefit; and

WHEREAS, the operation of Piqua City Government necessitates the purchase of various office supplies; and

WHEREAS, Francis Office Supply Inc. has been determined to be the best vendor for this purpose; 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: A purchase order is hereby authorized in the amount of \$50,000 to Francis Office Supply Inc. for the purchase of various office products;

SEC. 2: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasury in payment for said services rendered not to exceed \$50,000;

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 September 20, 2011*

TO: William P. Murphy, Interim City Manager  
FROM: Beverly M. Yount, Purchasing Analyst  
SUBJECT: Francis Office Supply (FOS) Annual Purchase Order Adjustment Request

**PURPOSE:**

Approve the Resolution No. R-111-11 approving the Annual Purchase Order with Francis Office Supply to be increased from \$24,000 to \$50,000 for the 2011 budget year.

**RECOMMENDATION:**

I am requesting approval of Resolution No. R-111-11 approving the Annual Purchase Order with Francis Office Supply to be increased from \$24,000 to \$50,000 for the 2011 budget year.

**BACKGROUND:**

We have used Francis Office Supply for general office supplies for many years and have always been pleased with their pricing and customer service. We currently use an annual purchase order with them for anything a department purchases for less than \$500. Each department places their own orders and is responsible for spending within their allowed budgets. In past years we have done a Resolution to allow us to spend over the \$25,000 limit with them. Last year, for example, we spent \$47,153.66 with Francis Office Supply.

**ALTERNATIVES:**

- 1) Approve Resolution No. R-111-11 approving the Annual Purchase Order with Francis Office Supply to be increased from \$24,000 to \$50,000 for the 2011 budget year.
- 2) Do not approve the Resolution and require us to use Staples or Office Depot for all of our office supply needs.

**DISCUSSION:**

- 1) This alternative will allow for us to remain in compliance with our purchasing policy.
- 2) This alternative would force us to find another possible supplier which we would need to satisfy our three quote requirement. This additional supplier may or may not be any cheaper than FOS, but there are no other alternatives within the City limits that I am aware of.

**FINANCIAL IMPACT:**

- 1) The City will be spending money on office supplies that are needed throughout the rest of the year. This allows us to get the best prices for these items and support a local business.
- 2) The City could possibly spend more money if we choose to go with this alternative since FOS would not be an alternative even though their prices may be cheaper.

**COMMUNITY IMPACT:**

We also have annual purchase orders set up with Staples and Office Depot. This still allows each department to get three quotes on all purchases to ensure that we are getting the best prices on what we are ordering. Our local preference policy encourages us to use businesses within the City whenever they are within 5% of the next closest price. We try to order from FOS as much as we can since it is a local business.

**CONFORMITY TO CITY PLANS & POLICIES:**

Passage of this Resolution will allow us to continue operating with our purchasing policy guidelines.

**RESOLUTION NO. R-112-11**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO INCREASE THE PURCHASE ORDER AMOUNTS FOR TWO VEHICLE MAINTENANCE VENDORS**

WHEREAS, in 2009 the City of Piqua established a Vehicle Maintenance Committee comprised of various department personnel within the City to review needed services for City vehicles; and

WHEREAS, following the Committee's review of equipment and needed services, the City Purchasing Analyst prepared a Request for Proposals (RFP); and

WHEREAS, seven contracts were awarded with Resolution No. R-81-09 for the City's Vehicle Fleet Maintenance Services for the years 2010 through 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: That the Piqua City Commission authorizes the City Manager to increase the purchase order limits for The Service Company to \$80,000 and Paul Sherry Chrysler Dodge Jeep to \$100,000.

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



## CITY COMMISSION MEETING REPORT

*For the Regular Meeting of September 20, 2011*

TO: William P. Murphy, Interim City Manager

FROM: Beverly M. Yount, Purchasing Analyst

SUBJECT: Vehicle Maintenance Purchase Order Increases

### **PURPOSE:**

Approve the Resolution No. R-112-11 authorizing an increase in the purchase order limits with two of the seven companies included in our vehicle maintenance contracts.

### **RECOMMENDATION:**

I am requesting approval of Resolution No. R-112-11 authorizing an increase in the purchase order limits with two of the seven companies included in our vehicle maintenance contracts.

### **BACKGROUND:**

This Commission passed Resolution No. R-81-09 on September 8, 2009 allowing the City to enter into three year (2010-2012) vehicle maintenance contracts with seven different vendors. As our fleet continues to age, the amount we are spending on repairs is increasing. At this time, we have a need to ask for Commission approval to go over the annual \$25,000 limit with two of these vendors, The Service Company and Paul Sherry Chrysler Dodge Jeep.

### **ALTERNATIVES:**

- 1) Approve Resolution No. R- 112-11 - authorizing an increase in the purchase order limits with two of the seven companies included in our vehicle maintenance contracts.
- 2) Approve Resolution No. R- 112-11 - authorizing an increase in the purchase order limits with two of the seven companies included in our vehicle maintenance contracts but with changes made to the proposed amounts.
- 3) Do not approve the Resolution and restrict our fleet maintenance which would ultimately affect our services to the public.

### **DISCUSSION:**

1) Currently the City of Piqua has contracts with A.R.M.S. Inc., Automotive Armature Works, Inc., Bushnell's Collision & Restoration, Kirk National Lease Co., Mark Knupp Muffler & Tire, Inc., Paul Sherry Chrysler Dodge Jeep, and The Service Company. With four months remaining in the year, we anticipate going over the \$25,000 with Paul Sherry Chrysler Dodge Jeep and The Service Company. We plan to increase the limit for The Service Company to \$80,000 and increase the limit for Paul Sherry Chrysler Dodge Jeep to \$100,000.

- 2) This alternative will also allow for us to continue using these vendors, but with changes in the allowed purchase order amounts.
- 3) This alternative is not recommended for the reasons of much needed maintenance on our fleet and being able to use the vendors which hold those contracts.

**FINANCIAL IMPACT:**

- 1 & 2) These dollars are budgeted in all the departments which have fleet costs associated with them. At this time, we do not foresee needing to increase any particular department's budget in order to pay these vendors.
- 3) Our fleet department managers need to have the option of getting vehicles serviced in order to be used for public safety and welfare.

**COMMUNITY IMPACT:**

Our fleet consists of a variety of trucks, SUVs, cars, etc. Vehicle maintenance affects many of the services we offer to our community such as trash pick-up, electrical service, plowing the streets, health dept. inspections, police patrols, fire dept./ems runs, etc. We must be able to keep our fleet in good running condition in order to provide these services to our citizens. Many of the vehicles in our fleet are aging and in need of periodic and more costly repairs.

**CONFORMITY TO CITY PLANS & POLICIES:**

Our Charter requires us to obtain commission approval when we pay a vendor over \$25,000 for a particular good or service. In this case, the vendors are being paid for vehicle maintenance by all departments. We have two vendors that are near going over the \$25,000 and we need to increase their limits to allow us the flexibility of using them as needed through the remainder of the year.

**RESOLUTION NO. R-113-11**

**A RESOLUTION AUTHORIZING A PURCHASE  
ORDER TO PIQUA MATERIALS INC. FOR VARIOUS  
TYPES OF STONE**

WHEREAS, Section 34.19 of the Piqua Code permits the purchase of items for City departments without advertising when, in the judgment of the City Purchasing Analyst, advertising would not be of any material economic benefit; and

WHEREAS, the operation of Piqua City Government necessitates the purchase of various types of stone; and

WHEREAS, Piqua Materials Inc. has been determined to be the best vendor for this purpose; 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: A purchase order is hereby authorized in the amount of \$60,000 to Piqua Materials Inc. for the purchase of various types of stone;

SEC. 2: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasury in payment for said services rendered not to exceed \$60,000;

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 September 20, 2011*

TO: William P. Murphy, Interim City Manager  
FROM: Beverly M. Yount, Purchasing Analyst  
SUBJECT: Piqua Materials Inc. Purchase Order Adjustment Request

**PURPOSE:**

Approve the Resolution No. R-113-11 approving the Purchase Order limits with Piqua Materials Inc. to be increased to \$60,000 for the 2011 budget year.

**RECOMMENDATION:**

I am requesting approval of Resolution No. R-113-11 approving the Purchase Order limits with Piqua Materials Inc. to be increased to \$60,000 for the 2011 budget year.

**BACKGROUND:**

We have used Piqua Materials for all types of stone for many years and have always been pleased with their pricing and customer service. This year with our extra projects done in house, like the Early Site Work at the new Utility Service Center, the Water St. project, and other Utility projects, our stone purchasing needs have increased over other years.

**ALTERNATIVES:**

- 1) Approve Resolution No. R-113-11 approving the Purchase Order limits with Piqua Materials Inc. to be increased to \$60,000 for the 2011 budget year.
- 2) Do not approve the Resolution and require us to use an alternative source for our various stone needs.

**DISCUSSION:**

- 1) This alternative will allow for us to remain in compliance with our purchasing policy.
- 2) This alternative would force us to find another possible supplier. This additional supplier may or may not be any cheaper than Piqua Materials, but there are no other alternatives within the City limits that I am aware of. Other alternatives are located in Dayton or Sidney and therefore we would incur additional travel time for our employees and fuel costs when using their stone.

**FINANCIAL IMPACT:**

- 1) The City will be spending money on stone purchases that are needed throughout the rest of the year. This allows us to continue projects and support a local business.
- 2) The City could possibly spend more money if we choose to go with this alternative.

**COMMUNITY IMPACT:**

Our local preference policy encourages us to use businesses within the City whenever possible.

**CONFORMITY TO CITY PLANS & POLICIES:**

Passage of this Resolution will allow us to continue operating within our purchasing policy guidelines.

**RESOLUTION NO. R-114-11**

**A RESOLUTION ACCEPTING THE RESIGNATION  
OF JEFF ORTLIEB AS A MEMBER OF THE  
INCOME TAX BOARD OF REVIEW**

WHEREAS, Jeff Ortlieb was appointed to the Income Tax Board of Review on March 5, 2011, by Resolution No. R-42-11; and

WHEREAS, Jeff Ortlieb submitted a letter of resignation to the Income Tax Board of Review in August 2011.

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: This Commission hereby accepts the resignation of Jeff Ortlieb as a member of the Income Tax Review Board.

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

**RESOLUTION NO. R-115-11**

**A RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO CONTRACT WITH CAMP DRESSER & MCKEE FOR PROFESSIONAL SERVICES OF THE WASTEWATER PLANT MASTER PLAN**

WHEREAS, the City is under permit with OEPA to remove the Sanitary Sewer Overflow from the Sanitary Sewer System; and

WHEREAS, the next step in the Plan of Action, is to perform a Wastewater Treatment Plant Master Plan; and

WHEREAS, Camp Dresser & McKee consulting engineers has perform all of the work in this area to date; and

WHEREAS, by performing both master plans for Sanitary Sewers and Wastewater Plant will allow the city to keep on schedule to remove the SSO; 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: A contract for said services is hereby authorized and approved and payment not exceeding \$150,000 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 9-20-11*

*or*

*For the Special Meeting of \_\_\_\_\_*

*or*

*For the Study Session of \_\_\_\_\_  
Date*

TO: Bill Murphy, Acting City Manager

FROM: Dave Davis

SUBJECT: Engineering Services for Wastewater Treatment Plant Master Plan

**PURPOSE:**

*Enter into an contract with Camp Dresser and McKee Corp. consulting engineers for professional engineering services, to prepare a Wastewater Plant Master Plan (WWTP MP) .*

**RECOMMENDATION:**

*Approval of Resolution authorizing the City Manager to enter into a contract with Camp Dresser and McKee Corp. for professional services for a Wastewater Plant Master Plan, at a cost not to exceed \$150,000.*

**BACKGROUND:**

*In 2006 the City of Piqua received its NPDES permit and in it was a schedule for the Wastewater System to start to eliminate the use of the Sanitary Sewer Overflow (SSO) to the Great Miami River. The City has responded with the building of the EQ Basin and just finished the rehabilitation of the 36" Miami River Interceptor. The City also continued its current cleaning and sewer maintenance program. This Tank installation and line rehabilitation was meant to eliminate only a small portion of the SSO's that had occurred.*

*In late February 2011 the City submitted to the OEPA a Plan of Action (POA) (included) for the next permit cycle, to show we were going to proceed with the SSO elimination. The City, in the POA has put forth to access the impact of the work performed to date before continuing with major capital construction.*

*The OEPA after debate from the City, has chosen to apply dates to all the milestones in the POA as they want the SSO elimination by the end of this new permit, which is by January of 2016. To view the permit click o ([http://wwwapp.epa.ohio.gov/dsw/permits/permit\\_list.php](http://wwwapp.epa.ohio.gov/dsw/permits/permit_list.php))*

*The last time this kind of planning took place for the treatment plant was in the late seventies, early eighties, when a MP was developed for the plant and collection system*

together. Not long after that the wastewater plant went through an 8+ million dollar improvement starting in 1988-1992.

### **ALTERNATIVES:**

- 1) *Approve Resolution R-115-11 awarding the contract to Camp Dresser & McKee for WWTP MP and continue moving forward with SSO elimination. CDM has just finished the data collection for the SSMP and this information will be very helpful in this plan for determining the size of plant & improvements needed to help eliminate the SSO.*
- 2) *Do not approve the Resolution and face possible Findings and Orders from the OEPA & the States Attorney General telling us what we are to do next, along with possible fines from OEPA.*

### **DISCUSSION:**

*The City of Piqua has been proactive on this subject with the OEPA. The agency has allowed us to adjust our schedule when it was needed and have not enforced Findings and Orders on the Wastewater System. To date we have always been moving forward in this quest to remove the SSO. With this OEPA permit we have to continue and solve this issue by 2016.*

*This resolution would allow us under current budget to continue to move forward in the elimination of the SSO with the planning stage of WWTP Improvements.*

### **FINANCIAL IMPACT:**

*This work was budgeted for in the 2011 Budget year. We are applying to acquire low interest loan money from the OEPA for all phases of this project.*

### **COMMUNITY IMPACT:**

*If approved the community impact will be minimal due to the fact we continue to perform this work under current rate structures and annual budgets. The final elimination plan will come from this process and that is when the costs will be realized in meeting this OEPA mandate. This project will maintain the health, safety and welfare of the citizens of Piqua & the Miami River in years to come.*

### **CONFORMITY TO CITY PLANS & POLICIES:**

*The City of Piqua continues discussion with the OEPA, in order to solve our SSO situation and this Master Plan will help set the wheels in motion to eliminate the SSO & prepare our Wastewater Plant for the future.*

# **Wastewater Treatment Plant NPDES Permit 1PD00008\*QD**

## **Draft Plan of Action**

**(Event Code 8599)**

**City of Piqua, Ohio**

**January 6, 2011**

The City has prepared this Plan of Action (POA) in response to the City's WWTP NPDES Permit requirements under Permit number 1PD00008\*QD, Part I, C - Schedule of Compliance, I. Municipal SSO Schedule, b. The POA includes a schedule that outlines the next steps to be undertaken to eliminate the City's Sanitary Sewer Overflow (SSO).

The City recently took a significant initial step in moving toward eliminating the SSO on the West Interceptor Sewer just upstream of the WWTP. In doing so, a flow equalization basin project was constructed consisting of a flow diversion chamber, equalization basin, and instrumentation modifications to the raw sewage influent well. These new facilities have changed plant operations by allowing excess high flows to be diverted and stored during wet weather events, and has shown to eliminate or reduce SSO events.

The City implemented a project to inspect and rehabilitate the 36-inch West Interceptor Sewer that runs along the west bank of the Great Miami River. The inspection found several large holes exposed to the river that allowed water to enter the pipe during high river stages. Also discovered were root intrusion and other defects that were likely contributing inflow/infiltration from the river. A rehabilitation project was designed to replace a portion of the pipe west of the river and install a cured-in-place pipe (CIPP) liner for the sewer along the river. Bids for the sewer rehabilitation were received on August 31, 2010 and a construction contract was awarded by the City on September 21, 2010. The project will be completed by mid February 2011. It is expected that this project will have a significant impact on reducing wet weather flows from entering the collection system and peak flows at the WWTP.

The next steps that the City plans to undertake to eliminate the SSO are outlined in the following sections.

### **Assess Results of Recent Improvements**

To begin the planning for the SSO elimination, and subsequent design and construction of the equalization basin project, the City prepared a hydraulic model of their interceptor sewer system to be able to better understand how the interceptors convey and store wet weather flows under various storm events. The model was calibrated by installing 9 flow monitors in the interceptors and 3 rainfall gauges throughout the City. Flow and rain data was collected during the spring of 2004.

Once the West Interceptor Sewer is rehabilitated, the City plans to assess the impacts of this project and the recently-completed equalization basin project. To do so, the physical model will be updated with the



equalization basin record drawings. The City will also implement a data collection program consisting of flow monitoring and rainfall data collection that will be used to re-calibrate and update the hydraulic model. Re-calibration is necessary to adequately represent the recent improvements that have been made that reduce I/I and better reflect current conditions. Once the model is updated and calibrated, the City will be able to quantify the effect and benefits of these two projects and better assess and plan for future infrastructure needs to eliminate the SSO. The data collection program will be implemented in the early spring of 2011 to capitalize on the greater occurrence wet weather events that are needed for calibration purposes.

The updated model will then be used to evaluate scenarios consisting of any, or a combination of, additional equalization basin capacity, collection system improvements, or WWTP upgrades to eliminate the SSO. It is impossible to predict at this time what any of these improvements may specifically entail, but will be better identified after the hydraulic model is updated and can be used as a tool for planning future infrastructure needs.

### **Additional Equalization Storage Option**

The City's equalization basin provides approximately 1 MG of storage by functioning in a gravity-in, gravity-out hydraulic basis. The tank was constructed with the top wall elevation above the 100-year frequency flood elevation, although the additional volume available cannot be utilized by filling by gravity. The tank's additional storage capacity could provide up to a total of 3 MG storage by using the upper portion of the tank. To be able to use this additional volume, water must be pumped into the tank. Including the option of using the upper portion of the existing equalization basin for additional storage, other options are available such as:

- A. New pump station to make available 3 MG total storage in the existing basin
- B. New 1 MG tank with the same dimensions and functionality (gravity-in, gravity-out) to provide additional volume (2 MG total)
- C. New tank and new pump station to provide 6 MG total storage

Additional equalization storage would be evaluated with the updated model and phased as funding is available, and as necessary to help eliminate the SSO.

### **Collection System Master Plan**

The City will prepare a wastewater collection system master plan that will evaluate the hydraulic capacity of the existing system and project future wastewater flow based on potential development and service area expansion. Sewer service areas will be identified that may be subject to sources of high inflow/infiltration.



The City will build upon its interceptor-only model to develop a model to include its major trunk sewers. To develop the expanded model, record sewer drawings and field data will be used to expand the physical model. For model calibration, flow monitors will be installed in the trunk sewer system and rain gauges installed throughout portions of the City. The new hydraulic model will be calibrated to a range of historic storm events from the flow monitoring program to provide confidence that the model produces simulated responses similar to the observed dry and wet weather flows.

The Wastewater Collection System Master Plan will summarize the data analysis, identify issues within the existing collection system, identify areas of future growth and infrastructure needs, and make recommendations for a prioritized capital improvement program for the collection system. The recommendations will include new or rehabilitated sewers that will ultimately reduce wet weather flows and subsequently the frequency and magnitude of SSOs.

### **Wastewater Treatment Master Plan**

The City's wastewater treatment plant (WWTP) is currently rated for an average day flow of 4.5 MGD and peak flow of 8.0 MGD. The plant has experienced average day flows ranging between 3.5 MGD and 4.3 MGD over the previous five years. Ohio EPA has encouraged the City to investigate plant expansion to better handle these flows. This planning effort would investigate process improvements, additional process trains, new treatment technology, and rehabilitating or replacing existing equipment to provide a reliable increased treatment capacity over a reasonable projected service life.

The WWTP Master Plan will project future wastewater flow based on potential development and service area expansion, assess the facility's current condition and ability to meet current and future needs, and include a recommendations for a prioritized capital improvement program for plant upgrades and expansion.



## Schedule

The City is taking an adaptive approach to eliminate the SSO in that as new information is learned through study and implementation, an assessment will be made as to the benefit and what future direction may be needed to eliminate the SSO. The following projects represent the work that the City of Piqua is committing to at the present time. No other wastewater collection system or WWTP projects are currently scheduled as part of reducing or eliminating the SSO. Any future projects will be identified, evaluated, and scheduled after assessing the recent improvements and completing the Wastewater Collection System and WWTP Master Plans.

### Assess recent improvements

- Flow monitoring
- Interceptor model update
- Model re-calibration
- Evaluate SSO elimination scenarios

### February 15 – October 31, 2011

February 15 – June 15, 2011

June 1 – July 31, 2011

August 1 – August 31, 2011

September 1 – October 31, 2011

### Wastewater Collection System Master Plan

- Flow monitoring
- Model update
- Model calibration
- Prepare Collection System Master Plan

### February 15, 2011 – June 30, 2012

February 15 – June 15, 2011

June 1 – July 31, 2011

August 1 – August 31, 2011

October 1, 2011 – June 30, 2012

### WWTP Master Plan

### October 1, 2011 – June 30, 2012



**CITY OF PIQUA, OHIO**  
**DEPARTMENT OF UTILITIES**  
**ENGINEERING SERVICES FOR**  
**WASTEWATER TREATMENT PLANT FACILITY PLAN**  
**SCOPE OF SERVICES**

## **Project Description**

ENGINEER will provide professional engineering services to prepare a Wastewater Treatment Plant Facility Plan. The Scope of Services contained herein are based on ENGINEER's understanding of the OWNER's needs, familiarity with the work to be performed, and discussions with OWNER's staff.

### **Wastewater Treatment Plant Master Plan**

The OWNER's wastewater treatment plant (WWTP) is currently rated for an average day flow of 4.5 mgd and peak flow of 8.0 mgd. The plant has experienced average day flows ranging between 3.5 mgd and 4.3 mgd over the previous five years. Ohio EPA has encouraged the City to investigate plant expansion to better handle these flows.

The OWNER desires to have a Wastewater Treatment Plant Facility Plan prepared that considers the following objectives:

- Establish existing capacities of treatment processes based on Ten-States Standards
- Investigate process improvements, additional process trains, new treatment technology, and rehabilitating or replacing existing equipment to provide a reliable increased treatment capacity over a reasonable projected service life to be established jointly between ENGINEER and OWNER
- Identify future wastewater flow and strength based on potential development and service area expansion (in conjunction with the ongoing Sanitary Sewer System Master Plan)
- Evaluate the plant's ability to reduce sanitary sewer overflow (SSO) occurrences
- Recommend plant improvements to provide the desired level of service to meet Ten States Standards at the agreed-to planning time frame, and identify any necessary facility upgrades through increased treatment capacity at the WWTP and/or additional flow equalization

- Assess the facility's current condition and ability to meet current and future needs, and include recommendations for a prioritized capital improvement program for plant upgrades and expansion.

To meet these objectives, the project will be carried out in the following tasks. The detailed Scope of Services for each task is presented below.

## **Task 1 –Data Collection and Evaluation**

### **1.1 – Review Existing Reports and Record Drawings**

ENGINEER will review existing reports and record drawings to be provided by OWNER, which are anticipated to include the following:

- 1955 WWTP construction drawings
- 1962 WWTP Expansion drawings
- 1986 WWTP General Plan
- 1987 WWTP Upgrade and Expansion drawings
- 2008 EQ Basin and Standby Generator drawings

### **1.2 – Review and Characterize Historical Operating Influent and Effluent Flow and Loading Data (up to 3 years)**

ENGINEER will review and characterize historical plant operating records. If additional data is needed, ENGINEER will provide OWNER with a list of the recommended additional tests. All costs to collect and analyze samples will be paid by OWNER

### **1.3 – Future Regulatory Considerations**

ENGINEER will identify future treatment needs based on treating the increased design flows and loads and maintaining a blend between existing effluent limits and the Best Available Demonstrated Control Technology (BADCT) limits to avoid triggering Ohio EPA anti-degradation review requirements. ENGINEER will document assumptions related to future NPDES permit requirements in a letter, which OWNER will submit to OEPA. Anticipated future regulatory requirements related to phosphorous and nitrogen removal will be identified based on ENGINEER's professional judgment and familiarity with State and National trends. ENGINEER will identify how these future regulatory requirements impact the required treatment facilities and recommend how best to prepare for the future regulations.

### **1.4 – Develop Design Flow and Load Projections**

The planning period that will be used for developing design flows will be consistent with the current project underway for the Sanitary Sewer Master Plan. Future dry and wet weather flow rates will be determined from the Sanitary Sewer Master Plan.

### **1.5 – Existing Facility Assessment**

ENGINEER will assess the condition of existing facilities and equipment to determine what should be saved and integrated into the improvements and what should be abandoned and replaced. The assessment will include the review of the general structural condition, equipment, electrical, and instrumentation components.

The assessment will begin with a workshop, Workshop No. 1, which will be attended by the ENGINEER, and the OWNER's management, operations, and maintenance staff. Information gained from the workshop will aid in the ENGINEER's understanding of each of the facility's ability to be incorporated into a long-range plan for the plant or if it needs to be replaced.

### **1.6 – Technical Memorandum No. 1**

ENGINEER will prepare Technical Memorandum (TM) No. 1 outlining key information identified under Tasks 1.1 through 1.5. The TM will include a summary of the current hydraulic and waste strength capacity of the existing facilities and known deficiencies, and will form the basic assumptions upon which improvement alternatives will be developed. A review meeting will be held with OWNER to discuss the draft TM. The TM will be revised to incorporate review comments and clarifications.

Deliverables: Draft and final TM – One electronic copy in pdf format and four hard copies.

## **Task 2 – Alternatives Analysis**

An alternatives screening evaluation will be performed with the OWNER of potential alternatives to address future flow and wasteload characterization and for eliminating the SSO under projected future flow conditions. The Sanitary Sewer Master Plan project, currently underway, is evaluating four basic types of alternatives, consisting of the following:

- Increased conveyance capacity
- I/I removal required to alleviate conveyance capacity constraints
- Additional flow equalization
- Increased treatment capacity at the WWTP

The screening evaluation as part of this scope of services will consider alternative improvements for increasing the plant's hydraulic capacity listed in the fourth bullet above along with biosolids treatment and disposal. The Sanitary Sewer Master Plan's intent is to screen-out individual improvements which are not as beneficial or cost-effective and identify the individual (or combinations of) corrective measures that provide an effective solution for the SSO elimination.

Results of the screening evaluation will be summarized and presented in a workshop with the OWNER. The workshop results are intended to define specific improvement alternatives, or combination of alternative improvements, that will then be evaluated in greater detail as described in Task 2.2.

### **2.1 – Alternatives Screening Workshop (Workshop No. 2)**

The ENGINEER and OWNER will compare the WWTP's capabilities to anticipated NPDES effluent limits and discuss potential capital and operational treatment modifications to meet future needs. The goal of this workshop is to shortlist up to three treatment process alternatives that could be used to expand the plant and agree on objective and subjective evaluation criteria to be used for comparing the alternatives. These three processes alternatives will then be evaluated under Task 2.2.

In consideration of the hydraulic capacity of the WWTP, Workshop No. 2 is planned to occur at the same time as Task 5, Alternative Development Screening Workshop, under the Sanitary Sewer System Master Plan project.

### **2.2 – Plant Expansion Alternatives Evaluation**

Up to three treatment plant expansion scenarios (one for each treatment process identified during Workshop No. 2) will be evaluated on a conceptual planning level basis. The conceptual evaluation will include a site layout for each alternative showing location of major process units, 20-year present worth estimate of capital costs and O&M costs, a discussion of the general advantages and disadvantages associated with each alternative, and a recommendation for a preferred alternative that will be adopted for implementation and carried forward into the subsequent detailed design phase of the project.

### **2.3 – Funding Options**

ENGINEER will provide OWNER a description of funding options available for the construction of capital improvements identified under this project. This task will include, as a minimum, a description of Ohio Public Works Commission, Ohio EPA/DEFA Water Pollution Control Loan Funds, and other state or federal programs. The effort and cost for applying for funding is not included in this scope of services and would be considered as additional services. The additional fee associated with these funding applications will be provided if requested by OWNER.

### **2.4 – Technical Memorandum No. 2**

ENGINEER will prepare Technical Memorandum (TM) No. 2 to summarize the results of the alternatives assessments previously described for treatment plant improvements. The assessment will include descriptions of each alternative along with supporting conceptual level graphics, planning level costs, and an implementation schedule for each alternative. A review meeting will be held with OWNER to discuss the draft TM. The TM will be revised to incorporate review comments and clarifications from the OWNER and Ohio EPA (see Task 2.5).

Deliverables: Draft and final TM – One electronic copy in pdf format and four hard copies.

### **2.5 – Coordinate with OEPA**

ENGINEER will meet with OWNER and OEPA to discuss the recommendations in the draft TM. If appropriate, alternative funding through OEPA/DEFA will be discussed at this meeting in addition to technical issues. ENGINEER will address comments from the Ohio EPA meeting and coordinate responses with OWNER into the final TM in Task 2.4)

## **Task 3 – Wastewater Treatment Plant Facility Plan**

ENGINEER will develop a Wastewater Treatment Plant Facility Plan Report that compiles and summarizes all relevant project data and analysis results used to develop the findings, conclusion, and project recommendations. The report will include a description of plant deficiencies and recommended plant improvements. ENGINEER, with input from OWNER, will develop a proposed Capital Improvement Project (CIP) schedule for recommended plant improvements.

ENGINEER will prepare and deliver a draft version of the Wastewater Treatment Plant Facility Plan Report in both electronic and hard copy format for review and comment. ENGINEER will attend a review meeting with OWNER to receive and review comments provided by OWNER. Upon inclusion of review comments, ENGINEER will deliver four final copies to the OWNER in hard copy format and one copy in electronic file (pdf) format.

## **Task 4 – Kick-off Meeting, Project Management and Quality Control**

### **4.1 Kick-off Meeting**

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:

- Provide all available WWTP records, data, and plans.
- Perform field investigations as requested where record drawings are incomplete or clarification is required.
- Provide operating records and SCADA data.
- Contact property owners and obtain permission regarding access for field visits and equipment access, if necessary.
- Provide data in electronic media that can be edited and manipulated for use in this evaluation.
- Review data and reports prepared by ENGINEER and provide review comments in a timely manner.

## **Assumptions**

The Scope of Services is based on the following assumptions:

1. The evaluation and planning for the OWNER's sanitary sewer system is being performed under the Sanitary Sewer System Master Plan project.
2. The services included in this scope of services will be performed in conjunction with the Sanitary Sewer System Master Plan project.
3. Visits to other Wastewater Treatment Plants to observe equipment or operations is not included in the Scope of Services.

## Project Schedule

ENGINEER proposes to complete the described scope of services in accordance with the following Project Schedule.

<b>Task Description</b>	<b>Estimated Start Date</b>	<b>Estimated Completion Date</b>
<b>Task 1 – Data Collection and Evaluation</b>	<b>October 3, 2011</b>	<b>January 6, 2012</b>
1.1 – Review Existing Reports and Record Drawings	October 10, 2011	November 4, 2011
1.2 – Review and Characterize Historical Operating Data	October 24, 2011	November 18, 2011
1.3 – Future Regulatory Considerations	October 24, 2011	November 4, 2011
1.4 – Develop Design Flow and Load Projections	November 21, 2011	December 9, 2011
1.5 – Existing Facility Assessment	October 31, 2011	November 30, 2011
Workshop No. 1	October 31, 2011	
1.6 – Technical Memorandum No. 1	December 1, 2011	January 6, 2012
<b>Task 2 – Alternatives Analysis</b>	<b>January 9, 2012</b>	<b>May 4, 2012</b>
2.1 – Alternatives Screening – Workshop No. 2	January 25, 2012 <sup>1</sup>	
2.2 – Plant Expansion Alternatives Evaluation	January 26, 2012	March 30, 2012
2.3 – Funding Options	March 5, 2012	March 30, 2012
2.4 – Technical Memorandum No. 2	April 2, 2011	May 4, 2012
2.5 – Coordinate with OEPA	April 23, 2011	April 27, 2012
<b>Task 3 – Wastewater Treatment Plant Master Plan</b>	<b>May 7, 2011</b>	<b>June 15, 2012</b>
Draft Report Review Meeting	June 8, 2012	
<b>Task 4 – Kick-off Meeting, Project Management &amp; Quality Control</b>	<b>October 3, 2011</b>	<b>June 15, 2012</b>
Kick-off Meeting	October 4, 2011	

1. Based on Sanitary Sewer System Master Plan project schedule

## Estimated Engineering Fee

The total estimated “not-to-exceed” fee is \$150,000. The table below shows the total estimated fee for each task, including the total “not-to-exceed” amount.

<b>Task Description</b>	<b>Estimated Fee</b>
Task 1 – Data Collection and Evaluation	\$45,128
Task 2 – Alternatives Analysis	\$67,058
Task 3 – Wastewater Treatment Plant Master Plan	\$20,730
Task 4 – Kick-off Meeting, Project Management & Quality Control	\$17,084
<b>Total Estimated Fee</b>	<b>\$150,000</b>

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

Application No. OH0027049

Issue Date: June 24, 2011

Effective Date: August 1, 2011

Expiration Date: January 31, 2016

Ohio Environmental Protection Agency  
Authorization to Discharge Under the  
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Piqua

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the City of Piqua wastewater treatment works located at 121 Bridge Street, Piqua, Ohio, Miami County and discharging to the Great Miami River in accordance with the conditions specified in Parts I, II, and III of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

---

Scott J. Nally  
Director

Total Pages: 45

## Part I, C - Schedule of Compliance

### 1. E. coli and Summer Ammonia Limits Schedule

The permittee shall achieve compliance with the final effluent limits for Escherichia coli and ammonia-nitrogen during the months of June - September as soon as possible, but not later than the dates developed in accordance with the following schedule:

- a. The permittee shall evaluate the ability of its existing treatment facilities to meet the final effluent limits for E.coli and ammonia-N (June - September) at outfall 1PD00008001.
- b. Not later than 6 months from the effective date of this permit, the permittee shall submit to the Ohio EPA Southwest District Office a brief status report on the ability of its existing treatment facilities to meet the final effluent limits for E.coli and ammonia-N (June - September) or on plant improvements necessary to meet the final effluent limits. (Event Code 95999)
- c. If the permittee determines that its existing treatment facilities are not capable of meeting the final effluent limits for E. coli and ammonia-N (June - September), not later than 6 months from the effective date of this permit, the permittee shall submit an approvable Permit To Install, if necessary, for plant improvements necessary to meet the final effluent limits.
- d. Not later than 9 months from the effective date of this permit, the permittee shall commence construction, if necessary, for plant improvements to meet the final effluent limits for e.coli and ammonia-N (June - September).
- e. Not later than 12 months from the effective date of this permit, the permittee shall achieve the final effluent limits for E. coli and ammonia-N (June - September) at outfall 1PD0008001. (Event code 05699)
- f. The permittee shall notify the Ohio EPA Southwest District Office in writing within 7-days of achieving compliance with the final effluent limits for E. coli and ammonia-N (June - September).

### 2. Municipal Sanitary Sewer Overflow (SSO) Schedule

Sanitary sewer overflows on the permittee's collection system are not authorized by this permit, including the provisions in this schedule of compliance.

The permittee shall complete the actions described below as soon as possible, but not later than the dates included in the following schedule:

- a. The permittee shall evaluate the impacts that construction of the equalization basin and other improvements have had on the West Interceptor Sewer SSO located just upstream of the wastewater plant. From February through October 2011 the City shall complete flow monitoring, update its interceptor model, recalibrate the interceptor model and evaluate alternatives to eliminate the SSO.
- b. The permittee shall expand its interceptor-only model to include its major trunk sewers. From February through August 2011, the City shall complete the necessary flow monitoring, update its interceptor model and complete model calibration.
- c. Not later than June 30 2012, the permittee shall submit two copies of a collection system master plan to the Ohio EPA Southwest District Office. The master plan shall include a prioritized list of projects that the City must complete to eliminate the West Interceptor Sewer sanitary sewer overflow. (Event Code 01299)
- d. Not later than December 31, 2012, the permittee shall submit an approvable Permit-to-Install application(s) and detailed plans, if necessary, for the projects to eliminate the SSO.
- e. Not later than August 31, 2013, the permittee shall begin construction, if necessary, of projects to eliminate the SSO.
- f. Not later than January 31, 2016, the permittee shall complete all work identified as necessary to eliminate the West Interceptor Sewer SSO. (Event Code 04599)
- g. The permittee shall notify the Ohio EPA Southwest District Office within 7 days of completing all work identified as necessary to eliminate the sanitary sewer overflow.
- h. Beginning on June 1, 2013 and annually thereafter, the permittee shall submit to the Ohio EPA Southwest District Office a written status report on all work completed during the previous 12 months to eliminate the West Interceptor Sewer SSO. (Event Code 03599)

### 3. Municipal Pretreatment Schedule

- a. The permittee shall evaluate the adequacy of local industrial user limitations to attain compliance with final table limits. A technical justification for revising local industrial user limitations to attain compliance with final table limits, along with a pretreatment program modification request, or technical justification for retaining existing local industrial user limitations shall be submit to Ohio EPA, Central Office Pretreatment Unit, in duplicate, as soon as possible, but no later than 6 months after the effective date of this permit. (Event Code 52599)

RESOLUTION NO. R-116-11

**A RESOLUTION AUTHORIZING TRANSFERS OF CASH  
FROM THE GENERAL FUND TO THE OTHER FUNDS  
FOR THE FISCAL YEAR 2011**

WHEREAS, This Commission has authorized Ordinance 13-11, which includes General Fund transfers to various funds, and various other fund transfers to Debt Service Sinking Funds for the year 2011.

WHEREAS, The Auditor of State Ohio Compliance Supplement requires that: "Transfers require a resolution authorizing the transfers."

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: That the Finance Director be authorized to transfer funds from the General Fund to other funds listed in Appendix A in an amount not to exceed the Appropriation Ordinance 13-11 listed in Appendix A.

SEC. 2: That the Finance Director be authorized to transfer from the Originating Funds to the respective Debt Service Sinking Funds in an amount not to exceed the Appropriation Ordinance 13-11.

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

APPENDIX A

RESOLUTION NO. R-116-11

FOR THE FISCAL YEAR 2011

Transfers from:

The General Fund 001	\$	902,282
Fund 106 Safety Fund	\$	85,801
		<hr/>
Total General Fund Transfers from	\$	988,083

Transfers to:

Fund 249 PFDP Pension G.O. Bonds Debt Service	\$	38,278
Fund 252 Hotel Debt Service Fund	\$	347,427
Fund 255 Fire Equipment 2008 G.O. Note	\$	47,523
Fund 409 Golf Course Fund	\$	263,000
Fund 410 Fort Piqua Plaza	\$	183,855
Fund 415 Swimming Pool Fund	\$	108,000
		<hr/>
Total Transfers to	\$	988,083

Transfers from:

Fund 103 Street Construction	\$	173,755
------------------------------	----	---------

Transfers to:

Fund 216 SIB 25A Note '08	\$	173,755
---------------------------	----	---------

**RESOLUTION NO. R-117-11**

**A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH RA CONSULTANTS, LLC**

WHEREAS, the City of Piqua has been informed that the Ohio EPA is concerned over the water supply and treatment process and the City is to replace its water plant or find an alternative water source; and

WHEREAS, the City has been evaluating alternatives, including factors such as availability of water, quality and cost; and

WHEREAS, the City of Troy is capable of producing 10 million gallons of water per day with the capacity to expand and currently only utilizes slightly more than 4 million gallons per day; and

WHEREAS, the City of Piqua needs between 3.5 million and 5 million gallons of water per day; and

WHEREAS, due to the decrease in local government budgets, the State of Ohio is encouraging consortiums, partnerships and regional development; and

WHEREAS, Piqua and Troy desire to explore the opportunity of a joint venture for a water treatment plant while both cities would individually maintain distribution.

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 City Commission authorizes an agreement for professional services between the City of Piqua and RA Consultants, LLC, for a cost not to exceed \$140,000 for the study of a regional water treatment plant between Piqua and the City of Troy.

SEC. 2: The authorization to enter into an agreement for professional services with RA Consultants, LLC is contingent upon the City of Troy paying half of the total of the contract costs and a memorandum of understanding being executed prior to the execution of an agreement for services reflecting Troy's obligation to payment of half of all fees.

SEC. 3: The Finance Director certifies and warrants that the funds are available.

SEC. 4: This Resolution shall take effect and be in force from the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CLERK OF COMMISSION

**Contract for Engineering Services**

This AGREEMENT is made and becomes effective this 6<sup>th</sup> day of September, 2011 by and between RA Consultants, LLC, 4250 Creek Rd. Cincinnati, OH 45241, hereinafter called "Consultant" and the City of Piqua, Ohio hereinafter called "Client".

The purpose of this AGREEMENT is to engage Consultant to perform engineering consulting services for Client in accordance with the terms and conditions set forth in the following sections and attachments referenced herein which, together with the acceptance, shall constitute the entire AGREEMENT superseding any and all previous correspondence and arrangements.

**Services** – Consultant will perform services for the Project as set forth in the provisions for Scope of Work/Fee/Schedule below and in accordance with these Terms & Conditions. Consultant has developed the Project scope of service, schedule and compensation based on available information and various assumptions. The Client acknowledges that adjustments to the schedule and compensation may be necessary based on the actual circumstances encountered by Consultant in performing their services.

**Scope of Work/Fee/Schedule** – Consultant agrees to perform for Client the following services in accordance with the terms and conditions outlined in this AGREEMENT.

*Scope of Work* – See exhibit A

*Fee* – See Exhibit B (Lump Sum \$124,896)

*Schedule* – Work under this AGREEMENT shall not commence until Consultant receives Client's execution of this AGREEMENT. See Exhibit C

**Compensation** – In consideration of the services performed by Consultant, the Client shall pay Consultant in the manner set forth above. The parties acknowledge that terms of compensation are based on an orderly and continuous progress of the Project. Compensation shall be equitably adjusted for delays or extensions of time beyond the control of Consultant. It is anticipated that Consultant will solely bear any costs for overhead costs, including, but not limited to, postage, office supplies, mileage, meals, telephone charges and the like.

**Payment Definitions** – The following definitions shall apply to methods of payment.

- Lump is defined as a fixed price amount for the scope of services described.
- Billing Rates is defined as units of service multiplied by billing rates for each unit.
- Subcontracted services are defined as Project related services provided by other parties to Consultant.
- Reimbursable expenses are defined as actual expenses incurred in connection with the Project.

**Payment Terms** – Consultant shall submit invoices at least once per month for services performed and Client shall pay the full invoice amount within 30 days of the invoice date. Client payment to Consultant is not contingent on arrangement of project financing. Invoice payment delayed beyond 60 days shall give Consultant the right to stop work until payments are current. Non-payment beyond 70 days shall be just cause for termination by Consultant.

**Additional Services** – The Client and Consultant acknowledge that additional services may be necessary for the Project to address issues that may not be known at Project initiation or that may be required to address circumstances that were not foreseen. In that event, Consultant shall notify the Client of the need for additional services and the Client shall pay for such additional services in an amount and manner as the parties may subsequently agree.

**Site Access** – The Client shall obtain all necessary approvals for Consultant to access the Project site(s).

**Underground Facilities** – Consultant and/or its authorized subcontractor will conduct research and perform site reconnaissance in an effort to discover the location of existing underground facilities prior to developing boring plans, conducting borings, or undertaking invasive subsurface investigations. Client recognizes that accurate drawings or knowledge of the location of such facilities may not exist, or that research may reveal as-built drawings or other documents that may inaccurately show, or not show, the location of existing underground facilities. In such events, except for the sole negligence, willful misconduct, or practice not conforming to the Standard of Care cited in this AGREEMENT, Client and Consultant mutually agree that Consultant assumes no responsibility from any and all property damage, injury, or economic loss arising or allegedly arising from borings or other subsurface penetrations.

**Regulated Wastes** – Client is responsible for the disposal of all regulated wastes generated as a result of services provided under this AGREEMENT. Consultant and Client mutually agree that Consultant assumes no responsibility for the disposal of waste thereof.

**Ownership of Documents** – Record documents of service shall be based on the printed copy. Consultant will furnish documents electronically; however, the Client releases Consultant from any liability that may result from documents used in this form. Consultant shall not be held liable for reuse of documents for any purpose other than those intended under the Project. The Consultant agrees that at the expiration or in the event of termination of this Agreement, any memoranda, maps, drawings, working papers, reports and other similar documents produced in connection with this Agreement shall become the property of the City of Piqua.

The Consultant acknowledges that the City of Piqua is obligated to comply with the Ohio Public Records law and must disclose upon request any document that is considered a public record pursuant to law and is not subject to any exception.

**Standard of Care** – Services provided by Consultant will be performed with the care and skill ordinarily exercised by members of the same profession practicing under similar circumstances.

**Period of Service** – Consultant shall perform the services for the Project in a timely manner consistent with sound professional practice. Consultant will strive to perform its services according to the Project schedule set forth in the provisions for Scope of Work/Fee/Schedule above. The services of each task shall be considered complete when deliverable for the task has been presented to the Client. Consultant shall be entitled to an extension of time for any delay caused by force majeure.

**Insurance and Liability** – Consultant shall procure and maintain the following insurance and coverage limits during the period of service. The Client will be named as an additional insured on the Commercial General Liability and Automobile Liability policies.

<u>Worker's Compensation</u>	As required by applicable state statute
<u>Commercial General Liability</u>	\$1,000,000 per occurrence (bodily injury including death & property damage) \$2,000,000 aggregate
<u>Automobile Liability</u>	\$1,000,000 combined single limit for bodily injury and property damage
<u>Professional Liability</u>	\$1,000,000 each claim ; \$2,000,000 aggregate

Primary Coverage: For any claims related to this Agreement, the Consultant's insurance coverage except for Professional Liability shall be primary insurance as respects the Client, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Client, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute to it.

Notice of Cancellation: Each insurance policy required above shall state that coverage shall not be cancelled except with notice to the Client.

Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII unless otherwise acceptable to Client.

Verification of Coverage: Consultant shall furnish Client with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required above. All certificates and endorsements are to be received and approved by Client before work commences.

Waiver of Subrogation: Consultant hereby grants the Client a waiver of any right to subrogation which any insurer except for Workers Compensation of said Consultant may acquire against the Client by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any available endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the Client has received a waiver of subrogation endorsement from the insurer.

**Dispute Resolution** – The Client and Consultant agree that they shall diligently pursue resolution of all disagreements within 45 days of either party's written notice using a mutually acceptable form of mediated dispute resolution prior to exercising their rights under law. Consultant shall continue to perform services for the Project and the Client shall pay for such services during the dispute resolution process unless the Client issues a written notice to suspend work. Both parties shall equally share in the cost of the mediator.

**Termination** – The Client or Consultant may terminate services on the Project upon seven (7) days written notice in the event of substantial failure by the other party to fulfill its obligations of the terms hereunder. Consultant shall submit an invoice for services performed up to the effective date of termination and the Client shall pay Consultant all outstanding invoices within thirty (30) days. The Client may withhold an amount for services that may be in dispute provided that the Client furnishes a written notice of the basis for their dispute and that the amount withheld represents a reasonable value.

**Authorized Representative** – The Project Manager assigned to the Project by Consultant is authorized to make decisions or commitments related to the project on behalf of Consultant. The Client shall designate a representative with similar authority. Only officers of Consultant are authorized to execute contracts and/or work orders on behalf of Consultant.

**Independent Consultant** – Consultant shall serve as an independent consultant for services provided under this agreement. Consultant shall retain control over the means and methods used in performing Consultant's services and may retain sub consultants to perform certain services as determined by Consultant.

**Compliance with Laws** – Consultant shall perform its services consistent with sound professional practice and endeavor to incorporate laws, regulations, codes and standards applicable at the time the work is performed. In the event that standards of practice change during the Project, Consultant shall be entitled to additional compensation where additional services are needed to conform to the standard of practice; however, said additional services shall not be performed without prior approval from client, which approval shall not be unreasonably withheld by the Client.

**Limitation of Liability** – In recognition of the relative risks and benefits of the project to both the Client and Consultant, the risks have been allocated. The Client agrees to limit the liability of Consultant for all claims related to the Project to the required limit of available insurance..

**Consequential Damages** – Neither the Client nor Consultant shall be liable to the other for any consequential damages regardless of the nature or fault.

**Cost Opinions** – Consultant shall prepare cost opinions for the Project based on historical information that represents the judgment of a qualified professional. The Client and Consultant acknowledge that actual costs may vary from the cost opinions prepared and that Consultant offers no guarantee related to the Project cost. Should the final cost of the Project exceed the cost opinions, prior to the work being performed, Client shall approve the additional cost within a reasonable time period upon Client's receipt of the request for approval from the Consultant.

**Safety** – Consultant shall be responsible solely for the safety precautions or programs of its employees and no other party.

**Information from Other Parties** – The Client and Consultant acknowledge that Consultant will rely on information furnished by other parties in performing its services under the Project. Consultant shall not be liable for any damages that may be incurred by the Client in the use of third party information.

**Force Majeure** – Consultant shall not be liable for any damages caused by any delay that is beyond Consultant’s reasonable control.

**Waiver of Rights** – The failure of either party to enforce any provision of these terms and conditions shall not constitute a waiver of such provision nor diminish the right of either party to the remedies of such provision.

**Warranty** – Consultant warrants that it will deliver service under the Project within the standard of care, as previously defined. No other expressed or implied warranty is provided by Consultant.

**Severability** – Any provision of these terms later held to violate any law shall be deemed void and all remaining provisions shall continue in force. In such event, the client and Consultant will work in good faith to replace an invalid provision with one that is valid with as close to the original meaning as possible.

**Survival** – All provisions of these terms that allocate responsibility or liability between the Client and Consultant shall survive the completion or termination of services for the Project.

**Assignments** – Neither party shall assign its rights, interests, or obligations under the Project without the express written consent of the other party.

**Subcontracting** – None of the services covered by this Agreement shall be subcontracted without the prior written consent of the Client. The Consultant shall be as fully responsible to the Client for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by it. The Consultant shall insert in each subcontract appropriate provisions requiring compliance with the terms of this Agreement.

**Governing Law** – The terms of agreement shall be governed by the laws of the state of Ohio.

**Changes** – Client may from time to time request changes in the scope of the services of Consultant to be performed hereunder. Such changes, including any increase or decrease in the Consultant’s compensation, which are mutually agreed upon by and between the Client and Consultant, shall be incorporated in written amendments to this Agreement.

**Notices** – All notices given under the terms of the AGREEMENT shall be sent to:

**FOR CONSULTANT**

John P. Allen, President  
RA Consultants, LLC  
4250 Creek Road  
Cincinnati, OH 45241

**FOR CLIENT:**

William P. Murphy  
City of Piqua, Ohio  
201 West Water Street  
Piqua, OH 45356

**Subject to Law** – The provisions contained herein shall be subject to, and contingent upon federal, state and local law. No party shall be entitled to any form of damages related to the form and formation of this Agreement’s compliance with the law.

[Remainder of page intentionally left blank.]

The parties have read the foregoing, understand completely the terms and conditions, and willingly enter into this AGREEMENT this \_\_\_\_\_ day of September, 2011.

**FOR CONSULTANT:**

  
\_\_\_\_\_  
Consultant's Authorized Signature

John P. Allen  
President

9-15-11  
Date

**FOR CLIENT:**

\_\_\_\_\_  
Client's Authorized Signature

William P. Murphy  
Interim City Manager

\_\_\_\_\_  
Date

**Exhibit A**  
**City of Piqua City of Troy Water System Project Scope of Services**

**Introduction**

The purpose of this document is to outline an approach and scope of services for a joint project with the City of Piqua and City of Troy in Ohio. The intent of the project is to investigate the feasibility of creating a joint water treatment and supply utility operation, such as a water district or commission that could more cost effectively treat and supply drinking water to the two communities versus the current independent operations within the two communities. For the purposes of this document the term “joint water supply utility” will refer to a regional water treatment and supply operation.

Piqua, Ohio operates a separate water treatment and distribution system. The primary raw water sources for the treatment system are two surface water bodies and the Great Miami River. Average day system demand is approximately 3.5 million gallons (MGD) with a max day demand of approximately 5.0 MGD. Potential regulatory compliance issues concerning the current water supply and treatment process have been highlighted by the Ohio EPA.

As a result of the Ohio EPA concerns, the Piqua water utility has been working to develop an alternative source of water supply and improved treatment operations. The options being considered are a new treatment and well field for a groundwater supply, or supply from an alternative treatment operation. The community wishes to achieve a number of goals with an implemented solution, but primary among them is a level of control over assets that provide the community’s water supply, a reliable supply of at least 6 MGD, and a level of control over the cost of the water supply.

Troy, Ohio currently operates a separate water treatment and distribution system that supplies the community and a few additional communities through service contracts. Their source of water supply is a series of groundwater wells that are capable of producing 10 MGD with the ability to expand the well field to a production capacity of approximately 16 MGD. The Troy treatment plant has the ability to treat 16 MGD. Average day demand on the Troy system is 4.1 MGD with a peak demand of 5.5 MGD. Current average demands represent about 25% of the treatment plants capacity with an expectation for a flat to slow demand growth. Troy officials are aware that a tremendous amount of water utility expenses are fixed costs that do not change with production volume and which must be borne by the customer base. A smaller customer base served by a system not running at high capacity levels experience higher water rates than in communities where treatment facilities are more fully utilized. Therefore Troy officials are concerned that high fixed costs, rising inflationary impacts, costs to meet future regulatory requirements, and less than 50% system utilization will lead to a significant rise in water rates into the future.

**Project Overview**

The purpose of this project is to evaluate for both communities’ options for how a Piqua/Troy joint water treatment and supply utility could be created with the responsibility to supply the current and future drinking water needs of both cities in compliance with the Ohio EPA and Safe Drinking Water Act regulations. Each community would continue to operate and maintain their individual water distribution systems, but would receive their water supply from the joint water treatment and supply utility.

First, the RA Consultant team will develop a conceptual design plan for how an optimal treatment and delivery system would be constructed. The plan will focus on redundancy and reliability of the water supply, water quality, construction costs, and operating costs to create the optimal solution.

Second, the RA team will work with both communities to identify a structure for operating and governing a joint water supply utility. The structure will consider the requirements for staffing and servicing the day to day operations of the joint water supply and treatment solution. With the involvement of the communities, the project will also identify a governance structure that gives the communities acceptable oversight of the operations, capital investments and annual operating costs.

Finally, with all necessary cost and governance components identified, the RA team will determine the costs associated with implementing the joint utility’s treatment and delivery system as well as the day to day operations and governance. The projected costs will be apportioned to each community according to the developed governance model and then compared against current comparable operating costs.

**Task 1** – Development of a conceptual design plan for how an optimal treatment/supply and delivery system could be constructed.

This task involves conducting the necessary engineering work to develop a conceptual design for how a water supply, treatment plant and delivery system could be constructed to meet each community’s projected water

demands and water quality requirements. To complete this task the RA team will collect the necessary data and through a series of facilitated workshops with each community's in house water department staff and engineers will assist in building consensus on an optimal design.

*Work Items*

Conduct pre workshop session with Piqua and Troy staffs to determine expected/desired outcomes and identify key performance requirements for a joint operation.

Submit data requests to gather all relevant reports, technical memoranda, data, etc. necessary to complete the project.

Meet with Piqua and Troy consultants performing engineering studies related to water treatment and supply to evaluate the impact of individual community plans on a regional solution.

Review available work products and data requested.

Perform staff interviews with Piqua and Troy personnel to understand current operational practices and significant challenges at current facilities.

Conduct workshops with Piqua and Troy staffs that identify an optimal water supply, treatment, and delivery system.

*Deliverable*

A conceptual design plan outlining the necessary improvements needed to build the optimal solution. The plan will break down the necessary improvements into logical individual projects and identify estimated costs for completion of each component.

**Task 2** – Identifying a structure of a joint water treatment and supply utility operation to maintain and operate the water supply and delivery system to each community.

*Work Items*

Conduct a pre workshop session with Piqua and Troy personnel to identify critical requirements and performance measurements for a joint water supply utility operation.

Submit data request to collect the necessary information on current facility operating costs.

Review relevant data to develop a baseline of current operation costs for comparison to the proposed optimal solution.

Work with the legal staffs of Piqua and Troy to identify any key water utility operation or governance requirements that may be imbedded in city charters, laws, or financial covenants.

Develop projected costs for operating the solution created in task 1.

Conduct workshops presenting alternative organization structures for consideration and work with Piqua and Troy personnel to identify an optimum governance structure the meets the expectations of each community.

*Deliverable*

A report which outlines a governance structure developed through consensus of the two communities for the operation of a water supply, treatment, and delivery system by the joint utility.

**Task 3** – Financial analysis comparing the project costs of a joint operation verses continued independent operation.

*Work Item*

Submit data requests to gather relevant data and reports

Prepare a conceptual 20 year business plans that incorporate the implementation and operating costs of the optimal solution, operations, and governance structure identified in tasks 1 and 2. High level business plans will be developed for Troy, Piqua, and the joint water supply utility to illustrate the financial impact to each party.

Recognition of the projected costs to each entity for a joint operation verses current projected costs of separate independent operations will be incorporated into each parties' business plan.

Conduct a workshop with Piqua and Troy personnel to present and receive feedback on the 20 year business plans and cost comparison.

*Deliverable*

A report summarizing the high level 20 year business plans. Key assumptions such as valuation of the assets, construction financing, and variable costs inflation actors will be presented in the report.

**Task 4** – Compiling of deliverables in tasks 1 – 3

*Work Item*

Deliverables from the three previous tasks will be compiled into one comprehensive report. The report will identify action plan steps for implementation of the optimal solution and joint water treatment and supply utility.

**Exhibit B Cost of Services**

Piqua/Troy Joint Water Supply Utility Study  
RA Consultants, LLC  
Estimated Project Costs

100 Conceptual Design of Optimal Treatment Delivery and Construction Costs	\$ 46,940.00
200 Identify Structure and Operating Costs of Joint Water Supply Utility	\$ 40,220.00
300 Financial Analyses – Joint Operations vs. Existing Operations	\$ 27,080.00
400 Final Report/Presentation	\$ 10,656.00
<b>Total</b>	<b>\$124,896.00</b>

**PIQUA/TROY JOINT WATER SU**

30-Aug-2011 16:15

Activity ID	Activity Name	Original Duration	Start	Month 2012					April 2012		
				04	11	18	25	01	08		
Piqua/Troy Joint Water Supply Utility Study		118d	19-Sep-20								
050 Project Management		118d	19-Sep-20								
100 Conceptual Design of Optimal Treatment and Delivery		60d	19-Sep-20								
110 Pre-Workshop Sessions		5d	19-Sep-20								
120 Data Requests		20d	26-Sep-20								
130 Review Existing Engineering Studies		10d	26-Sep-20								
140 Review Work Products and Data		10d	10-Oct-20								
150 Perform Staff Interviews & Assess Troy WTP		15d	17-Oct-20								
160 Conduct Workshop to Identify Optimal System		5d	14-Nov-20								
170 Prepare DRAFT Task 100 Deliverable		15d	07-Nov-20								
175 Submit DRAFT Task 100 Deliverable		0d									
180 Finalize Task 100 Deliverable		5d	05-Dec-20								
185 Submit Final Task 100 Deliverable		0d									
200 Identify Structure of Joint Water Supply Utility		95d	26-Sep-20								
210 Pre-Workshop Sessions		5d	26-Sep-20								
220 Data Requests		10d	03-Oct-20								
230 Review Relevant Data to Develop Baseline of Costs		15d	10-Oct-20								
240 Legal Review		10d	24-Oct-20								
250 Develop Projected Costs for Optimal System Solution		20d	28-Nov-20								
260 Conduct Workshops for Alternative Organization Structures		5d	26-Dec-20								
270 Prepare DRAFT of Task 200 Deliverable		10d	02-Jan-20								
275 Submit DRAFT Task 200 Deliverable		0d									
280 Finalize Task 200 Deliverable		10d	23-Jan-20								
285 Submit Final Task 200 Deliverable		0d									
300 Financial Analysis - Joint Operation vs Existing Operation		53d	28-Nov-20								
310 Data Requests		5d	28-Nov-20								
320 Conceptual 20 yr Business Plan		25d	05-Dec-20								
330 Conduct Workshop for 20 yr Business Plan		5d	09-Jan-20								
340 Prepare DRAFT Task 300 Deliverable		10d	16-Jan-20								
345 Submit DRAFT Task 300 Deliverable		0d									
350 Finalize Task 300 Deliverable		3d	06-Feb-20								
355 Submit Final Task 300 Deliverable		0d									
400 Final Report		15d	09-Feb-20								
410 Prepare DRAFT of Final Report		5d	09-Feb-20								
415 Submit DRAFT of Final Report		0d									
420 Finalize Final Report		5d	23-Feb-20								
425 Submit Final Report		0d									

- ▬ Level of Effort
- ◆ Milestone
- ▬ Critical Remaining Work
- ▬ Remaining Work
- ▬ Summary





## *CITY COMMISSION MEETING REPORT*

*For the Regular Meeting of September 20, 2011*

TO: City Commission  
FROM: Bill Murphy, Interim City Manager  
SUBJECT: Regional Water Authority Study with RA Consultants LLC

### ***PURPOSE:***

The purpose of this study is to evaluate the feasibility of creating a regional water authority for the treatment and supply of water between the City of Piqua and the City of Troy. Such an arrangement could include a district or commission that could more cost-effectively treat and supply water to the communities versus independent operations of their existing systems.

### ***RECOMMENDATION:***

Based on the Commission's desire to fully explore the water treatment and supply options available to the City of Piqua, staff recommends engaging RA Consultants LLC in partnership with the City of Troy for an amount not to exceed \$140,000. This cost would be split evenly with the City of Troy. (In other words, up to \$70,000 per City).

### ***BACKGROUND:***

Piqua has been under notice from the Ohio Environmental Protection Agency (OEPA) since 2006 to replace the current Water Treatment Facility, which was originally constructed in 1925.

Agreement with OEPA is to complete design development of a new facility by beginning of 2013.

As you recall, one of the original options considered by City Commission was to partner with Troy on a water treatment facility. At that time, Troy only wanted to sell bulk water to Piqua and was not interested in a regional partnership (i.e. selling equity interest in their facility). Furthermore, the City of Piqua did not have interest in any alternative that did not give Piqua any control of water rates, the potential to serve any future Piqua service area, or any long-term guarantees of the proposed arrangement.

As a result of this initial decision by Troy and at the direction of City Commission, then City Manager Fred Enderle directed staff to continue development of our own new Treatment facility and to search for a ground water source sufficient to meet the City's current and future needs. The City evaluated and agreed to purchase two parcels of land on SR 66 near Hardin Road and Hardin Alternate. Additionally, we have begun work on the preliminary design and engineering for new facility (due for completion December, 2011). Final design and construction is to begin in 2013 with the facility's construction largely completed by 2015.

The City of Piqua was approached by the City of Troy again in June 2011, indicating new interest in exploring a Regional Water Authority, if economically feasible. Preliminary discussions between the two City administrations indicate an agreement in principle on the proposed structure of governance and organization.

The communities now need an independent financial feasibility analysis to better define the operating and management structure of a regional authority and to determine if the model is economically advantageous to the City of Piqua over the construction and operation of its own plant and to the City of Troy continuing to operate its own facility.

The two communities have jointly identified a consultant to develop such an analysis: RA Consultants LLC. The company is a single source consulting and design firm specializing in water and wastewater engineering services in the Greater Cincinnati/Northern Kentucky area. The company's seasoned staff combines extensive local experience with new technological perspectives to bring clients reliable but flexible solutions to water and wastewater engineering problems. In addition to traditional planning through design and construction engineering services, RA's expertise includes pursuit of funding, construction inspection, and surveying. Its staff combines many years of experience working with Sanitation District No. 1, Metropolitan Sewer District of Cincinnati, and Greater Cincinnati Water Works.

David Rager spent the vast majority career with the City of Cincinnati where he has held numerous management positions including: Safety Director, Assistant City Manager, Interim City Manager (twice) and Water Works Director. He is now retired from the City of Cincinnati and has consulted on water projects in Denver CO and Louisville KY, among others. In our research on regional water authorities and discussions with OPEA and other local government officials, David Rager came up as a leading expert on regional approaches to water systems. Our discussions with him proved he was very knowledgeable of regional water solutions and had the added perspective and expertise of a City administrator; his background in finance, government administration and water facilities make him the ideal consultant for this project.

The study needs to start now to be substantially complete—enough to allow Piqua to determine if it is in its economic interest to further pursue a regional partnership—by the time Piqua's preliminary facility design is complete in December, 2011 to stay on the agreed upon OPEA timeline.

Both the City of Troy and the City of Piqua have contacted the Ohio Department of Development (ODOD) and the Governor's Office about potential grant funding for this study. While ODOD has indicated that the project may be a candidate for funding from the state's regional cooperation initiative.

#### ***ALTERNATIVES:***

The City can elect to spend up to \$70,000 to evaluate this alternative with the understanding that the findings may or may not justify a regional water treatment facility solution.

The City may choose not to spend these funds and continue to pursue the construction of a new water treatment facility on the recently purchased properties at SR 66 and Hardin and Hardin Alternate Roads.

The City could also go through a more formal request for qualifications (RFQ) process but this process would likely jeopardize the OEPA timeline and would not necessarily yield a more qualified consultant.

***DISCUSSION:***

Given the renewed interest by the City of Troy to explore a regional water treatment facility with the City of Piqua, there is merit to engage RA Consultants.

While the city is moving forward with the project without funding assistance from the Ohio Department of Development or the Governor's Office, staff will continue to pursue potential grant funding from these and other sources throughout this process.

***FINANCIAL IMPACT:***

Throughout the Comprehensive Plan there is emphasis placed on advancing land conservation and development practices that promote responsible land use and maximize the utilization of existing infrastructure investments.

***COMMUNITY IMPACT:***

Performing the proposed study will provide significant insight as to advantages and disadvantages to the community with regards to the potential impact of building a new water plant versus establishing a joint water district.

***CONFORMITY TO CITY PLANS & POLICIES:***

The Utilities Goal included in the adopted Plan It Piqua Comprehensive Plan document, states:

*"Provide cost effective, customer responsive and reliable municipal utilities with a focus on improving aesthetics and promoting responsible use of energy resources, while planning for the future."*

**RESOLUTION NO. R-118-11**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A  
CONTRACT WITH BURGESS AND NIPLE, INC. FOR ALL CERTIFIED  
PROFESSIONAL AND ENVIRONMENTAL MANAGEMENT SERVICES  
REQUIRED TO COMPLETE THE ENVIRONMENTAL REMEDIATION AND  
DEMOLITION OF THE PIQUA HOSPITAL SITE AT A COST NOT TO EXCEED  
\$197,100**

WHEREAS, on August 5, 2011, this City of Piqua received a Clean Ohio Revitalization Fund for the environmental remediation and demolition of the Piqua Hospital Site from the Ohio Department of Development; and

WHEREAS, the grant requires that a VAP Certified Professional manage the environmental remediation and demolition of the site; and

WHEREAS, the City of Piqua solicited statements of qualifications from firms for the Certified Professional services required under the grant; and

WHEREAS, after a competitive ranking, it was determined that Burgess and Niple, Inc. was determined to be the most qualified firm for the work being offered through the solicitation,

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 City Manager is hereby authorized to enter into all necessary agreements with Burgess and Niple, Inc. for the completion of all professional and environmental management services in accordance with the Clean Ohio Revitalization Fund Grant Agreement between the Ohio Department of Development and the City of Piqua;

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, not exceeding a total of \$197,100;

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 September 19, 2011*

*For the Special Meeting of*

*For the Study Session of*

TO: Bill Murphy, Interim City Manager

FROM: William Lutz, Development Program Manager

SUBJECT: Request for Resolution – Adoption of Resolution Entering into a Contract with Burgess and Niple, Inc. for VAP Certified Professional Services for the Piqua Hospital Site.

### *PURPOSE:*

The purpose of this resolution is to allow the City Manager to enter into a contract with a qualified VAP Certified Professional to complete the required Environmental Remediation and Demolition Management services to be performed at the Piqua Hospital Site, funded through a grant provided by the Clean Ohio Revitalization Fund.

### *RECOMMENDATION:*

City Staff recommends the City Commission enter into the contract for the VAP Certified Professional services with the firm of Burgess and Niple, Inc.

### *BACKGROUND:*

In July 2011, the City of Piqua received a \$2,000,000 Clean Ohio Revitalization Fund grant from the Clean Ohio Council and the Ohio Department of Development for the environmental remediation and demolition of the Piqua Hospital Site. As a requirement of the grant, the City must have a Voluntary Action Plan Certified Professional to manage the environmental remediation and demolition aspects of the projects to ensure that the project is implemented within the rules and regulations of the Voluntary Action Plan and the Clean Ohio Revitalization Program.

### *ALTERNATIVES:*

1. Approve the Resolution authorizing execution of a contract with Burgess and Niple, Inc.
2. Do not approve the Resolution and provide further direction

### *DISCUSSION:*

Through a competitive procurement process, the City of Piqua received Statement of Qualifications from three interested firms; Burgess and Niple, Inc., The Payne Group and Roe Trucking. Roe Trucking was immediately disqualified since their statement did not show

that their firm had a VAP Certified Professional. A committee of City Staff members, from the Development, Engineering and Finance Departments were convened to review the applications on a set of agreed upon criteria to determine which of the firms was most responsive to the needs of the project. Through the competitive procurement process, Burgess and Niple, Inc. was adjudicated to be the most responsive firm to provide a statement of qualification that best fit the needs of the project. The review committee took many factors into consideration such as the firm's familiarity with the Clean Ohio Revitalization Fund and the community.

*FINANCIAL IMPACT:*

The \$197,100 cost is outlined in the city's grant agreement and is being paid for by the \$2,000,000 grant received by the City of Piqua through the Clean Ohio Revitalization Fund earlier this year.

*COMMUNITY IMPACT:*

The impact of the environmental remediation and demolition of the Piqua Hospital Site is arguably the most pressing redevelopment issue facing the community. This particular resolution is a pivotal part in the administration of the Clean Ohio Revitalization Fund grant that the city received earlier this year. In this case, the City of Piqua, by working with Burgess and Niple, Inc. will ensure that the proper procedures are followed in leading to the environmental remediation of the Piqua Hospital Site. It should be noted that this site has been identified as a potential site for a new school by the school district.

*CONFORMITY TO CITY PLANS & POLICIES:*

The Piqua Hospital Site, especially since 2009, has long been seen as a targeted area for redevelopment, as evidenced through the recent adoption of the City of Piqua's ReDo (Redevelopment Opportunities) Piqua Plan which has identified the site as a top-tier priority site for redevelopment in the community.