

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, JULY 16, 2013
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

RESIDENCE PRIDE AWARDS

Kathleen & Scott Hildebrand

722 Caldwell Street

Connie & Bob Hines

1312 Brook Street

Linda & Jack Littleton

1302 Washington Avenue

Holly & Jason Pierce

651 Boone Street

Judy & Norm Seipel

222 E. Garnsey Street

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
Approval of the minutes from the July 2, 2013 Regular City Commission Meeting
2. RES. NO. R-103-13
A Resolution appointing a member to the Park Board
3. RES. NO. R-104-13
A Resolution appointing a member to the Park Board

OLD BUSINESS

4. ORD. NO. 9-13 (3rd Reading)
An Ordinance amending Chapter 96 (Trees) of the Piqua Municipal Code

NEW BUSINESS

5. RES. NO. R-105-13
A Resolution to accept the recommended zoning designation concerning the petition for annexation of 45.503+/- acres from Washington Township
6. RES. NO. R-106-13
A Resolution awarding a contract to Walls Bros. Asphalt for the 2013 street resurfacing program

7. RES. NO. R-107-13

A Resolution amending the agreement with the Ohio Department of Transportation (ODOT) for the College Street Corridor traffic signal project

8. RES. NO. R-108-13

A Resolution requesting final legislation to enter into an agreement with the Ohio Department of Transportation (ODOT) for the US 36 beautification project

9. RES. NO. R-109-13

A Resolution authorizing a purchase order to Valley Ford Truck, Inc., Henderson Truck Equipment & Kalida Truck Equipment, Inc. for the purchase of two dump trucks with Snow plows for the Public Works Department

10. RES. NO. R-110-13

A Resolution authorizing the donation of a 1.467 acre parcel of land being part of Outlots 92 & 93, Outlot 327 and subject to the canal land lease to the Piqua Improvement Corporation

PUBLIC COMMENT

(This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.)

OTHER: Monthly Reports for May 2013

CITY MANAGER'S REPORT

COMMISSIONERS COMMENT

ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday JULY 2, 2013
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 Terry, Vogt, and Martin.

Moved by Commissioner Martin, seconded by Commissioner Vogt to excuse Commissioner Wilson from the July 2, 2013 Regular City Commission Meeting. Voice vote, Aye: Martin, Vogt, Terry, and Fess. Nay: None.

GOVERNMENT ACADEMY GRADUATES

VIOLA AULT	ALEX BARLAGE	WILLIAM CARTER
JIM CHRISMAN	JESSE DOTSON	RALPH GREEN
JEAN HALE	KAZY HINDS	KRISTEN JONES
TED JONES	MIKE McGONAGLE	CATHY ODA
TRACY QUINTER	RALPH QUINTER	JUANITA VENTURA

Mayor Fess read the names of the Academy Graduates while Program Manager Bill Lutz presented them with a Certificate.

City Manager Huff thanked Bill Lutz for all of his work with the Citizens Government Academy.

Several of the graduates made comments regarding the Citizens Academy, and the professionalism and dedication of the city employees. All were very thankful for the opportunity to be able to participate in the academy.

Program Manager Bill Lutz stated the next Citizen Government Academy will begin in August and encouraged citizens to sign up.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of the minutes from the June 18, 2013 Regular Piqua City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to approve the Consent Agenda. Voice vote, Aye: Vogt, Fess, Martin, and Terry. Nay: None. Motion carried unanimously.

ORD. NO. 7-13 (3rd Reading)

An Ordinance to authorize the annexation of contiguous territory owned by the Municipal Corporation and the State

Bill Murphy, Economic Development Director/Assistant City Manager stated this is the third reading of the request for the annexation. This ordinance will authorize the filing of an annexation petition to annex City of Piqua and State of Ohio properties located near State Route 66 and Hardin Road. The City desires to annex the 40+ acre tract in anticipation of the construction of the new water treatment facility slated to begin construction in 2014.

Public Comment

No one came forward to speak for or against Ordinance No. 7-13.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 7-13 be adopted. Roll call, Aye: Terry, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 7-13 adopted.

ORD. NO. 8-13 (3rd Reading)

An Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Piqua

Law Director Stacy Wall stated this is the third reading of the housekeeping procedure that is done once a year after American Legal Publishing Corporation reviews and recommends the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the Ohio Revised Code.

Public Comment

No one came forward to speak for or against Ordinance No. 8-13.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Ordinance No. 8-13 be adopted. Roll call, Aye: Fess, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 8-13 adopted.

ORD. NO. 9-13 (2nd Reading)

An Ordinance amending Chapter 96 (Trees) of the Piqua Municipal Code

City Engineer Amy Havenar stated the original tree ordinance was passed in 1978 and has become outdated and is in need of updates. The Tree Committee provided input and the ordinance reflects the implementing of the best standards of Arboriculture practice within the public right-of-way and in public places, stated Mr. Greaser. This will improve the street trees and remove the hazard trees, and make sure trees are being planted in areas that are best suited for that type of tree.

Public Comment

No one came forward to speak for or against Ordinance No. 9-13.

Ordinance No. 9-13 was given a second reading.

New Business

RES. NO. R- 101-13

A Resolution Adopting the Electric Fund Balance Guidelines

Power Systems Director Ed Krieger provided a brief history on the power plant stating in May of 2010 the Piqua Energy Board adopted the Electric Fund Balance Guidelines that specified minimum and ideal cash reserve levels. Power System cash reserves have not fallen below the specified minimum levels since the Energy Board adopted the guidelines, stated Mr. Krieger.

In May of 2012 AMP changed the adoption of a Cash Reserve Policy by City Commission from a bonus to a required element of the annual Credit Scoring process. As a result, the Piqua Energy Board members are recommending the Piqua's June 2013 Electric Fund Balance Guideline be formally adopted by the City Commission. Formal adoption of these guidelines by the City Commission will enhance the long-term financial stability of the Power System, improve Piqua's AMP annual credit score, and serve to ultimately provide lower power cost for Piqua customer, stated Mr. Krieger.

Mayor Fess stated they appreciate the job the Power System is doing by0 keeping the citizens electric rates low.

Public Comment

No one came forward to speak for or against Resolution No. R-101-13.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-101-13 be adopted. Roll call, Aye: Fess, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-101-13 adopted.

RES. NO. R-102-13

A Resolution authorizing the City Manager to enter into a contract with Homrich, Inc. for Environmental Remediation, Demolition and Construction activities at the Piqua Municipal Power Plant

Power Systems Director Ed Krieger stated in late 2011 the Board of County Commissioners of Miami County received a \$1,404,363 grant to remediate, demolish structures, and develop a new park behind the City's Power Plant at 919 S. Main Street. The County submitted the application on behalf of the City of Piqua since the City could not legally apply for the grant; therefore the City and the County are working cooperatively on the project.

Qualification statements were requested from firms for the Certified Professional Services required by the grant. Brownfield Restoration Group, LLC was selected to provide these services, and SSOE Group was commissioned to provide engineering services required for completion of the project, including the development of bid specifications and documents. On June 21, bids for the project were received and Homrich, Inc. of Carleton, Michigan was awarded the contract for the environmental remediation, demolition and construction activities, stated Mr. Krieger.

Mayor complimented Bill Lutz for all the great work he does in writing grants for the City.

Public Comment

No one came forward to speak for or against Resolution No. R-102-13.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-102-13 be adopted. Roll call, Aye: Vogt, Terry, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-102-13 adopted.

PUBLIC COMMENT

This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.

Brad Boehringer, Mound St. came forward and congratulated the Government Academy stating he was a member the first Government Academy class.

Mr. Boehringer also thanked the City for initiating the new Volunteer Park Ranger Program, as he is a member.

Mr. Boehringer asked if the city could adopt a standard for adopting the Code Changes so it would not have to come before City Commission each year. Law Director Stacy wall explained.

City Manager's Report

City Manager Huff announced the Volunteer Park Ranger Program and provided a brief explanation on the program activities.

City Manager Huff announced the addition of the new Picklelball Courts at Mote Park. The current old tennis courts are being rebuilt to be used for Pickelball.

City Manager Huff also announce in conjunction with the Piqua Arts Council in providing Living Art, the wood fences at Pitsenbarger Park will be painted by area students. In addition to the painting of the fences, we will be painting the city's snow plows with cartoon characters by the youth to involve the community in the Arts programs, stated City Manager Huff.

Commissioners Comment

Commissioner Vogt congratulated the Government Academy graduates. Commissioner Vogt reminded citizens the 7th Annual City Car Show will be held at Fountain Park on July 20, 2013. Tickets are available for the Van Dells show for \$5.00 each, and are available at the City Manager Office.

Commissioner Martin stated he attended the June 21, 2013 Go Skateboarding Day, and was amazed at the talent the youth of Piqua have, and some of the things they can do on the skateboards. It was very well attended, and hopes to have more youth and activities next year.

Commissioner Martin also congratulated the Government Academy graduates, stating now they have all that knowledge they can put it to use by volunteering on the various City Boards and Committees.

Commission Terry also congratulated the Government Academy graduates, further stating they learned something that we already know, our city employees are fantastic, and are always willing to go above and beyond at all times. Commissioner Terry further stated she is glad to see the Government Academy graduates appreciate the city employees as much as the Commission does.

Commissioner Terry inquired about the Pot Hole Program and when it would begin. City Manager Huff gave a brief overview of the program.

Commissioner Terry asked the status of the old Hospital Property on Park Avenue. City Manager Huff provided a brief update on the project.

Mayor Fess announced the 2nd Annual Activity Day in the Park will take place on Saturday July, 20, from 11:00 A.M. – 1:00 P.M. and encouraged children to come out and enjoy the activities. This is one of the requirements to be certified as a Playful City USA City. Nathan Burkholder put together this program last year while working as a summer intern, and will be back again this year to oversee the program, stated Mayor Fess.

Mayor Fess stated she wanted to correct something she stated in the Mayor's Report. The Activity Day is scheduled for July 20, 2013 at Fountain Park, not July 4th as she had stated in the Mayor's Report.

City Manager Huff reminded citizens of the 4th of July celebration activities on July 4th 10:00 A.M. – 10:00 P.M. at Fountain Park, and encouraged citizens to come out and support the activities.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 8:15 P.M. Voice vote, Aye: Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-103-13

**A RESOLUTION APPOINTING A MEMBER
TO THE PARK BOARD**

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

SEC. 1: Kazy Hinds is hereby appointed as a member of the Park Board for a term to expire on March 1, 2016 or until her successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-104-13

**A RESOLUTION APPOINTING A MEMBER
TO THE PARK BOARD**

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

SEC. 1: Kimberly J. Ojeda is hereby appointed as a member of the Park Board for a term to expire on March 4, 2014 or until her successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 9-13

**AN ORDINANCE AMENDING CHAPTER 96
(TREES) OF THE PIQUA MUNICIPAL CODE**

WHEREAS, the City of Piqua Municipal Code has had laws and procedures dealing with planting and the maintenance of trees within the right of way; and

WHEREAS, the City has redefined new standards consistent with the best practices of Arboriculture; and

WHEREAS, the City of Piqua will enforce these practices to continue to enrich the City's urban forest; and

WHEREAS, the proposed amendments will renew and advance this ordinance into a contemporary document to ensure a sustained partnership with the City and its future tree canopy.

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

SECTION 1. That the City of Piqua hereby amends Chapter 96 Trees of the Piqua Municipal Code as set forth below: (added language is indicated by the underline)

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

ARBORIST. A person qualified in the planting, maintenance, protection, control and removal of trees.

PUBLIC AREA. Parks, playgrounds, or other property owned, leased, or controlled by the city and street, alley, sidewalk, or other public rights-of-way.

SHRUB. A low, usually several-stemmed, woody plant.

TREE. A woody perennial plant having a single, usually elongated main stem generally with few or no branches on its lower part.

TREE COMMITTEE. The committee set up by the City Commission and whose organization is described in Ordinance No. 11-76 and in §§ 32.075 through 32.077 of this code.

TREE LAWN. That part of the roadway right-of-way laying between the property line and that portion of the roadway used for vehicular traffic.

TREE TOPPING. The removal and/or disfigurement of a tree's normal canopy as a result of cutting back large limbs within the tree's crown.

§ 96.02 ENFORCING AUTHORITY.

(A) The City Engineer or his or her duly authorized representative shall be charged with enforcement of this chapter.

(B) An arborist shall be retained by the city to serve as an advisor to the City Engineer concerning problems related to tree selection and care, diseases of trees, tree adaptability and other related problems.

(C) The Tree Committee shall be advised of all actions concerning trees in a monthly report and shall review and act upon all recommendations presented by the City Engineer concerning tree removal or special planting programs.

§ 96.03 PLANTING TREES WITHIN CITY.

(A) No permits are required to plant trees in accordance with this chapter, however, no trees shall be planted within any public right-of-way without written permission from the City Engineer.

(B) All trees and shrubs hereafter planted in any public area in the city shall conform as to species and to the street tree plan designated Exhibit A, which is made part of this chapter and copies of which are on file in the offices of the City Clerk and the City Engineer.

(C) (1) It shall be unlawful to plant within the city the trees listed in Exhibit A, Part 2, Section D; "Recommended Trees for Planting in the City" a copy of which is on file at the municipal offices, without the written approval of the City Engineer.

(2) It shall be unlawful to plant within the city the trees listed in § 91.37

§ 96.04 REMOVAL.

(A) The City Engineer, or his or her duly authorized representative, may cause to be trimmed or pruned any trees, shrubs, plants or vegetation in a tree lawn or public area.

(B) The City Engineer, after approval by the Tree Committee, may cause to be removed any trees, shrubs, plants or vegetation in a tree lawn or public area.

(C) The property owner is responsible for the maintenance and care of trees, shrubs, plants or vegetation on the tree lawn abutting the property.

(D) The failure to comply with division (C) above, after 30-days notice by the city, shall be deemed a violation of this chapter.

(E) All trees shall be removed to a depth of four inches below existing ground.

(F) All trees, shrubs, plants or vegetative plantings located or to be located in any public area hereafter planted, trimmed, or removed, shall conform to the City of Piqua's Standards of Practice, hereby adopted by reference, and may from time to time be revised by the Tree Committee as accepted plantings and practices change; current copies of which are on file in the offices of the City Clerk and the City Engineer.

§ 96.05 DANGEROUS TREES.

(A) Any trees, shrubs, plants or vegetation growing in a public area or in private property, which are endangering, or which in any way may endanger, the security or usefulness of any public street, sidewalk or utility, as determined by the City Engineer, are declared to be a public nuisance and the city may remove or trim, or may require the property owner to remove or trim, the trees, shrubs, plants or vegetation.

(B) Failure to remedy the danger after 30-days notice by the city shall be deemed a violation of this chapter and the City Engineer, with approval of the Tree Committee, may remove or trim the trees, shrubs, plants or vegetation and assess the costs against the property.

§ 96.06 APPEALS.

(A) Appeals from orders made hereunder may be made by filing written notice thereof with the Tree Committee. The appeal request will be sent to the City Engineer.

(B) The Tree Committee shall review the appeal and hear evidence from the property owner and the city and render a decision within thirty (30) days of the hearing.

(C) If either side is not satisfied with the decision of the Tree Committee, they may appeal in writing to the City Commission, who shall hear evidence and render a decision.

§ 96.07 DAMAGE TO TREES.

It shall be a violation of this chapter to do any of the following.

(A) Abuse, destroy, top or mutilate any tree, shrub or plant in a public area.

(B) Attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other things to or on any tree growing in a public area.

(C) Cause or permit any wire charged with electricity to come in contact with any tree in a public area.

(D) Allow any gaseous, liquid or solid substance which is harmful to trees to come in contact with their roots or leaves.

SECTION 2. All other sections of Chapter 96 of the Piqua Municipal Code not amended herein shall remain in effect as is.

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

1st Reading 6-18-2013

2nd Reading 7-2-2013

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK



Commission Agenda Staff Report

MEETING DATE	June 18, 2013		
REPORT TITLE (Should match resolution/ordinance title)	An Ordinance amending Chapter 96 Trees of the Piqua Municipal Code		
SUBMITTED BY	Name & Title: Bob Graeser, Project Manager		
	Department: Engineering		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	The original tree ordinance was passed in 1978 and has become outdated and is in need of updates. The amendments to the ordinance are as a result of working with the Tree Committee and reflect implementing the best standards of Arboriculture practice within the public right-of-way and in public places.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:		
	Narrative	There will be no financial impact to change the ordinance.	
OPTIONS (Include Deny /Approval Option)	1.	Approve the ordinance to amend Chapter 96 Trees, as submitted.	
	2.	Do not approve the ordinance and keep the current Tree Ordinance in effect.	
PROJECT TIMELINE	This has no time line restraints.		
STAFF RECOMMENDATION	Approve the ordinance to allow for best practice standards to be implemented to better control unwanted trees within the right-of-ways and public areas.		
ATTACHMENTS	Exhibit A		

EXHIBIT A

(Part 1)

CITY OF PIQUA, OHIO STANDARDS OF PRACTICE

Planting, Maintenance, Protection, Control and Removal of Trees

I. POLICY

- A. The Standards of Practice shall be adhered to at all times, but may be amended by the City Engineer with the approval of the Tree Committee at anytime that experience, new research, or laws indicate, or whenever circumstances make it advisable.
- B. The City shall cooperate with the public and property owners.
- C. The City list of recommended trees for planting shall be used as a guide and can be changed, deleted from, or added to as new technology and information becomes available or as situations change. Changes shall be approved by the Tree Committee.

II. PLANTING

A. Size

- 1. Trees shall conform to the American Association of Nurseryman Standards unless otherwise specified herein or by the City.
- 2. Medium and large tree species shall be at least 1¼" inches in diameter, six (6) inches above ground level, and be at least eight (8) feet in height when planted.
- 3. Small tree species shall be at least five (5) feet in height and have six (6) or more branches.

B. Grade

- 1. All trees shall have straight trunks, well-developed leaders and tops, and good root characteristics.
- 2. All trees shall be free of insects, disease, mechanical injury, and other objectionable features.

C. Location and Spacing

1. No small size tree as defined in Exhibit A (Part 2) Section VI (A) shall be planted in a tree lawn less than four (4) feet in width, unless the City Engineer so authorizes.
2. No medium size tree shall as defined in Exhibit A (Part 2) Section VI (B) be planted in a tree lawn less than six (6) feet in width nor within twenty (20) feet of an overhead utility wire.
3. No large size tree as defined in Exhibit A (Part 2) Section VI (C) shall be planted in a tree lawn less than-eight (8) feet in width nor within twenty (20) feet of an overhead utility wire.
4. In tree lawns less than four (4) feet in width or where overhead lines, utilities or building setbacks are special problems, the site and species shall be subject to the City Engineer's approval.
5. No trees shall be planted within thirty (30) feet of a stop sign or intersection on a local street, within fifty (50) feet of a stop sign or intersection on a collector or arterial street, within fifteen (15) feet of an alley, or within ten (10) feet of a utility pole, pedestal, fire hydrant, or underground utility conduit; said distances being as measured from the nearest edge of the tree to the object referenced.
6. Generally, large trees shall be planted with a minimum separation of forty (40) feet center to center, medium trees a minimum separation of thirty (30) feet on center and small trees a minimum separation of twenty (20) feet on center unless local conditions or tree characteristics dictate otherwise, as determined by the City Engineer
7. Tree planting in areas where the street and sidewalk are unimproved shall be located so that improvements shall not require the removal of or result in the destruction of the tree.
8. Tree plantings shall be more or less centered in the available tree lawn width, with the species selected and situated so that the nearest edge of the matured tree will not be nearer than two (2) feet to the back of the curb line, nearest edge of pavement, or the public sidewalk.

D. Methods of Planting and Support

1. Roots of bare-rooted trees shall be protected against drying out.
2. All coniferous trees shall be balled and burlapped when moved. They shall be protected against drying out or freezing.
3. Pits dug for planting shall be twelve (12) inches larger than the diameter of the root system ball of soil.

4. Consideration shall be given to artificial drainage in poorly drained soil.
5. Acceptable soil mixture shall be used for backfilling and the entire area saturated with water after planting.
6. Trees shall be suitably guyed and wrapped according to accepted arboricultural practices. Guys shall not be a hinderance to public safety.

III. EARLY MAINTENANCE

- A. A thorough watering each five (5) to ten (10) days depending on conditions should be provided for each tree.
- B. Nutrients should be available after growth starts.
- C. Frequent and thorough inspections should be made for disease and insects. Controls used for disease or insects should be safe and effective.
- D. Pruning
 1. Pruning shall be practiced as necessary to assure sturdy crotch development.
 2. Tree heads shall be raised as growth characteristics dictate. Lower branches should eventually be removed to a height of at least seven (7) feet unless lower branches can be justified.

IV. GENERAL MAINTENANCE

- A. Pruning and Removal
 1. Topping or dehorning of other trees is not permitted without written consent of the City Engineer.
 2. All trees over the public right-of-way shall be pruned to maintain a minimum vertical clearance of twenty (20) feet from the roadway surface, and a minimum vertical clearance of ten (10) feet from the public sidewalk surface. Pruning cuts shall be made with a saw or pruner and only at nodes or crotches. No stubs shall be left. No spurs or climbing irons shall be used.
 3. All dead, crossed, or rubbing branches shall be removed.
 4. Tools used on trees suspected of being infected with contagious disease shall be disinfected after each cut and between trees.
 5. Stumps of all trees removed in the public area shall be removed at least four inches below ground level.

V. SPRAYING

- A. Precautions shall be taken to protect and warn the public that spraying is being done.
- B. Spraying shall be done only for control of specific diseases or insects and shall conform to State and Federal regulations.

**EXHIBIT A
(Part 2)**

VI. RECOMMENDED TREES FOR PLANTING IN CITY

- A. Small trees less than 25 feet in height.
 - 1. Hedge Maple (*Acer campestre*) – usually pest free; needs little maintenance; excellent in dry locations; tolerates exhaust fumes.
 - 2. Trident Maple (*Acer buergerianum*) – readily transplanted; drought resistant.
 - 3. Tatarian Maple (*Acer tataricum*) – good, small tree for street use; tolerates city conditions; slow growing; drought tolerant.
 - 4. Lavelle Hawthorn (*Crataegus lavellei*) – no major pest problems; can endure soot and grime; adaptable to soil conditions.
 - 5. Washington Hawthorn (*Crataegus phaenopyrum*) – easily transplanted; fairly free of pests; best hawthorn for city.
 - 6. Winter King Hawthorn (*Crataegus virdis*) – good landscape tree; used in medium loam or heavy soils.
 - 7. Pauls Scarlet Hawthorn (*Crataegus oxycantha pauli*) – needs spray to control aphids and fire blight.
 - 8. American Hornbeam (*Carpinus caroliniana*) – slow growth rate; deep rooted; difficult to transplant; grows well in shade.
 - 9. Golden-rain Tree (*Koelreuteria paniculata*) – week wooded; tolerates polluted air; withstands heat and drought.

10. Callery Pear (*Pyrus calleryana*) – low maintenance; drought resistant; moderate growth rate.
11. Autumn Brilliance Serviceberry (*Amelanchier grandiflora*).
12. Japanese Tree Lilac (*Syringa reticulata*).
13. Thornless Hawthorn (*Crataegus crusgalli* var. *inermis*).
14. Flowering Crabapple (*Malus*)– hardy; scab resistant; adapts to soil. The following crabapple trees are resistant to apple scab and fire blight:

American Beauty	Coral Burst	Golden Hornet
Kilbele	Liset	Mary Potter
Red Jewel	Red Splendor	Royal Ruby
	White Angel	Winter Gold
Zumi Calocarpa		

- B. Medium trees between 25 and 60 feet in height and suitable for tree lawns over 4 feet in width and for planting more than 20 feet from utility wires.
1. Norway Maple (*Acer platanoides*) – good street tree; shallow root system; hard to grow grass under.
 2. Columnar Maple (*Acer platanoides columnare*) – tolerates city conditions; shallow root system; few serious diseases or insect pests.
 3. Erect Norway Maple (*Acer platanoides erectum*) – needs little care; withstands city conditions; few serious diseases or pests.
 4. Callery Pear (*Pyrus calleryana*) – low maintenance; drought resistant; moderate growth rate.
 5. Ruby Horsechestnut (*Carpinus betulus*) – slow growing; resistant to pests and diseases; rarely needs pruned.
 6. European Hornbeam (*Carpinus betulus*) – slow growing; resistant to pests and diseases; rarely needs pruned.
 7. Yellowwood (*Cladrastis lutea*) – tolerates almost any soil; deep rooted; tolerates drought; bleeds profusely so trim in early summer.

8. Amur Cork Tree (*Phellodendron amurense*) – pest free; drought resistant; low maintenance; good street tree.
9. Columnar Sargent Cherry (*Prunus sargentii columnare*) – hardiest of all cherries; low maintenance.
10. Willow Oak (*Quercus phellos*) – good, clean tree; tolerates moist soil; requires acid soil; shallow rooted.
11. Japanese Pagoda Tree or Chinese Scholar Tree (*Sophora japonico*) – tolerates dry soil; withstands city conditions; requires ample room.
12. Crimean Linden (*Tilia euchlora*) – very hardy; moderate growth rate.
13. Red Maple (*Acer rubrum*) – good street tree; withstands moist soils; good in parks.
14. Winter King Hawthorn (*Crataegus viridis*).

C. Large trees over 60 feet tall when mature in height. These trees should have a planting width of 8 feet or more and should not be planted with wires overhead.

1. Ginkgo (*Ginkgo biloba*) – no pests; slow growing; thrives under city conditions; plant male trees only..
2. Red Oak (*Quercus borealis*) – withstands city conditions; needs plenty of room.
3. Pin Oak (*Quercus palustris*) – fast growing; transplants easily; requires regular pruning; needs acid soil.
4. Pyramidal English Oak (*Quercus robur fastigata*) – free from serious pest problems; tolerates adverse soil conditions; fast growing.
5. Littleleaf Linden (*Tilia cordata*) – does well in city; low maintenance; cold tolerant; few diseases or insect pests.
6. Silver Linden (*Tilia tomentosa*) – withstands heat and drought; requires ample space; will not do well in dusty or sooty air.
7. Zelkova (*Zelkova serrata*) – tolerates drought; resists dutch elm disease; used as elm substitute.
8. Autumn Blaze Maple (*Acer freemanii*).

9. Swamp White Oak (*Quercus Sp.*).
10. Northern Red Oak (*Quercus rubra*).

D. Undesirable trees for planting in public areas for reasons including structural problems, insect infestation, disease susceptibility, early leaf drop, fruit litter, root problems for utilities, susceptible to wind damage.

Box elder (<i>Acer negundo</i>)	Silver Maple (<i>Acer saccharinum</i>)	Horsechestnut (<i>Aesculus hippocastanum</i>)
Catalpa (<i>Catalpa speciosa</i>)	Tulip Tree Lirodendon <i>Tulipifera</i>)	Apple
Mulberry (<i>Morus</i>)	Poplars (<i>Populus</i>)	Black Locust (<i>Robinia</i>)
Willows (<i>Salix</i>)		Siberian Elm (<i>Ulmus pumila</i>)
Tree-of-Heaven (<i>Ailanthus altissima</i>)	Buckeye (<i>Aesculus</i>)	Birch (<i>Betula</i>)
Fruit Trees	Maidenhair Tree (<i>Ginkgo biloba</i> Female)	Black Walnut (<i>Jugians nigra</i>)
Nut Trees	Conifers	Ash Trees (<i>Fraxinus</i>)

RESOLUTION NO. R-105-13

**A RESOLUTION TO ACCEPT THE RECOMMENDED ZONING DESIGNATION
CONCERNING THE PETITION FOR ANNEXATION OF 45.503+/- ACRES
FROM WASHINGTON TOWNSHIP**

WHEREAS, the Clerk of Commission accepted for filing the plat and petition now before this Commission; and

WHEREAS, the legal description of the real property sought to be annexed to the City and a map illustrating the proposed zoning designation is set forth in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, in accordance with section 154.141 of the City of Piqua Code of Ordinances has conducted a public hearing to study the above described territory and recommended a OS Open Space zoning designation for the subject property upon annexation of the territory into the City of Piqua;

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 OS Open Space zoning designation for the above-described real property, upon annexation of the property into the City of Piqua, Ohio, is hereby established;

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



Commission Agenda Staff Report

Item# 5

MEETING DATE	June 17, 2013		
REPORT TITLE	A RESOLUTION TO ACCEPT THE RECOMMENDED ZONING DESIGNATION CONCERNING THE PETITION FOR ANNEXATION OF 45.503+/- ACRES FROM WASHINGTON TOWNSHIP		
SUBMITTED BY	Chris Schmiesing, City Planner		
	Development Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> City Planner		<input checked="" type="checkbox"/> Planning Commission
BACKGROUND (Description, background, justification)	In response to the petition for annexation of the property located at the intersection of SR 66 and Hardin Road the Planning Commission has held a public hearing to study the territory and recommend an appropriate zoning designation of the property upon annexation. With reference to the zoning designation and characteristics of the surrounding properties, the planned use of the subject location, and the Conservation and Development Map included in the Plan It Piqua 2007 Comprehensive Plan Update adopted by the City Commission, the Planning Commission recommended a zoning of OS Open Space be designated for the subject property upon annexation of the territory into the City of Piqua It is now necessary for the City Commission to accept or reject the recommendation.		
BUDGET/FINANCIAL IMPACT (Project costs and funding sources)	Budgeted \$:	0	
	Expenditure \$:	0	
	Source of Funds:	N/A	
	Narrative:		
OPTIONS (Include deny /approval option)	1.	Adopt the resolution to accept the recommended zoning designation.	
	2.	Deny the resolution to reject the recommended zoning designation.	
PROJECT TIMELINE	June 2013 – The City Commission considers a petition to annex municipal and state territory contiguous to the municipal corporation.		

	June 2013 – Planning Commission recommend zoning designation. July 2013 – Annexation petition and recommended zoning to be approved or denied by City Commission.
STAFF RECOMMENDATION	Approve the resolution.
ATTACHMENTS	PC Resolution 09-13; Conservation and Development Map included in the Plan It Piqua 2007 Comprehensive Plan Update

Exhibit 'A'

45.503 ACRES

Situated in the Township of Washington, County of Miami, State of Ohio; also being a part of Section 1, Town 8, Range 5 East and a part of Section 36, Town 9, Range 5 East and a part of Section 6, Town 6, Range 6 East; also being those lands as conveyed to City of Piqua as described in Official Record 225 Page 484 and Official Record 232 Pages 795 through 818 and a tract of land owned by the City of Piqua (the former Piqua Hydraulic Feeder Canal) and a portion of those lands within the rights-of-way of State Route 66 (right-of-way varies) and Hardin Road No. 110 (60' right-of-way) and Hardin Road Alternate (60' right-of-way) and a portion of those lands as conveyed to State of Ohio as described in Deed Book 426 Page 70; being more particularly described as follows:

Commencing at the northeast corner of Section 1, Town 8, Range 5 East, said point also being along the southerly line of Lot 1 of Northwood Hills Subdivision Section One as recorded in Plat Book 10 Page 13, said point also being along the northerly line of a 2.6768 acre tract as conveyed to Carl D. & Michele L. Hutcherson as described in Official Record 45 Page 453; thence,

Along the division line between Section 1, Town 8, Range 5 East and Section 36, Town 9, Range 5 East, also being along the southerly lines of said Lot 1 and then along the southerly line of Lot 21 and then along a portion of the southerly line of Lot 22 of Northwood Hills Subdivision Section 2 as recorded in Plat Book 10 Page 95, also being along a portion of the northerly line of said 2.6768 acre tract, **North 89° 40' 39" West for a distance of 367.17'** to a point, said point being the northwesterly corner of said 2.6768 acre tract, said point also being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the westerly line of said 2.6768 acre tract, **South 0° 03' 26" East, for a distance of 223.26'** to the southwesterly corner of said 2.6768 acre tract; thence,

Along the southerly line of said 2.6768 acre tract, **North 89° 56' 34" East, for a distance of 471.26'** to a point along the centerline of Hardin Road No. 110 (60' right-of-way); thence,

Along the centerline of Hardin Road No. 110, **North 30° 02' 53" East, for a distance of 74.47'** to a point; thence,

Along the centerline of Hardin Road No. 110, **North 14° 34' 50" East, for a distance of 160.40'** to a point along the northerly line of Section 6, Township 6, Range 6 East; thence,

Along the northerly line of said Section 6, **South 89° 40' 39" East, for a distance of 30.95'** to a point along the easterly line of Hardin Road No. 110, said point also being along the division line between the City of Piqua and Washington Township; thence the following 8 courses along the easterly right-of-way line of Hardin Road No. 110 and the division line between the City of Piqua and Washington Township,

South 14° 34' 50" West, for a distance of 172.10' to a point; thence,

South 30° 02' 53" West, for a distance of 828.21' to a point; thence,

South 33° 23' 13" West, for a distance of 310.44' to a point; thence,

South 31° 28' 33" West, for a distance of 167.15' to a point; thence,

South 18° 18' 04" West, for a distance of 313.51' to a point; thence,

Along a curve to the left, said curve being non-tangent to the previous course, said curve having a **radius of 3407.75'**, an **arc length of 213.12'**, a **central angle of 3° 35' 00"**, and a **chord that bears South 16° 30' 34" West for a distance of 213.09'** to a point; thence,

South 15° 54' 28" East, for a distance of 48.21' to a point; thence,

Exhibit 'A'

South 10° 18' 16" West, for a distance of 207.00' to a point along the northerly right-of-way line of State Route No. 66 (right-of-way varies) and along the division line between the City of Piqua and Washington Township; thence,

Along the northerly right-of-way line of State Route No. 66, also being along the division line between the City of Piqua and Washington Township, ***South 17° 21' 48" East, for a distance of 473.81'*** to a point; thence,

Along the same, ***South 24° 38' 18" East, for a distance of 111.95'*** to a point along a southerly line of a 162.823 acre tract as conveyed to State of Ohio as described in Deed Book 426 Page 70; thence,

Along a portion of a southerly line of said 162.823 acre tract and then along the extension of said southerly line, ***South 65° 28' 57" West, for a distance of 90.00'*** to a point along the centerline of State Route No. 66; thence,

Along the centerline of State Route No. 66, also being along the division line between the City of Piqua and Washington Township starting at a distance of 549.67' from the beginning of this course, ***North 24° 38' 18" West, for a distance of 2243.10'*** to a point of curvature; thence,

Along the centerline of State Route No. 66, also being along the division line between the City of Piqua and Washington Township, following a curve to the left having a ***radius of 5729.58'***, ***an arc length of 789.87'***, ***a central angle of 7° 53' 55"***, ***and a chord that bears North 28° 35' 16" West for a distance of 789.24'*** to a point at the intersection of the centerlines of State Route No. 66 and Hardin Road Alternate; thence,

Along the centerline of Hardin Road Alternate, ***South 54° 09' 29" East, for a distance of 444.05'*** to a point; thence,

Along the centerline of Hardin Road Alternate, ***South 54° 11' 39" East, for a distance of 289.80'*** to a point, said point being the southeasterly corner of a 1.026 acre tract as conveyed to Warren O. Price, Jr. & Marilyn J. Price, Trustees as described in Deed Book 729 Page 233; thence,

Along the easterly line of said 1.026 acre tract, ***North 1° 09' 46" West, for a distance of 334.79'*** to a point along the southerly line of a 25.078 acre tract as conveyed to John M. & Deborah Owsiniany as described in Official Record 284 Page 791, said point also being along the division line between Section 1, Town 8, Range 5 East and Section 36, Town 9, Range 5 East; thence,

Along a portion of the southerly line of said 25.0783 acre tract and then along a portion of the southerly line of Lot 22 of Northwood Hills Subdivision Section 2, also being along the division line between Section 1, Town 8, Range 5 East and Section 36, Town 9, Range 5 East, ***South 89° 40' 39" East, for a distance of 937.26'*** to the point of beginning containing 45.503 acres of land, more or less, of which 44.881 acres is in Section 1, Town 8, Range 5 East, 0.549 acres is in Section 6, Town 6, Range 6 East, and 0.073 acres is in Section 36, Town 9, Range 5 East; as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in June, 2011 and September, 2012, as filed in Miami County Recorder's Record of Plats Volume _____ Page _____.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-2007) as determined by a VRS-GPS survey utilizing CORS station "SIDN" as maintained by the Ohio Department of Transportation and station "MIA 099".

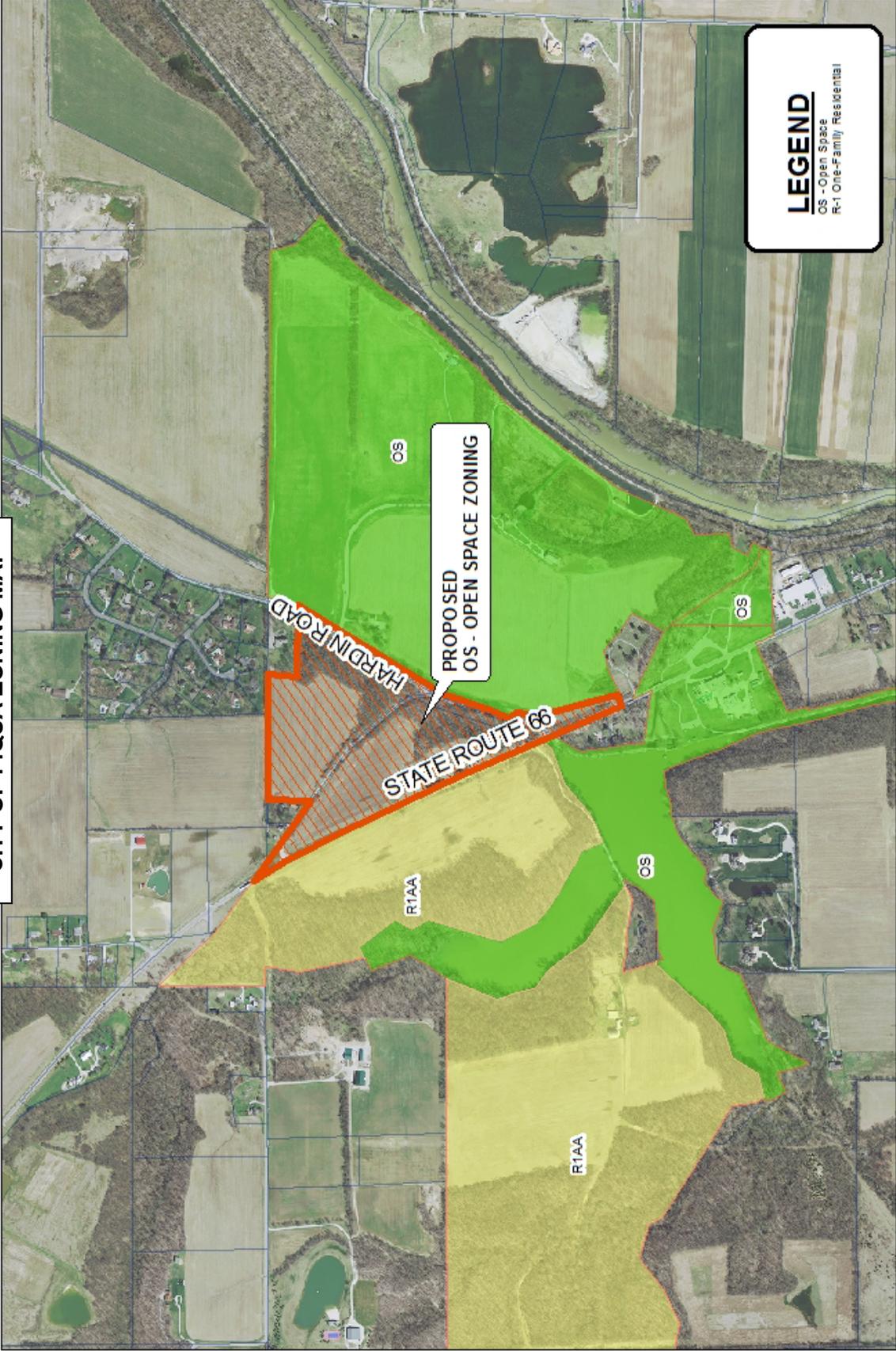
Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

Legal description prepared by Michael L. Keller, Professional Surveyor, Ohio License No. 7978

Exhibit 'A'

CITY OF PIQUA ZONING MAP



RESOLUTION No. PC 09-13

WHEREAS, *City of Piqua* has submitted a request to establish a zoning designation upon the annexation of the real property located Washington Township known as parcels M40-047450 and M40-047100; and,

WHEREAS, Section 154.142(A) (2) states after annexation proceeding have been filed with the Clerk of the City Commission and prior to the first reading of the annexation ordinance, and following the receipt of a recommendation by the Planning Commission, the City Commission shall adopt by resolution and file with the Clerk of the City Commission its recommended zoning designation; and

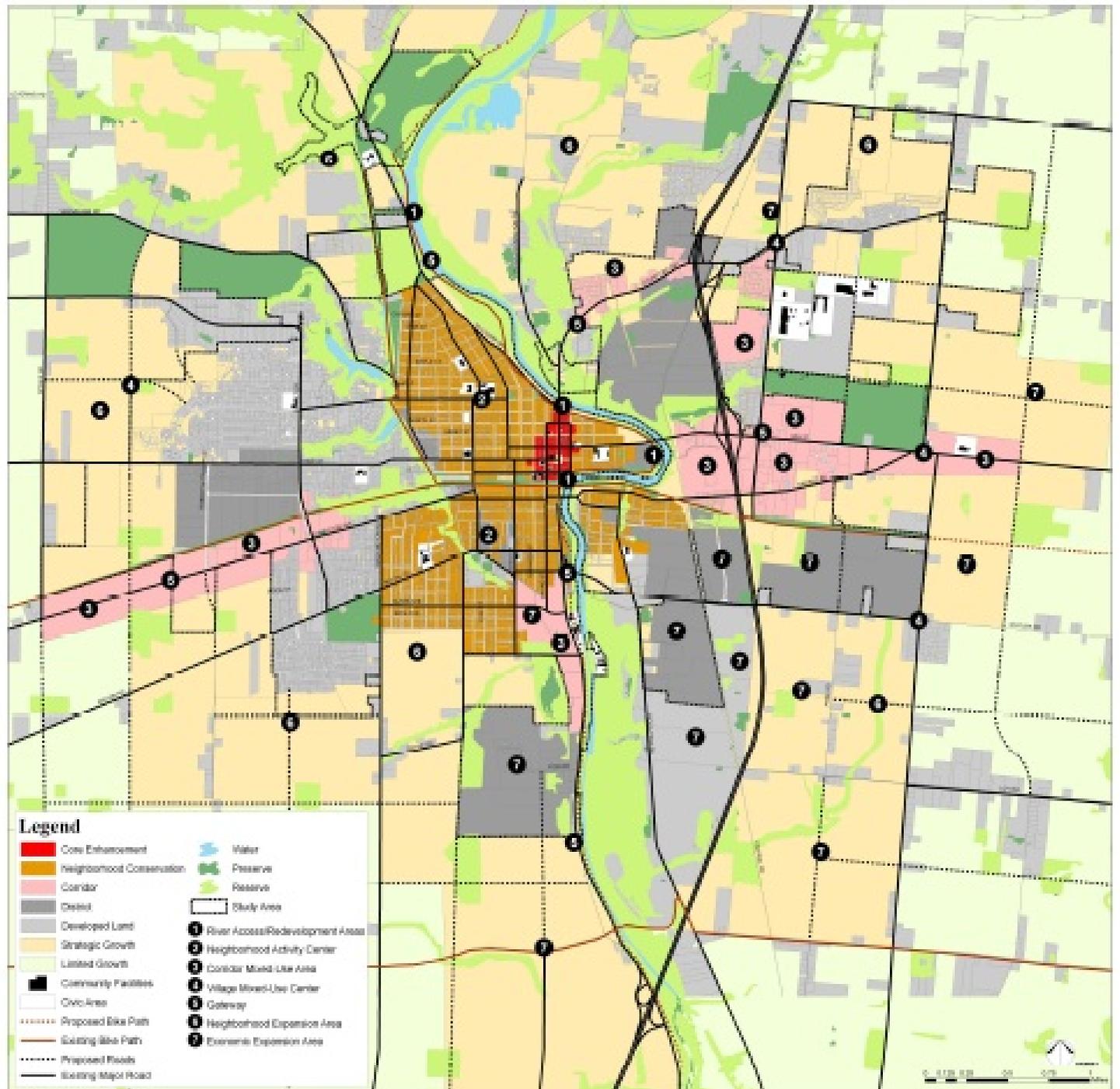
WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established findings that indicate the proposed zoning designation:

- Will be compatible with the intended use of the real property.
- Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.
- Is compatible with the general economic development policies of the City.
- Conforms to all other applicable codes and regulations of the city.

NOW THEREFORE BE IT RESOLVED, board member JAMES ODA hereby moves to recommend APPROVAL of the request made, as described by this resolution, the testimony provided, and the documents included herewith, and the motion is seconded by board member CINDY PEARSON, and the voting record on this motion is hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Gary Koenig	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Cindy Pearson	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MAP 2.3- CONSERVATION AND DEVELOPMENT MAP



Source: ACP – Visioning and Planning Ltd.

Note: The Development Concepts (numbers) are intended to be general in nature and do not refer to one specific site.

RESOLUTION NO. R-106-13

**A RESOLUTION AWARDING A CONTRACT TO
WALLS BROS. ASPHALT CO. INC. FOR THE
2013 STREET RESURFACING PROGRAM**

WHEREAS, on January 15, 2013, this Commission passed Resolution No. R-6-13 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the 2013 Street Resurfacing Program; and

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

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

SEC. 1: A contract is hereby approved with Walls Bros. Asphalt Co. Inc. as the lowest, responsible bidder for the 2013 Street Resurfacing Program and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director certifies funds are available 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 \$385,000.00.

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

LUCY FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	July 16, 2013		
REPORT TITLE (Should match resolution/ordinance title)	A Resolution awarding a contract to Walls Bros. Asphalt Co. Inc. for the 2013 Street Resurfacing Program.		
SUBMITTED BY	Name & Title: Amy L. Havenar, City Engineer		
	Department: Engineering		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	<p>On July 3, 2013, two bids were received for the 2013 Street Resurfacing Program (see attached Exhibit "A"). The streets in this year's paving program include Wayne St. from Water St. to North St., North St. from Wayne St. to Spring St., Greene St. from Wayne St. to Downing St., High St. from Wayne St. to Spring St., Market St. from Wayne St. to Main St., Wood St. from Covington Ave. to College St., Gordon St. from Covington Ave. to Young St., Garfield St. from McKinley Ave. to Beverly Dr., Beverly Dr. from Grant St. to Margene Dr., and Margene Dr. from Sunset Dr. to Edge St.</p> <p>The resurfacing project will consist of profile milling and overlaying of the roadway with a new asphalt surface. The project will also include the placement of all new pavement markings within the project limits.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$250,000 (101 Fund) and \$300,000 (103 Fund)	
	Expenditure \$:	\$385,000 (includes contingency)	
	Source of Funds:	Street Dept. (101 Fund), Street Income Tax (103 Fund), and CDBG Funds	
	Narrative:	This resolution includes a 10% contingency for items of work which may be required which are not included in the original plans and specifications. The engineer's estimate was \$400,000.	
OPTIONS (Include Deny /Approval Option)	1.	Approve the resolution and complete our 2013 Street Resurfacing Program.	
	2.	Do not approve the resolution and do not complete any street resurfacing this year.	
	3.		

PROJECT TIMELINE	All of the work is anticipated to be complete by September 30, 2013.
STAFF RECOMMENDATION	Approve the resolution to allow for the completion of the 2013 Street Resurfacing Program.
ATTACHMENTS	Bid Tabulation (Exhibit "A")

EXHIBIT "A"

13-01 Street Resurfacing
 Bid Tab
 July 3, 2013

Item	Quantity	Walls Bros. Asphalt Co.		Barrett Paving Materials, Inc	
		Price	Extension	Price	Extension
253 - PAVEMENT REPAIR ROADWAY, 24" WIDE by 6" DEPTH, AS DIRECTED CONTINGENCY - SY	550.0000	\$ 35.42	\$ 19,481.00	\$ 43.75	\$ 24,062.50
254 - FULL DEPTH MILLING - 1 1/2" - SY	36,367.4000	\$ 1.16	\$ 42,186.18	\$ 1.25	\$ 45,459.25
407 - BITUMINOUS TACK COAT @0.1 GAL / SY - GAL	3,636.7000	\$ 2.64	\$ 9,600.89	\$ 2.40	\$ 8,728.08
448 - 1/2" ASPHALT CONCRETE, SCRATCH COURSE TYPE 1, PG 64-22 - CY	505.5000	\$ 135.83	\$ 68,662.07	\$ 141.50	\$ 71,528.25
448 - 1 1/4" ASPHALT CONCRETE, SURFACE COURSE TYPE 1, PG 64-22 - CY	1,260.7000	\$ 135.83	\$ 171,240.88	\$ 141.50	\$ 178,389.05
604 - STORM MANHOLE ADJUSTED TO GRADE - EA	6.0000	\$ 350.00	\$ 2,100.00	\$ 355.00	\$ 2,130.00
604 - WATER VALVE ADJUSTED TO GRADE - EA	11.0000	\$ 60.91	\$ 670.01	\$ 50.00	\$ 550.00
614 - TRAFFIC CONTROL - LUMP	1.0000	\$ 6,957.21	\$ 6,957.21	\$ 3,355.00	\$ 3,355.00
644 - 4" DOUBLE YELLOW CENTER LINE - MI	1.5040	\$ 4,974.73	\$ 7,481.99	\$ 5,520.00	\$ 8,302.08
644 - 24" STOP BAR - LF	507.1000	\$ 5.88	\$ 2,981.75	\$ 5.10	\$ 2,586.21
644 - 6" CROSSWALK LINE - LF	1,185.8000	\$ 2.88	\$ 3,415.10	\$ 2.65	\$ 3,142.37
644 - CROSSWALK, PIANO KEY, 2 FT BY 6 FT @ 4' OC - LF	144.0000	\$ 4.48	\$ 645.12	\$ 5.00	\$ 720.00
644 - 6" CHANNELIZING LINE - LF	107.0000	\$ 1.48	\$ 158.36	\$ 1.23	\$ 131.61
644 - 4" EDGE/PARKING LINE ON E ASH BETWEEN SPRING ST. & AEROVENT DR. - LF	802.0000	\$ 0.98	\$ 785.96	\$ 1.30	\$ 1,042.60
644 - 4" PARKING SPACE LINE, 7 FT LONG - LF	532.0000	\$ 1.48	\$ 787.36	\$ 1.30	\$ 691.60
644 - 4" PARKING SPACE LINE, 22 FT LONG - LF	1,408.0000	\$ 1.48	\$ 2,083.84	\$ 1.30	\$ 1,830.40
644 - YIELD LINE DIAMONDS 12" WIDE BY 18" TALL 24" OC - LF	49.0000	\$ 8.88	\$ 435.12	\$ 10.00	\$ 490.00
644 - LANE ARROW "LEFT" - 72" - EA	3.0000	\$ 88.00	\$ 264.00	\$ 80.00	\$ 240.00
644 - LANE ARROW "RIGHT" - 72" - EA	1.0000	\$ 88.00	\$ 88.00	\$ 90.00	\$ 90.00
666 - PRUNE EXISTING TREES, ALL SIZES - AS DIRECTED - EA	18.0000	\$ 421.07	\$ 7,579.26	\$ 120.00	\$ 2,160.00
20 Items	Totals		\$ 347,604.10		\$ 355,629.00

RESOLUTION NO. R-107-13

**A RESOLUTION AMENDING THE AGREEMENT WITH THE
OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR
THE COLLEGE STREET CORRIDOR TRAFFIC SIGNAL PROJECT**

WHEREAS, by Resolution No. R-80-13 passed on May 21, 2013, this Commission enacted legislation proposing cooperation with the Director of Transportation for the College Street Corridor Traffic Signal Project; and

WHEREAS, at this time, the College Street Corridor Traffic Signal Project has been bid and will be awarded to Bansal Construction Inc., and

WHEREAS, based upon the alternate bid prices, an increase in the Purchase Order to ODOT is necessary to ensure conformity with this traffic signal equipment to equipment located elsewhere throughout the City.

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: Resolution No. R-80-13, a Resolution authorizing a purchase order to the State of Ohio, be increased by \$27,000 to a final amount of \$94,000 is hereby approved.

SEC. 2: The Finance Director certifies funds are available and is hereby authorized to draw her warrant 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



Commission Agenda Staff Report

MEETING DATE	July 16, 2013		
REPORT TITLE (Should match resolution/ordinance title)	A resolution amending the agreement with the Ohio Department of Transportation (ODOT) for the College Street Corridor Traffic Signal Project.		
SUBMITTED BY	Name & Title: Amy Havenar, P.E., City Engineer		
	Department: Engineering		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	<p>On May 21, 2013, City Commission passed Resolution R-80-13 authorizing the City Manager to enter into an agreement with ODOT for the College Street Corridor Traffic Signal Project. This agreement was for an amount not to exceed \$67,000.</p> <p>Since that time, bids have been received and if the City would choose to accept all of the alternate bid items, the City would owe an additional \$24,928.20. These alternate bid items consist of the decorative mast arms versus the standard steel mast arms, and the brand of pedestrian push button, preemption equipment, and video detection system that we currently utilize at the other intersections throughout the City. In talking to Power Distribution, who is responsible for the operation and maintenance of the traffic signals, they indicated that they would like to keep all of our equipment the same at the signals throughout the City for ease of maintenance and for finding parts. Therefore, it would be a benefit to the City to accept the alternate bids for this project.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$455,000	
	Expenditure \$:	\$300,300	
	Source of Funds:	Local (Street Dept. 103 Fund) Federal (CMAQ Funds)	
	Narrative	The City has received funding from the Federal Highway Administration through the Miami Valley Regional Planning Commission for 80% of the project costs. Including the alternates, the City would be responsible for paying \$94,000.00 (which includes a 10% contingency). The 2013 budget included \$100,000 for the local share of the project.	

OPTIONS (Include Deny /Approval Option)	1.	Approve the resolution to increase the purchase order to ODOT.
	2.	Deny the resolution and proceed with the project by installing only the base bid items.
PROJECT TIMELINE	The project will be awarded to Bansal Construction Inc. with construction anticipated to begin in August.	
STAFF RECOMMENDATION	Approval of the Resolution to increase the purchase order to ODOT to help ensure a successful project.	
ATTACHMENTS	Original Legislation (R-80-13)	

RESOLUTION NO. R-80-13

**A RESOLUTION REQUESTING FINAL LEGISLATION
TO ENTER INTO AN AGREEMENT WITH THE OHIO
DEPARTMENT OF TRANSPORTATION FOR THE
COLLEGE STREET CORRIDOR TRAFFIC SIGNAL
PROJECT**

WHEREAS, on the 15th day of February, 2011, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of safety improvements and signal upgrades on US 36 (College Street) at the intersections of Covington Avenue and Water Street, lying within the City of Piqua; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid MVRPC funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation

Also, the City agrees to assume and bear the entire cost and expense of the installation and/or repair of curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act.

The share of the cost of the LPA is now estimated in the amount of Sixty Seven Thousand and - 00/100 Dollars (\$67,000.00) which includes a 10% contingency, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

SEC. 1: That the estimated sum of Sixty Seven Thousand and - 00/100 Dollars (\$67,000.00) is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement.

We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds as agreed upon and approved in Resolution R-18-11. Said appropriated amount shall cover the estimated cost and any contingency for the actual dollar amount of the Project, which will be based upon advertised bids received.

SEC. 2: That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SEC. 3: That the LPA enter into a contract with the State, and that the City Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

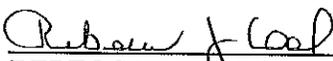
SEC. 4: That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 15th day of February, 2011, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

SEC. 5: This Resolution shall take effect and be in force from and after the earliest period allowed by law.


LUCINDA L. FESS, MAYOR

PASSED: May 21, 2013

ATTEST: 
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-108-13

**A RESOLUTION REQUESTING FINAL LEGISLATION
TO ENTER INTO AN AGREEMENT WITH THE OHIO
DEPARTMENT OF TRANSPORTATION (ODOT) FOR
THE US 36 BEAUTIFICATION PROJECT**

WHEREAS, on the 15th day of February, 2011, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of curb installation around the existing grass median to the west of the Interstate 75 bridge, the excavation of the painted median east of the bridge and the adding of topsoil and to create a planting area, the installation of curbing at the pavement edge immediately adjacent to the bridge area on either side, and the planting of the medians and shoulder embankment areas with native trees and brush species, lying within the City of Piqua; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid Enhancement funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration.

The share of the cost of the LPA is now estimated in the amount of Three Hundred Fifty Two Thousand Five Hundred and - - 00/100 Dollars (\$352,500.00) which includes a 10% contingency, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

SEC. 1: That the estimated sum of Three Hundred Fifty Two Thousand Five Hundred and - - 00/100 Dollars (\$352,500.00) is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds as agreed

upon and approved in Resolution R-21-11.

SEC. 2: That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SEC. 3: That the LPA enter into a contract with the State, and that the City Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

SEC. 4: That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 15th day of February, 2011, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

SEC. 5: 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



Commission Agenda Staff Report

MEETING DATE	July 16, 2013		
REPORT TITLE (Should match resolution/ordinance title)	A resolution requesting final legislation to enter into an agreement with the Ohio Department of Transportation (ODOT) for the US 36 Beautification Project.		
SUBMITTED BY	Name & Title: Amy Havenar, P.E., City Engineer		
	Department: Engineering		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	<p>On February 15, 2011, City Commission passed a resolution authorizing the City Manager to enter into a preliminary agreement with ODOT for the US 36 Beautification Project. The City then engaged a consultant to begin the detailed design.</p> <p>The project will consist of curb installation around the existing grass median to the west of the Interstate 75 bridge, the excavation of the painted median east of the bridge and the adding of topsoil to create a planting area, the installation of curbing at the pavement edge immediately adjacent to the bridge area on either side, and the planting of the medians and shoulder embankment areas with native trees and brush species.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$264,000	
	Expenditure \$:	\$352,000 (includes a 10% contingency)	
	Source of Funds:	Local (Street Dept. 103 Fund) Federal (CMAQ Funds)	
	Narrative	<p>The City has received funding from the Federal Highway Administration through the Miami Valley Regional Planning Commission for 60% of the project costs, up to a maximum amount of \$288,945.</p> <p>At this time, the expenditure is based off of an estimate completed by ODOT Central Office. If the actual bids come in higher than the estimated amount, our local portion will increase. If the bids come in lower than the estimate, than our local portion will decrease. We have the additional funds in the 103 Fund to cover the overage if necessary. Bids are due in the end of July.</p>	

OPTIONS (Include Deny /Approval Option)	1.	Approve the resolution to enter into an agreement with ODOT.
	2.	Deny the resolution, return the money, and do not proceed with the project.
PROJECT TIMELINE	The construction is scheduled to begin in August of 2013.	
STAFF RECOMMENDATION	Approval of the Resolution to enter into an agreement with ODOT to allow for the US 36 Beautification Project to proceed.	
ATTACHMENTS	Exhibit "A" - Contract	

EXHIBIT "A"

PID No. 88222
Project No. _____ (2013)

CONTRACT (Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Piqua, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of the replacement of Right of Way fence with decorative fence, install curbing around the existing grass median to the West of Interstate 75 bridge; to excavate the painted median East of the bridge and to add curbing and topsoil to create a planting area; to install curb at the pavement edge immediately adjacent to the bridge area on either side; plant medians and shoulder embankment areas with native trees and brush species, lying within the City of Piqua.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Three Hundred Twenty Thousand Four Hundred Fifty Five and - - - - 00/100 Dollars, (\$320,455.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid Enhancement funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,

- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Piqua
201 West Water Street
Piqua, Ohio
45356

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

OHIO DEPARTMENT OF
TRANSPORTATION

LOCAL PUBLIC AGENCY
City of Piqua

Director of Transportation

City Manager

Date

Date

Approved:
Mike DeWine
Attorney General of Ohio

By: _____
Stephen H. Johnson
Chief, Transportation Section

Date: _____

RESOLUTION NO. R-109-13

**A RESOLUTION AUTHORIZING A PURCHASE ORDER TO
VALLEY FORD TRUCK, INC., HENDERSON TRUCK
EQUIPMENT & KALIDA TRUCK EQUIPMENT, INC. FOR THE
PURCHASE OF TWO DUMP TRUCKS WITH SNOW PLOWS
FOR THE PUBLIC WORKS DEPARTMENT**

WHEREAS, the Piqua Public Works Department desires to purchase two new dump trucks with snow plows;

WHEREAS, the City of Piqua provided for the purchase of two new dump trucks with snow plows in the 2013 budget appropriations;

WHEREAS, the purchases will be made using State of Ohio index # GDC093E with Valley Ford Truck, Inc.'s quote being shown on Exhibit "A" attached hereto for the cab and chassis and with bids received for the dump bodies and snow plows with Henderson Truck Equipment being awarded for the dump bodies & Kalida Truck Equipment, Inc. being awarded for the snow plows and both being shown on "Exhibit C - Bid Tabulation";

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 to Valley Ford Truck, Inc., Henderson Truck Equipment & Kalida Truck Equipment, Inc. for the purchase of two new dump trucks and snow plows according to the bid specifications and quote received;

SEC. 2: The Finance Director certifies funds are available and 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 \$156,000.00;

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



Commission Agenda Staff Report

MEETING DATE	July 16, 2013		
REPORT TITLE	A RESOLUTION AUTHORIZING A PURCHASE ORDER TO VALLEY FORD TRUCK, INC., HENDERSON TRUCK EQUIPMENT & KALIDA TRUCK EQUIPMENT, INC. FOR THE PURCHASE OF TWO DUMP TRUCKS WITH SNOW PLOWS FOR THE PUBLIC WORKS DEPARTMENT		
SUBMITTED BY	Name & Title: Doug Harter, Public Works Director		
	Department: Public Works Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	The trucks will replace two older vehicles and will help with snow removal and street and parks maintenance.		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$180,000.00 for the 2013 year	
	Expenditure \$:	\$142,372.00 for two dump trucks with snow plows with an allowance for a 10% contingency	
	Source of Funds:	101-113-850-8805	
	Narrative:	The Department has asked for new dump trucks with snow plows. Three were in the budget, but we are only ordering two. They can be used for street and park maintenance and snow removal.	
OPTIONS	1.	Approve Resolution R-109-13 as presented.	
	2.	Approve Resolution R-109-13 with changes.	
	3.	Deny Resolution R-109-13 and offer staff an alternative.	
PROJECT TIMELINE	Our new dump trucks would be ordered right away and delivery would be expected within 60 days. We would anticipate having the Dump Trucks in September.		
STAFF RECOMMENDATION	We support the passage of this Resolution.		

ATTACHMENTS

Exhibit "A" – Quote from Valley Ford Truck, Inc.
Exhibit "B" – Capital Purchase Approval Form
Exhibit "C" – Bid Tabulation

"EXHIBIT A"



5715 Canal Rd., Cleveland, OH 44125
Phone 800.533.2400 Fax 216.524.8527
ValleyFordTruck.com

03/18/2013 REVISED 03/27/2013

CITY OF PIQUA

ITEM # 41A STATE BID INDEX GDC093E

2013 FORD F-550 4X4 REGULAR CAB 141" WHEELBASE GAS ENGINE CAB CHASSIS

STANDARD EQUIPMENT FOR ITEM 41A

- 660A OPTION CODE 660A
- 425 50 STATE EMISSIONS
- 6CA 60" CAB TO AXLE
- 99Y 6.8L V/10 GAS ENGINE
- 44T 5-SPD AUTOMATIC TRANSMISSION
- X8L 4.88 LTD SLIP AXLE
- 555 DUAL FRONTAL AIR BAGS
- 66D BLACK VINYL FLOOR COVERING
- STD 18000 GVW
- TBK TIRES-LT225/70RX19.5G BSW
- 512 SPARE TIRE/WHEEL (LOOSE)
- AS VINYL 40/20/40 FRONT SEAT
- 572 AIR CONDITIONING
- 587 AM/FM/STEREO W/CLOCK

- 99T ___ 6.7L V/8 DIESEL ENGINE W/6 SPD. AUTOMATIC TRANSMISSION
- 68U ___ PAYLOAD UPGRADE PKG. (19500 GVW)
- TGB ___ ALL TERRAIN TIRES (REAR)
- 52B ___ BRAKE CONTROLLER
- 473 ___ SNOW PLOW PREP PKG.
- 18B ___ RUNNING BOARDS
- 62R ___ TRANSMISSION PTO (LIVE)
- 90L ___ POWER GROUP (windows/locks/power & heated mirrors)
- 67D ___ 200 AMP HD ALTERNATOR
- 41H ___ ENGINE BLOCK HEATER
- 535 ___ HIGH CAPACITY TRAILER TOW PKG.

TOTAL AS EQUIPPED CAB & CHASSIS

\$42,246.00

NOTE: FORD 2013 BUILDOUT FOR THIS ITEM IS APRIL 26,2013

EXTERIOR COLOR: _____

PO# _____ AUTHORIZED SIGNATURE _____ DATE _____

TITLE TO READ AS FOLLOWS: _____

FEDERAL ID # _____ NAME _____

ADDRESS _____

CAPITAL PURCHASE APPROVAL

DEPARTMENT: Public Works, Street Division

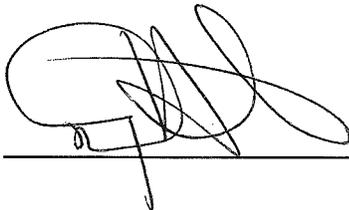
ACCOUNT NUMBER: 101-113-850-8805

ITEM: Two – 2 ton dump trucks with dump beds, and snow equip.

NEEDED (why): To replace older pickup trucks that are no longer able to be used in snow removal. This will be a multi-use truck.

ORIGINAL BUDGET AMOUNT: \$180,000

WORK ORDER # IF NEEDED:

SUPERVISOR SIGNATURE:  _____

CITY MANAGER APPROVAL:  _____

ALL CAPITAL ITEMS MUST BE APPROVED BY THE CITY MANAGER PRIOR TO PURCHASE.

Bid opening #1319 Dump Bodies
 May 23, 2013 at 2:00 p.m.

EXHIBIT "C"

	Kalida Truck Equipment Kalida, OH	Kalida Truck Equipment Kalida, OH	Henderson Truck Equip. Bucyrus, OH	Kaffenberg Truck Equip. New Carlisle, OH
Dump Bodies: Make	Swenson	Galion	Henderson	
Model	9FTDUMP1824	130USDDS-9	Mark 3	
Year	2013	2013	2013	
Cost for two	\$ 59,948.00	\$ 53,488.00	\$ 42,000.00	
Snow Plows: Make	Boss	Boss	Henderson	
Model	Power V-DXT	Power V-DXT	MTP-Flex	
Year	2013	2013	2013	
Cost for two	\$ 15,880.00	\$ 15,880.00	\$ 24,236.04	
Total cost for two bodies & two plows	\$ 75,828.00	\$ 69,368.00	\$ 66,236.04	No bid
Approx. delivery in days	45-60	45-60	90	

RESOLUTION NO. R-110-13

A RESOLUTION AUTHORIZING THE DONATION OF A 1.467 ACRE PARCEL OF LAND BEING PART OF OUTLOTS 92 & 93, OUTLOT 327 AND SUBJECT TO THE CANAL LAND LEASE TO THE PIQUA IMPROVEMENT CORPORATION

WHEREAS, the Miami County Board of Commission have received a grant for the environmental remediation, demolition and development of a 1.467 acre parcel on land currently owned by the City of Piqua as part of the Piqua Municipal Power Plant; and

WHEREAS, as a condition of the grant award from the Ohio Development Services Agency, the City of Piqua must transfer ownership of the property to the Piqua Improvement Corporation; and

WHEREAS, at the completion of the project, the Piqua Improvement Corporation shall transfer the property back to the City of Piqua

WHEREAS, the Piqua Improvement Corporation is an eligible landowner, as required by the Ohio Development Services Agency; 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 City Manager is hereby authorized to donate a 1.467 acre parcel consisting of part of Outlots 92 & 93, Outlot 327 and being subject to the Canal Land Lease, as more fully described in attached Exhibit A to the Piqua Improvement Corporation, contingent upon the approval of the Piqua Improvement Corporation formally accepting the property by a vote of its quorum for the purpose of fulfilling the grant and with the understanding that once the project is complete, the property shall be donated back to the City of Piqua.

SEC. 2. There is a public benefit to the donation of a 1.467 acre parcel to the Piqua Improvement Corporation to facilitate the development of new park and other recreational amenities for the benefit of the community. Additionally, as a public benefit the project is being funded by a grant, which requires transfer of the property.

SEC. 3. 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
CITY COMMISSION CLERK



Commission Agenda Staff Report

MEETING DATE	July 16, 2013		
REPORT TITLE (Should match resolution/ordinance title)	A Resolution Authorizing the Donation of a 1.467 Acre Parcel of Land Being Part of Outlots 92 and 93, Outlot 327 and Subject to the Canal Land Lease to the Piqua Improvement Corporation		
SUBMITTED BY	Name & Title: William Lutz, Development Program Manager		
	Department: Development		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		Asst. City Manager/Finance
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	Department Director;		<input checked="" type="checkbox"/> Other: Power System Director
BACKGROUND (Includes description, background, and justification)	<p>In 2011, the City of Piqua worked with the Board of Commissioners of Miami County to work on a grant application to remediate, demolish and redevelop a 1.467 acre parcel track directly behind the Piqua Municipal Power Plant. Miami County was successful in receiving these funds in 2011 and the City of Piqua is working with the county to administer the grant.</p> <p>In recent conversations with the Ohio Development Services Agency, the agency informed the City that as a condition of the grant funding, the City of Piqua is to transfer the property to the Piqua Improvement Corporation. The Piqua Improvement Corporation is a chartered Community Improvement Corporation, chartered under the Ohio Revised Code, and as such, is eligible to receive the land for the project. At the conclusion of the project, the land will be transferred back to the City of Piqua.</p> <p>This transfer will keep the Board of Commissioners of Miami County and the City of Piqua in compliance with the conditions of the \$1.4 million grant received by the county.</p> <p>A full legal description is attached.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:		
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Approve the Resolution and allow the donation to take place.	
	2.	Do not approve the Resolution and have the City of Piqua retain the property.	
	3.		

	4.	
PROJECT TIMELINE	The donation can close within thirty days of adoption.	
STAFF RECOMMENDATION	Staff would recommend that the donation occur.	
ATTACHMENTS	None	

BRUMBAUGH ENGINEERING & SURVEYING, LLC**1105 South Miami St.****West Milton, Ohio 45383**

937-698-3000

Adjacent Land

June 30, 2011

Description For Piqua Power Systems
(1.467 Acre Tract)

Situate in the State of Ohio, Miami County, City of Piqua, and being part of O.L. 92 & 93 as conveyed to the City of Piqua as recorded in Deed Book 208 page 234 (all references to deed books refer to the Miami County Recorders office, Miami County, Ohio), and being part of Outlot 327 as conveyed to the City of Piqua as recorded in Deed Book 354 page 170 and being a part of the Canal Land Lease from the State of Ohio to the City of Piqua as recorded in Lease Book 7 page 6, and being a part of the Canal Land Lease from the State of Ohio to the City of Piqua as recorded in Lease Book 18 page 271-276 and being more specifically described as follows:

Starting at an iron pin found at the intersection of the south right of way line of Bridge Street and the NE corner of the East Part of Inlot 4545 and the approximate West Line of the said Leased area of the Miami And Erie Canal; Thence with the approximate west line of the said Leased Area S 04° 18' 58" E for a distance of 353.03 feet to a point at the intersection of said West Line of the said Leased area and the approximate centerline of Rocky Branch (A 12' Wide Walled Storm Drainage Ditch) as shown on Volume 21 Page 146 of the Miami County Record of Lot Surveys; Thence S 15°59'15" E a distance of 529.24 feet to a point at the existing edge of water of the Great Miami River marking the **TRUE POINT OF BEGINNING**;

Thence with the West edge of water of the Great Miami River the following 13 courses;

1. Thence S 07°37'36" E for a distance of 12.53 feet to a point;
2. Thence S 01°05'25" E for a distance of 21.83 feet to a point;
3. Thence S 07°44'35" E for a distance of 132.89 feet to a point;
4. Thence S 00°24'21" E for a distance of 61.08 feet to a point;
5. Thence S 06°01'05" W for a distance of 45.25 feet to a point;
6. Thence S 08°51'15" W for a distance of 40.58 feet to a point;
7. Thence S 06°14'42" E for a distance of 25.50 feet to a point;
8. Thence S 21°43'01" E for a distance of 76.31 feet to a point;
9. Thence S 02°26'21" E for a distance of 48.09 feet to a point;
10. Thence S 13°14'50" E for a distance of 42.19 feet to a point;
11. Thence S 04°49'38" W for a distance of 47.86 feet to a point;
12. Thence S 28°37'12" E for a distance of 16.65 feet to a point;
13. Thence S 14°59'42" E for a distance of 4.70 feet to a point;

Thence through the said Canal Land Lease Area S 86°24'10" W for a distance of 92.06 feet to an iron pin found inside of said part OL 327, passing through a witness iron pin set at a distance of 33.00 feet (All iron pins set are 5/8" rebar capped "Brumbaugh E & S");

Thence through the said Canal Land Lease Area N 72°07'13" W for a distance of 45.83 feet to an iron pin set;

Thence through the said Canal Land Lease Area N 04°13'51" W for a distance of 135.46 feet to a point 0.25 feet outside of the approximate face of the Existing Power Plant Building;

Thence through the said Canal Land Lease Area and following parallel to and 0.25 feet outside of the approximate face of the Existing Power Plant Building for the following 16 courses;

1. Thence N 85°46'09" E for a distance of 15.19 feet to a point;
2. Thence N 04°13'28" W for a distance of 45.51 feet to a point;
3. Thence S 85°46'09" W for a distance of 15.19 feet to a point;
4. Thence N 04°13'51" W for a distance of 18.96 feet to a point;
5. Thence N 85°46'09" E for a distance of 6.25 feet to a point;
6. Thence N 04°13'51" W for a distance of 9.02 feet to a point;
7. Thence S 85°46'09" W for a distance of 6.25 feet to a point;
8. Thence N 04°13'51" W for a distance of 48.39 feet to a point;
9. Thence N 85°46'09" E for a distance of 12.55 feet to a point;
10. Thence N 04°13'51" W for a distance of 30.15 feet to a point;
11. Thence S 85°46'09" W for a distance of 12.55 feet to a point;
12. Thence N 04°13'51" W for a distance of 18.85 feet to a point;
13. Thence N 85°46'09" E for a distance of 6.00 feet to a point;
14. Thence N 04°13'51" W for a distance of 9.02 feet to a point;
15. Thence S 85°46'09" W for a distance of 6.00 feet to a point;
16. Thence N 04°13'51" W for a distance of 93.85 feet to an iron pin set;

Thence through the said Canal Land Lease Area N 84°45'03" E for a distance of 7.29 feet to an iron pin set;

Thence through the said Canal Land Lease Area N 04°13'51" W for a distance of 91.50' to a mag nail set in an asphalt drive;

Thence through the said Canal Land Lease Area N 62°34'05" E for a distance of 121.54 feet passing through a witness mag nail set at a distance of 88.92 feet to the **TRUE POINT OF BEGINNING**, containing 1.467 acres more or less and being subject to all restrictions, easements, conditions and covenants, and legal highways of record.

Basis of Bearing of the foregoing description is the East Line of the East Part of Lot 4545 and the approximate West Line of the Canal Land Lease being S 04°18'58" E as recorded in Volume 21 page 146 in the Miami County Record of Lot Surveys.

Description prepared according to survey drawing by Philip C. Brumbaugh dated June 30, 2011.

Philip C. Brumbaugh
Ohio Reg. #5057

