

**MINUTES  
PIQUA CITY COMMISSION  
DECEMBER 7, 2009  
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 Hudson called the meeting to order. Also present were Commissioners Martin, Fess, Vogt, and Terry. Absent: None.

**REGULAR CITY COMMISSION MEETING**

**PRESENTATION:      2009 National Preservation Awards Ceremony  
October 15, 2009 in Nashville, TN (Ft. Piqua Plaza)**

City Manager Enderle gave a brief power point presentation on the 2009 National Preservation Awards Ceremony held in Nashville, TN on October 15, 2009.

Moved by Commissioner Terry, seconded by Commissioner Fess, that the minutes of the October 26, 2009 Piqua City Commission Work Session, and the Regular City Commission Meeting of November 16, 2009 be approved. Voice vote, Aye: Hudson, Fess, Terry, Martin, and Vogt. Nay: None.

**ORD. NO. 20-09 (1<sup>st</sup> Reading)**

An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of Certain Municipal Employees

City Manager Enderle explained the changes that were made in Schedule A of Chapter 33 and stated, as employees are retiring not all the positions are being filled at this time.

Moved by Commissioner Fess, seconded by Commissioner Terry to give Ordinance No. 20-09 a first reading. Voice vote, Aye: Hudson, Martin, Fess, Vogt and Terry. Nay: None. Motion carried unanimously.

**ORD. NO. 21-09 (1<sup>st</sup> Reading)**

An Ordinance repealing existing Chapter 33 and enacting a New Chapter 33 of the Piqua Code, relating to Employee Policy

City Manager Enderle explained the various changes in Chapter 33, which include: Employment Conditions, Vacations, Sick Leave, Funeral Leave, Insurance, and the Employee Suggestion Program.

Human Resources Director Elaine Barton explained how the vacation benefits are paid out, and that they are going to be changed starting in January 2010 with the hiring of new employees.

**Public Comment**

No one came forward to speak for or against Ordinance No. 21-09.

Moved by Commissioner Terry, seconded by Commissioner Martin, to give Ordinance No. 21-09 a first reading. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay, None. Motion carried unanimously.

**ORD. NO. 22-09 (1<sup>st</sup> Reading)**

An Ordinance to make appropriations for the City of Piqua, Ohio for the Year 2010

City Manager Enderle stated the Commissioners met in three study sessions to review the budget line by line to get a better understanding of the finances.

City Manager Enderle presented a power point presentation going over the changes in the appropriations and explaining the various steps that will be necessary to balance the budget, and some of the changes that may be necessary after the first six months if the economy does not pick up.

Commissioner Fess stated City Manager Enderle and the department heads have done an outstanding job on putting together the 2010 Budget.

Moved by Commissioner Fess, seconded by Commissioner Terry, to give Ordinance No. 22-09 a first reading. Voice vote, Aye: Martin, Vogt, Hudson, Terry, and Fess. Nay: None. Motion carried unanimously.

#### **RES. NO. R-107-09**

A Resolution establishing a City Commission 2010 calendar of meetings

Commissioner Vogt stated he would like the Commission to consider changing the day of the Commission Meetings to Tuesday if possible. Commissioner Vogt asked the other Commissioners to think about moving the meetings to the first and third Tuesday of each month. Law Director Wall explained the Piqua Charter states the Commission shall meet the first Monday in January following a regular municipal election and thereafter the commission shall meet at such times as may be prescribed by ordinance or resolution.

Commissioner Fess stated there are other meetings already scheduled for monthly meetings on Tuesday and it may interfere with them.

Commissioner Vogt just asked that the Commissioners give some thought into changing the day of the Commission Meetings.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-107-09.

Moved by Commissioner Fess, seconded by Commissioner Martin, to adopt Resolution No. R-107-09. Voice vote, Aye: Martin, Terry, Hudson, and Fess. Nay: Vogt. Motion carried on a 4-1 vote. Mayor Hudson then declared Resolution No. R-107-09 adopted on a 4-1 vote.

#### **RES. No. R-108-09**

A Resolution amending the total payment to Pohlkat, Inc. for the removal and disposal of lime residual from the Lime Lagoon at the Water Plant

Water Department Superintendent Don Freisthler explained the sludge process and what happens with the lime residual when it is taken from the lagoon. There was discussion if there would be a need for sludge removal if a new water treatment plant were to be built, how the sludge is disposed of and by whom, and what the actual cost of the sludge removal is. It was stated that farmers use the lime residual to put on their fields for their crops. The contractor the city contracts with sells the lime residual to the farmers after taking in from the plant. City Manager Enderle stated the city only contracts for the removal of the lime residual from the lagoon, what the contractor does with it is his business. City Manager Enderle further stated the city only pays for the actual amount of tonnage removed. There was discussion on the cost of the extra tonnage that was removed at this time and why it was a larger amount than usual. Mr. Freisthler explained the process that is utilized to remove and test the lime residual each time it is removed from the lagoon, and the reason for the increase in tonnage at this time.

**Public Comment**

No one came forward to speak for or against Resolution No. R-108-09.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Resolution No. R-108-09 be adopted. Roll call, Aye: Fess, Terry, and Hudson. Nay: Vogt and Martin. Motion carried on a 3-2 vote. Mayor Hudson declared Resolution No. R-108-09 adopted on a 3-2 vote.

**RES. NO. R-109-09**

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

There was discussion on the number of citizens that use the services of the Public Defender and what the criteria is to qualify for their services. Law Director Wall stated the person in need of the Public Defenders services must file an application and pay a twenty-five dollar fee to apply for Public Defender help, and that it also depends on the income of the applicant as to their eligibility.

**Public Comment**

No one came forward to speak for or against Resolution No. R-109-09 at this time.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-109-09 be adopted. Voice vote, Aye: Terry, Hudson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-109-09 adopted.

**RES. No. R-110-09**

A Resolution authorizing the City Manager to apply for membership to American Municipal Power Inc.

City Manager Enderle explained the need for the membership to the American Municipal Power.

Mayor Hudson asked what type of membership is it and what are the benefits.

Power System Superintendent Ed Krieger explained why the membership is important to the City when purchasing power, and how it is utilized in other ways to help cut costs throughout the year.

**Public Comment**

No one came forward to speak for or against Resolution No. R-110-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-110-09 be adopted. Voice vote, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-110-09 adopted.

**RES. NO. R-111-09**

A Resolution authorizing the City Purchasing Agent to purchase #2 fuel oil on the open and spot market

There was discussion on when the fuel oil is purchased, the amount of fuel purchased each time, and where it is used. It was stated that the fuel was used mostly for the testing of the equipment that is required. Several questions were asked concerning the usage of the combustion turbine generators, the reason they are put into use, and if the fuel oil goes bad if it is not used within a certain time. Mr. Krieger explained what the combustion turbine generators are used for, when they are utilized and why, and stated that the fuel oil does not go bad, but they have additives to add to the fuel if needed.

**Public Comment**

No one came forward to speak for or against Resolution No. R-111-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-111-09 be adopted. Voice vote, Aye: Hudson, Martin, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-111-09 adopted.

**RES. NO. R-112-09**

A Resolution retaining the services of Cooperative Response Center, Inc. to provide professional customer call answering and dispatch services for the City of Piqua

Commissioner Martin inquired why this contract was not put out for bids. City Manager Enderle explained this is for professional services and we send out requests for proposal. There are very few companies that do this.

Ed Krieger gave a brief explanation on the use of the call services and how it has been very helpful in covering the calls for services after hours and during outages.

**Public Comment**

No one came forward to speak for or against Resolution No. R-122-09.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-112-09 be adopted. Roll call, Aye: Fess, Vogt, Martin, Terry and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-112-09 adopted.

**RES. NO. R-113-09**

A Resolution retaining the services of Sawvel and Associates to provide professional consulting and engineering services for the City.

Commissioner Fess inquired if this resolution is for just a retainer fee or does the city pay as we utilize their services?

Ed Krieger, Power System Director stated we pay as we utilize their services. It just depends on what we need throughout the year, and it is possible we may not even reach the \$80,000 this year.

**Public Comment**

No one came forward to speak for or against Ordinance No. R-113-09.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-113-09 be adopted. Roll call, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-113-09 adopted.

**RES. NO. R-114-09**

A Resolution to approve the form and authorize the execution of power sales contracts with American Municipal Power, Inc. and taking other actions in connection therewith regarding Meldahl and Greenup Hydroelectric project participation

City Manager Enderle asked if Power System Director Ed Krieger would explain the plan and the reason for the resolution.

Mr. Krieger explained the need for the plan and stated the benefits the city would receive from this. It was noted that Piqua did not receive its full requested allocation of 6,000 kilowatts in the previous hydro projects, due to overwhelming demand for these "green" projects. Run of the river hydro projects are currently more economical than wind or solar renewable electric generation alternatives. If Piqua receive its requested allocation, over 16% of Piqua's electricity would be generated utilizing renewable resources when these projects come on line in 2014, said Mr. Krieger.

Commissioner Fess stated this would be a tremendous asset for the City of Piqua, and the more we can do to go green the better.

Commissioner Terry stated the Energy Board unanimously voted to accept the project.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-114-09.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-114-09 be adopted. Voice vote, Aye: Martin, Fess, Vogt, Terry, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-114-09 adopted.

#### **RES. NO. R-115-09**

A Resolution authorizing the City Manager to execute a labor contract with Local Union 984, Ohio Council 8, American Federation of State, County, and Municipal Employees, Clerical-Technical Unit

There was discussion of the changes in the contract, when the changes would take place, and who would be affected.

Commissioner Vogt asked if the contract had been ratified by the Union. City Manager Enderle stated yes, the contract has been ratified by the Union.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-115-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-115-09 be adopted. Voice vote, Aye: Terry, Fess, Martin, Hudson, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-115-09 adopted.

#### **RES. NO. R-116-09**

A Resolution repealing Resolution No. C-11618 and authorizing the City Manager to adopt a policy regarding use of vehicles

There was discussion on the cost savings to the city by changing the use of city vehicles at this time.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-116-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-116-09 be adopted. Voice vote, Aye: Terry, Hudson, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-116-09 adopted.

#### **OTHER**

Monthly Reports for October 2009

Monthly Reports for October 2009 were accepted.

Mike Perando, Third Street, stated the Shawnee Neighborhood Association would not be having a light-decorating contest this year due to lack of participation. Mr. Perando asked who owns the Rowan Park, and if there were any restrictions on decorating there. City Manager Enderle stated he would look into it for him.

Paul Stiefel, Boone Street, voiced his concern about the condition of some of the city street repairs that have taken place lately.

Joe Goetz, Wilshire Drive, voiced his concern about the fire hydrant being blocked on the corner of Main and Ash by the portable announcement stand that set up there during the Christmas Parade. Mr. Goetz also voiced his concern about the intersection of Broadway and Scott Streets and Wayne & High Street with the new traffic changes that have taken place at those intersections recently.

Commissioner Martin stated he has received numerous telephone calls regarding the Veterans Markers at Forest Hill Cemetery that have come up missing lately. Commissioner Fess stated the Cemetery Board is looking in to putting up permanent markers at this time, but he can call Jim Roth, Cemetery Superintendent at the Cemetery for more information.

Mayor Hudson thanked Mr. Krieger for meeting with the City Commissioners to explain the hydroelectric project. Mayor Hudson asked how many entrances are there into Piqua, and asked if someone could take a look at the entrance signs they are need of some attention and repair.

Joe Goetz came forward to remind citizens that December 7, 2009 was the anniversary of Pearl Harbor.

### **Executive Session**

Move into Executive Session to consider pending or imminent litigation

Moved by Commissioner Martin, seconded by Commissioner Terry, to move into Executive Session at 9:25 P.M. for the purpose of considering pending or imminent litigation. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Executive Session at 10:10 P.M. Voice vote, Aye: Martin, Hudson, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 10:10 P.M. Voice vote, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously.

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THOMAS D. HUDSON, MAYOR

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

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

REBECCA J. COOL  
CLERK OF COMMISSION