

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday, September 5, 2017  
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 Hinds called the meeting to order. Also present were Commissioners Wilson, Terry and Vogt. Commissioner Martin was absent. Commissioner Vogt moved to excuse Commissioner Martin from the meeting and Commissioner Wilson seconded that motion; motion carried unanimously and Mayor Hinds declared Commissioner Martin excused from the meeting.

**RESIDENCE PRIDE AWARDS**

The Summer 2017 Residence Pride Awards are as follows:

Leon & Betsy Waldsmith	808 Boone Street
Russ & Krissy Shurtz	322 Broadway Street
Lori Huebner	420 North Downing Street
Dorothy M. Fitch	1534 Edge Street
John & Evelyn Mahrt	511 Gill Street

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

APPROVAL OF MINUTES FROM THE AUGUST 15, 2017 REGULAR CITY COMMISSION MEETING

**RESOLUTION NO. R-117-17**

A RESOLUTION REAPPOINTING A MEMBER TO THE BOARD OF ZONING APPEALS

Commissioner Vogt moved for the approval of the Consent Agenda; motion seconded by Commissioner Terry; motion was carried unanimously and Mayor Hinds declared the Consent Agenda approved.

**OLD BUSINESS**

**ORDINANCE NO. 7-17 (3<sup>rd</sup> Reading)**

AN ORDINANCE TO VACATE A PORTION OF PUBLIC RIGHT-OF-WAY

Justin Sommer, Economic Development Director, spoke stating this is a request from a property owner asking to vacate an undeveloped portion of the Deerfield Subdivision. The preliminary plat for the subdivision showed zero lot line doubles on this section of Wapita Court and Wilshire Drive. The request would allow for the vacation of the preliminary plat so single family homes can be developed. This request has been before the Planning Commission and their recommendation is for approval.

**PUBLIC COMMENT**

No one came forward to speak for or against Ordinance No. 7-17.

Commissioner Vogt moved for the approval of Ordinance No. 7-17; motion seconded by Commissioner Wilson; motion was carried unanimously and Mayor Hinds declared Ordinance No. 7-17 adopted.

**RESOLUTION NO. R-112-17 – Tabled August 15, 2017**

AN EMERGENCY RESOLUTION TO AWARD A CONTRACT FOR CONSTRUCTION ADMINISTRATION AND APPLICATIONS ENGINEERING WITH CDM SMITH FOR THE WASTEWATER TREATMENT PLANT EXPANSION & UPGRADE

Commissioner Terry moved for Resolution No. R-112-17 to be removed from the table; motion seconded by Commissioner Vogt; motion was carried unanimously and Mayor Hinds declared Resolution No. R-112-17 removed from the table.

Law Director Stacy Wall spoke stating this Resolution was tabled at the August 15, 2017, meeting so that contract issues could be clarified, specifically the language. Previously the contract was written as an amendment and needed clarified that it was separate services. It was an amendment to a contract where originally CDM Smith was the designer for the Wastewater project, so this contract is separate for the construction management. The other changes that were made dealt with the scope of the project. The city wanted to be very clear in the contract that CDM Smith was the designer, so they should be extremely familiar with the project; they are extremely familiar with the design standards and the bid specs. CDM Smith is also the party responsible for putting out the bid and awarding the bid, so they are directly involved in everything thus far and should not need any kind of background or further documentation from the city. Based upon that involvement, the city wanted to be very clear it was understood there is a very high expectation of performance because CDM Smith already knows the project; they're already here at this point. The city clarified that language to make sure CDM Smith is watching daily, making sure bid specs are being performed by Peterson Construction, and if CDM Smith sees that the bid specs are no longer being complied with or being performed as specs, they are to immediately notify Peterson Construction, as well as the city, and also notify the city as to what steps are being taken to correct those mishaps or deviations from the bid specs. The city clarified some insurance language, as well as some payment terms. In tonight's packet is the contract that the city would seek to sign with one minor change. As you know, this is a long term project and there are changes in costs. In Exhibit C, language has been added that those costs would not exceed the standard cost of living, or the COLA. The city clarified that to indicate that it would not exceed at least a 3 percent change, so if the COLA comes in at 4 percent, it will not change. The Resolution is also written as an emergency for the reason that the EPA has a time frame on this project. Peterson Construction has already been awarded their contract and they are currently waiting to begin work. Peterson is waiting on their contract that CDM will issue, as well as the preconstruction meeting that takes place for them to get started and get their equipment ordered. That meeting has not taken place because the contract isn't signed.

**PUBLIC COMMENT**

No one came forward to speak for or against Resolution No. R-112-17.

Commissioner Wilson moved for the approval of Resolution No. R-112-17; motion seconded by Commissioner Terry; motion was carried unanimously and Mayor Hinds declared Resolution No. R-112-17 adopted.

## **NEW BUSINESS**

### **ORDINANCE NO. 11-17 - (1<sup>st</sup> Reading)**

AN EMERGENCY AMENDED ORDINANCE TO MAKE APPROPRIATIONS FOR THE CITY OF PIQUA, OHIO FOR THE YEAR 2017

Cynthia Holtzapple, Finance Director, spoke stating that every year about this time the city requests the supplemental appropriation. This is due in part to the requirement that the city present the annual budget in early November of 2016 before all of the project timing and costs are fully known for each year. Projects expecting to be done last year will sometimes carry over into the current year and projects this year sometimes run ahead of schedule. During the fiscal year, new grant awards and unexpected expenses do occur and the supplemental appropriation allows the city to more accurately reflect these changes to the financial statements. Exhibit A details the changes that are being requested on the amended appropriation. Many are budget neutral; the overall changes are just under \$312,000.00 and include emergency expenses or repairs of \$10,000.00 and \$30,000.00, in terms of the mausoleum and water, and also the CDBG fund, which are grant funds, a change of \$264,000.00. This includes projects moved up so that the grant may be finalized and completed this year. It is requested that the three reading rule be waived and this Ordinance be passed as an emergency so that projects may be completed and noted this year.

Commissioner Terry moved for the waiving of the three reading rule; motion seconded by Commissioner Wilson; motion was carried unanimously and Mayor Hinds declared the three reading rule waived.

### **PUBLIC COMMENT**

No one came forward to speak for or against Ordinance No. 11-17.

Commissioner Vogt moved for the approval of Ordinance No. 11-17; motion seconded by Commissioner Terry; motion was carried unanimously and Mayor Hinds declared Ordinance No. 11-17 adopted.

### **RESOLUTION NO. R-118-17**

AN EMERGENCY RESOLUTION FOR CONSENT TO AWARD A CONTRACT TO STRAND ASSOCIATES FOR CONSTRUCTION MANAGEMENT OF THE SHAWNEE NEIGHBORHOOD STORM SEWER PHASE 1

Law Director Wall spoke stating this Resolution was tabled at the last Commission meeting. The reason it was tabled was because the Commission wanted clarification on the contract language. The contract did not seem to indicate the full scope of services from Strand, as well as issues with the liability in the contract. A lot of negotiations have taken place with Strand over the last week. This project is different than what the city has had in other projects where the consultant is the designer, the awarder of the bid and the construction management. The consultant, which is Kleingers in the next Resolution, is the designer and the reviewer of all of the maps and drawings; Strand will be the construction management part of the contract; and then Milcon is the contractor. This Resolution was based upon Strand agreeing to all of the proposed changes the city made, as well as changes made by Strand to the Milcon contract to protect them, as well as a third party. The contract is contingent upon Strand agreeing to those terms. As of Friday, September 1<sup>st</sup>, everything is agreed to. The specific changes in the Strand contract related to the scope of services, regarding Strand's responsibilities, are to notify Milcon, the contractor, if they are deviating from bid specs, as well as immediately notify the city, and also inform the city what remedies are being taken by the contractor to get back to those bid specs. Indemnification language was also added regarding the standard of care and what Strand would be responsible for in terms of any issues on the job site. Language was also added that if there is a safety issue

occurring at the job site, the city and the contractor would be notified of that as well. The language proposed by Strand to Milcon also dealt with indemnification and insurance issues and they are in agreement with those issues. As of right now, all parties involved have agreed to the contract changes.

City Manager Gary Huff asked if this is a new Resolution and not the one previously tabled.

Law Director Wall explained this is a new Resolution. The tabled Resolution did not get brought back from the table because the contract changed significantly, and it was easier to do a new Resolution rather than attach one with so many changes. Also, there was an issue with Milcon that required them to agree to additional terms; and last of all, the price changed in the contract. The original Resolution did not include a contingency. There are going to be increased costs already and that's based upon the next Resolution. The original drawings from the city did not show the water lines correctly, so those drawings and specs had to be changed, which caused an increase in all parties' costs. For all of those reasons, the tabled Resolution was not brought back. This Resolution is written as an emergency because Milcon's contract has already been awarded. This project was part of a grant process for the Shawnee neighborhood and there is a lot of grant paperwork to do if the scope of the project is changed. The primary reason that the project needs done now is the project will not take very long to complete and the timing is perfect because the water levels are low, which is necessary for this project.

Commissioner Vogt asked why the contract was being questioned.

Law Director Wall spoke stating that the contract was finalized at 5:00 P.M. on Friday, September 1<sup>st</sup>. As of this meeting, the changes with Strand have all been completed. There is email confirmation from Milcon that they are okay with the changes that they need to complete.

Commissioner Wilson asked if this affects the timeline of the project.

Law Director Wall stated no, Milcon is waiting to get started, but this was just at the last Commission meeting for the first time. Once this Resolution is passed, Milcon is ready to get started with Strand, so they should be able to stay on track. With the one exception, the water line change, the entire project isn't supposed to exceed six weeks, so it should still be completed on time.

#### **PUBLIC COMMENT**

No one came forward to speak for or against Resolution No. R-118-17.

Commissioner Wilson moved for the approval of Resolution No. R-118-17; motion seconded by Commissioner Terry; motion was carried unanimously and Mayor Hinds declared Resolution No. R-118-17 adopted.

#### **RESOLUTION NO. R-119-17**

**AN EMERGENCY RESOLUTION REQUESTING AUTHORIZATION TO AMEND THE CONTRACT WITH KLEINGERS GROUP FOR ENGINEERING SERVICES FOR THE SHAWNEE NEIGHBORHOOD STORM WATER DIVERSION PROJECT**

Water Quality Coordinator Sky Schelle spoke stating the city is proposing to amend the Kleingers contract because a water line was discovered. Kleingers designed the Shawnee Storm Water project over a year ago. The construction contract was lent out to Milcon. When Milcon was on site doing some preliminary work, they noticed there was a probable conflict with a water line. The city crews did some excavation and confirmed that. It is now necessary to go back and amend the Kleingers contract so they can produce engineer drawings so Milcon can move that water line. There is a six inch water line along Cleveland Street that is in conflict with the new storm sewer, along with a one inch line that goes west down Second Street toward the levy that is going to have

to be moved. The additional cost covers the work to redo the drawings, along with estimated quantities so Milcon can give the city new costs for that work. Kleingers can have those drawings within 36 hours of all the parties signing the amended contract, which shouldn't hold the project up more than a couple days.

Commissioner Vogt asked how the city lost track of these water lines.

City Manager Huff stated that over the years water lines are not always put onto maps and sometimes they're discovered just by having construction projects. There may be a long period of time that they never were recorded somewhere, which isn't uncommon.

Commissioner Vogt asked when the water lines were originally put in.

City Manager Huff stated he doesn't remember. The city is doing things by GPS now so that there is a permanent record of those types of things.

### **PUBLIC COMMENT**

No one came forward to speak for or against Resolution No. R-119-17.

Commissioner Terry moved for the approval of Resolution No. R-119-17; motion seconded by Commissioner Wilson; motion was carried unanimously and Mayor Hinds declared Resolution No. R-119-17 adopted.

### **CITY MANAGER'S REPORT**

City Manager Huff stated that the painting of the CSX Railroad Bridge is completed.

Also, the city has been awarded \$300,000.00 for downtown façade improvements through the office of Community Development for downtown revitalization. Many thanks to Nikki Reese for her great work in obtaining those funds for the city. The city is looking forward to working with downtown businesses to help make improvements.

Captain Kevin Ganger of the Fire Department was deployed to Texas as part of Ohio Task Force 1 from the beginning of Hurricane Harvey. Currently, Captain Ganger is headed back to Piqua. Ohio Task Force 1 made numerous life-saving rescues during their deployment in the Houston area, so many thanks for the great work Ohio Task Force 1 did, especially Captain Ganger.

Last of all, as a reminder the Wastewater Treatment Plant Expansion and Upgrade Groundbreaking will take place Friday, September 8<sup>th</sup>, at 10:00 A.M. Refreshments will be served around 9:00 A.M.

### **COMMISSIONERS' COMMENTS**

Commissioner Vogt congratulated the Residence Pride winners and is thankful there are a number of people who take pride in their houses and help the city look a lot better. He further indicated there is a vacant building problem on South Street at the corner of College. It is unknown to him who mows it, but there is enough grass blown in the street that it could be baled. It's horrible that people don't have any consideration for the storm water system because that goes in there and causes problems down the road.

Commissioner Wilson stated he loves the CSX Bridge. He noted a lot of people are saying the city should put "Piqua" or an Indian head on it, but at the present time there is no plan to do anything other than leave it the nice blue paint it is, which everybody should be happy about.

Also, Commissioner Wilson stated there has been a lot of information about the upcoming election this fall. There are two commission seats and a school board seat up for election. There are nine write-in candidates for those three seats and they won't be on the ballot. Do a lot of research because that's a lot of people to figure out in two months. There are some good candidates among the group, but not all of them necessarily, so do your homework to know who you need to vote for. Take your time and try to figure out who these people are and make an intelligent decision.

Commissioner Terry congratulated the Residence Pride winners. Those houses really stand out in their neighborhoods. As for the bridge, she really likes the blue and believes it should be left as is.

City Manager Huff stated that he wanted to address the issue of putting something on the bridge. There are plans for a new entrance sign and when that goes in everybody will see why not putting something on the bridge would be best because it will really be overkill. That was the plan all along, so there is nothing going on the bridge.

Mayor Hinds reminded everyone that the Piqua Chamber of Commerce Steak Fry is the 14<sup>th</sup>, Thursday night. Tickets are available at the Chamber of Commerce and many other places around town.

Also, Bike Fest is September 15<sup>th</sup> and 16<sup>th</sup> held downtown and at the Harley dealership.

Chautauqua will be held September 19<sup>th</sup> through the 21<sup>st</sup> at the Hance Pavilion.

Piqua Compassion Network will be celebrating their 10 year anniversary on the 21<sup>st</sup> of September.

Last of all, the next Walk with the Mayor is September 26<sup>th</sup> at 6:00 P.M. Everybody should meet at the west parking lot of Verizon in front of Home Depot. The walk will be towards Hollow Park in Ward 3. Anybody who wants to join can find more information on the mayor's blog, her Facebook page or her twitter. It's a great way to get your feet on the street and see the community.

Motion made by Commissioner Vogt to adjourn the Regular Commission Meeting at 7:57 P.M.; seconded by Commissioner Wilson; motion was carried unanimously.

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KATHRYN B. HINDS, MAYOR

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

ATTEST: \_\_\_\_\_  
KIMBERLY J. HEBB  
ACTING CLERK OF COMMISSION