REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, APRIL 4, 2017
7:30 PM
COMMISSION CHAMBER – 2ND FLOOR
201 WEST WATER STREET
PIQUA, OHIO  45356

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
EXECUTIVE SESSION
a. To consider the purchase or sale of property for public purposes

ADJOURNMENT

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
   Approval of the minutes from the March 21, 2017 Regular City Commission Meeting

NEW BUSINESS

2. RES. NO. R-65-17
   A Resolution awarding a contract for the truck unloading stations for the Power System

3. RES. NO. R-66-17
   A Resolution awarding a contract for roof repairs to Piqua's Power Plant

4. RES. NO. R-67-17
   A Resolution authorizing an amendment to Zoning Map to change the Zoning Designation of
   403 and 543 Staunton Street to I-1 (Light Industrial)

5. RES. NO. R-68-17
   A Resolution approving the purchase of land by the Sanitation Department Enterprise Fund from
   the Water Department Enterprise Fund

6. RES. NO. R-69-17
   A Resolution requesting final legislation to enter into an agreement with the Ohio Department of
   Transportation (ODOT) for the Bike Path Connections Project
PUBLIC COMMENT
(This is an opportunity for citizens to address the City Commission regarding agenda items, 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.)

CITY MANAGER'S REPORT

COMMISSIONERS COMMENT

ADJOURNMENT TO EXECUTIVE SESSION

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

ADJOURNMENT
Nay: None.

MINUTES
PIQUA CITY COMMISSION
Tuesday, March 21, 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 Terry, Wilson, and Martin. Absent: Vogt. Motion carried unanimously.

Moved by Commissioner Wilson, seconded by Commissioner Martin to excuse Commissioner Vogt from the March 21, 2017 Piqua City Commission Meeting.

ANNOUNCEMENTS

No one came forward to speak at this time.

Consent Agenda

Approval of Minutes
Approval of the minutes from the March 7, 2017 Regular Piqua City Commission Meeting

RES. NO. R-53-17
A Resolution reappointing a member to the Energy Board

RES. NO. R-54-17
A Resolution reappointing a member to the Housing Council

RES. NO. R-55-17
A Resolution reappointing a member to the Housing Council


NEW BUSINESS

RES. NO. R-56-17- Public Hearing
A Resolution approving the renewal application for placement of farmland in an Agricultural District by Steven H Allenbaugh & Brenda K. Allenbaugh for parcel #N44-100640 and N44-100740 in the City of Piqua

City Manager Huff, provided the Staff Report.

This comes before the City Commission every five years as a renewal for the placement of property in an agricultural district and devoted exclusively for agricultural use as provided by Ohio Revised Code Section 929.02.

Public Comment

No one came forward to speak for or against Resolution No. R-56-17

Moved by Commissioner Martin, seconded by Commissioner Wilson to close the Public Hearing. Voice vote, Aye, Martin, Terry, Wilson, and Hinds. Nay, None.

RES. NO. R-57-17
A Resolution approving the renewal application for placement of farmland in an Agricultural District by Louise I. Crome for parcels #N44-076845, N44-077116, N44-077120, and N44-N44-099300 in the City of Piqua

City Manager Huff, provided the Staff Report.

This comes before the City Commission every five years as a renewal for the placement of property in an agricultural district and devoted exclusively for agricultural use as provided by Ohio Revised Code Section 929.02.

Public Comment

No one came forward to speak for or against Resolution No. R-57-17

Moved by Commissioner Terry, seconded by Commissioner Wilson to close the Public Hearing. Voice vote, Aye, Terry Hinds, Wilson, and Martin, Nay, None.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-57-17 be adopted. Roll call vote, Aye: Martin, Terry, Wilson, and Hinds. Nay: None. Motion carried unanimously. Mayor Hinds declared Resolution No. R-57-17 adopted.

RES. NO. R-58-17
A Resolution approving the renewal application for placement of farmland in an Agricultural District by James A. Higgen for parcel #N44-095820 in the City of Piqua

City Manager Huff, provided the Staff Report.

This comes before the City Commission every five years as a renewal for the placement of property in an agricultural district and devoted exclusively for agricultural use as provided by Ohio Revised Code Section 929.02.

Public Comment

No one came forward to speak for or against Resolution No. R-58-17

Moved by Commissioner Wilson, seconded by Commissioner Martin to close the Public Hearing. Voice vote, Aye, Terry Hinds, Wilson, and Martin, Nay, None.


RES. NO. R-59-17
A Resolution authorizing the City Manager to enter into an agreement to permit the usage of a portion of Fountain Park by the Miami Valley Corvette Club

Chris Schmieg, City Planner, provided the Staff Report.

The Miami Valley Corvette Club has requested the use of Fountain Park for a car show. The event will be open to the public and the display area will primarily occupy a shaded grassy area between the dining hall and Hance Pavilion.

Public Comment

Steve Gregerson, President of Miami Valley Corvette Club, came forward and provided additional information on their request for the use of Fountain Park for the car show.

RES. NO. R-60-17
A Resolution authorizing the City Manager to enter into an agreement to permit the usage of a portion Lock Nine Park and Linear Park to Mainstreet Piqua

Chris Schmiesing, City Planner, provided the Staff Report.

The event organizers of Down a River Down a Beer- Recreational Trail Celebration collaborates with local supporters to organize and provide a quality outdoor beer and food tasting event that offers an opportunity to experience and or witness canoeing, kayaking, and stand up paddle boarding on the Great Miami River Water Trail, and demonstration of cycling equipment on the recreational trail.

Lock Nine will be going thru some changes this year but the event will still be held.

PUBLIC COMMENT

Dr. Jim Burkhardt, applicant for Down the River, Down a Beer came forward and provided additional information on the event. Mr. Burkhardt added there will be quite a variety of beers for tasting, further stating wine will also be available.

Commissioner Wilson asked several questions regarding the event with all questions answered.

Mayor Hinds stated it is wonderful to see all the people outside the community attend, and have other communities talk about this event.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-60-17 be adopted. Voice vote, Aye: Terry, Wilson, Martin, and Hinds. Nay: None. Motion carried unanimously. Mayor Hinds declared Resolution No. R-60-17 adopted.

RES. NO. R-61-17
A Resolution authorizing a contract with Gamble Associates Architecture + Urban Planning to perform Professional Design Services for the Lock Nine Park Renaissance project

Chris Schmiesing, City Planner, provided the Staff Report.

The redesign of the Lock Nine Park area to be a signature public space is identified as a key catalytic action in the Piqua Riverfront District Development Strategy. Gamble Associates Architecture + Urban Planning completed the design development work and the initial phase of preparing the construction drawings and specifications for the Lock Nine Renaissance Project.

David Gamble, Architect, Urban Planner for Gamble Associates came forward and provided additional information regarding the project. Mr. Gamble pointed out several of the designs in the Model of the Lock Nine Park Area that was sitting in the front of the Commission Chambers.

Kristen Booker, of Gamble Associate also provided additional information the project stating part of the Lock will be revealed and explained the various area on the model.

Some of the design elements include unearthing and exposing the historic canal, terracing part of the park area, upper and lower water interactive features. The Bike Path will also be enhanced to provide better connection and access to the downtown, stated Mr. Gamble.
Commissioners asked several questions regarding the Bike Path, the river bank area, bike access, and various other questions relating to the project. Mr. Gamble and City Manager Huff answered all questions.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. 61-17 at this time.


RES. NO. R 62-17
A Resolution requesting authorization to enter into an agreement with Fishbeck, Thompson, Carr & Huber, Inc. to perform engineering detail design work on the Wastewater Pump Stations

Chris Melvin, Wastewater Treatment Superintendent, provided the Staff Report.

This is the next step needed before the updating/construction phase(s) of the wastewater lift stations. They include Miami Valley Centre Mall Pump Station, Orchard Drive Pump Station, Maplewood Drive Pump Station, Candlewood Pump Station, and Stratford Drive Pump Station. If approved as they complete the detailed design, they will continue to pursue a grant and/or loan through the Ohio Public Works Commission. These are all aging pump stations and need to be updated, stated Mr. Melvin.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-62-17 at this time.


RES. NO. R-63-17
An Emergency Resolution requesting authorization to purchase the real property and building(s) located at 9480 N. State Route 66, Parcel No. M40-046700, payable to Miami County Sheriff’s Office, in the amount not to exceed $10,000.00

Don Freisthler, Water System Superintendent, provided the Staff Report.

In September 2014 the Commission passed Resolution No. R-94-14 to purchase the property located at 9500 N. St. Rt. 66. The property at 9480 N. St. Rt. 66 is adjacent to this property and has been abandoned for quite some time. The Miami County Treasury has a foreclosure action against the property in the Miami County Court of Common Pleas, and the property was ordered to be sold at Sheriff’s Sale on March 29, 2017. This will give the City full ownership of the entire low area just north of the existing water plant. This an emergency Resolution because of the date of the Sheriff sale on March 29, 2017, stated Mr. Freisthler.

Commissioners asked several questions; Mr. Freisthler and City Manager Huff answered all questions.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-63-17.

RES. NO. R-64-17
A Resolution authorizing the City Manager to join litigation to challenge Substitute Senate Bill 331

City Manager Huff provided the Staff Report.

Substitute Senate Bill 331 will allow telecommunication companies to place small cell towers anywhere within the public right of way of municipalities without any oversight from the local government. Cities will have to provide the telecommunication companies access to city-owned poles and other structures in the public right of way without having to follow any guidelines in regards to aesthetics or safety. Substitute Senate Bill 331 became effective on Tuesday. City Manager Huff stated the city is not opposed to telecommunication companies locating their small cell towers or poles within the city, but the city would like to be able to work with those companies and establish guidelines.

Law Director Stacy Wall provided additional information regarding Substitute Senate Bill 331. There are 39 communities so far in litigation.

Public Comment

No one came forward to speak for or against Resolution No. R-64-17 at this time.


PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-52-17 at this time.


PUBLIC COMMENT

Ruth Koon, Chairman of the Mainstreet Beautification Committee came forward and asked for the City Commissions blessings to start a committee to focus on the grassy slopes on US Route 36/Ash Street on the way into town. "I think it is important on (US Route 36) that we look our best", stated Mrs. Koon.

Mayor Hinds thanked Mrs. Koon for her plan to work on the Route 36 area.

City Manager's Report

City Manager Huff introduces two new City Employees. Britney Van Horn, Public Relations Coordinator providing a brief overview of her responsibilities. Skye Schelle, Water Resource Coordinator and provided a brief overview of his responsibilities. City Manager Huff welcomed both to the City Staff.

City Manager Huff stated they are working the repairs and removal of the raccoons at the Hance Pavilion.

City Manager Huff stated the transfer of the ownership of the WOTVC has been completed from the City to the Piqua City Schools.

City Manager Huff stated the city is moving forward on the Solar Power Panels being installed to benefit the City's power output.
Commissioners Comments

Mayor Hinds stated she is extending her thoughts and prayers to the family of Robert Shook who passed away. Mr. Shook was very instrumental in many activities in Miami County and will be missed.

Mayor Hinds reminded citizens the weather is getting nice, and there people are getting out biking and walking in the community, and to watch for them.

Mayor Hinds also announced a new law was passed recently on passing bicyclist stating there should be three feet between the bike and the auto when passing.

Mayor Hinds thanked Can’t Stop Running for hosting the Deer Run on March 17, 2017. There were over 400 people who participated in the run, and over 650 were registered. Mayor Hinds also thanked the Police Department for their support.

Mayor Hinds there will be a meeting in the future to talk about filling the vacant shops on Mainstreet, and encouraged citizens to attend the Small Business Workshop coming up on March 28.

Mayor Hinds announced she will be speaking at the River Summit in Dayton on March 24th, 2017.

Mayor Hinds stated there will be an Active Living Champion Meeting on March 29, at 4:00 P. M. in the Piqua Commission Chambers and encouraged citizens to attend.

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Regular Commission Meeting at 8:35 P.M. Voice vote, Aye: Martin, Wilson, Terry, and Hinds. Nay, None.

______________________________
KATHRYN B. HINDS, MAYOR

PASSED: _______________________

ATTEST: _______________________
REBECCA J. COOL
CLERK OF COMMISSION
RESOLUTION NO. R-65-17

A RESOLUTION AWARDING A CONTRACT
FOR THE TRUCK UNLOADING STATIONS
FOR THE POWER SYSTEM

WHEREAS, the present operations of the City require the construction of
truck unloading stations for the Power System; 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 with M&T Excavating, LLC for the purpose of
construction of the truck unloading stations is hereby approved as the lowest,
responsible bidder and the City Manager is hereby authorized to execute a contract
with said bidder pursuant to contract specifications;

SEC. 2: The Finance Director certifies that funds are available and is
hereby authorized to draw her warrant from time to time on the appropriate account
of the city treasury according to contract terms, not exceeding a total of $96,000.

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

______________________________
KATHRYN B. HINDS, MAYOR

PASSED: _______________________

ATTEST: _______________________
REBECCA J. COOL
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by_______________________
seconded by____________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds
Commissioner John Martin
Commissioner William Vogt
Commissioner Joseph Wilson
Commissioner Judy Terry
# Commission Agenda
## Staff Report

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 4, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AWARDING A CONTRACT FOR THE TRUCK UNLOADING STATIONS FOR THE POWER SYSTEM</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: Ed Krieger, Power System Director  
Department: Power System |
| AGENDA CLASSIFICATION | ☑Consent  
☐Ordinance  
☑Resolution  
☐Regular |
| APPROVALS/REVIEWS | ☑City Manager  
☐Asst. City Manager/Finance  
☐Asst. City Manager/Development  
☐Law Director  
☑Department Director  
☐Other: Energy Board |
| BACKGROUND | Piqua’s recently updated and re-certified Spill Prevention Control and Countermeasure Plan requires the Power System to construct fuel truck unloading stations to ensure any potential fuel spill is contained during the loading of the gas turbine fuel tanks. The Power System received bids for these improvements on March 22, 2017. The bid documents were sent to twelve contractors, as well as being publicly advertised. M&T Excavating provided the sole bid for this work. However, their bid was below that of estimates previously provided by another local contractor. M&T met all the requirements and specifications of building the stations at a cost of $79,171. The Power System is requesting authorization to enter into a contract with M&T Excavating to build two fuel unloading stations for a not to exceed price of $96,000, which includes a 20% contingency to accommodate any potential unforeseen conditions. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $96,000  
Expenditure $: $96,000  
Source of Funds: Power System (401-000-190-3313)  
Narrative: As this project was identified after the 2017 budget process was completed, funds will be drawn from other budgeted capital accounts and those corresponding projects will be delayed to 2018. |
<table>
<thead>
<tr>
<th>OPTIONS</th>
<th>Approve Resolution No. R-65-17 awarding a contract to M&amp;T Excavating, LLC for construction of the fuel truck unloading stations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Do not approve Resolution No. R-65-17 and provide staff with further direction.</td>
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<tr>
<th>PROJECT TIMELINE</th>
<th>M&amp;T Excavating has a required completion date of July 31, 2017.</th>
</tr>
</thead>
</table>

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<thead>
<tr>
<th>REASON FOR SELECTING CONSULTANT/COMPANY</th>
<th>M&amp;T Excavating was the sole bidder and met all the required criteria. We have used M&amp;T in the past and have been very satisfied with their work.</th>
</tr>
</thead>
</table>

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<tr>
<th>STAFF RECOMMENDATION</th>
<th>Approve Resolution No. R-65-17 awarding a contract to M&amp;T Excavating for the construction of the truck unloading stations at a cost not to exceed $96,000.</th>
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</thead>
</table>

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<tr>
<th>ATTACHMENTS</th>
<th>Truck Unloading Stations Project Bid Tabulation SSOE Bid Review &amp; Recommendation</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Site</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site #1 - 9020 N. Count Rd. 25A</td>
<td>Substation #5</td>
<td>$20,000</td>
</tr>
<tr>
<td>Site #2 - 919 S. Main St.</td>
<td>Substation #4</td>
<td>$30,000</td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td>$50,000</td>
</tr>
</tbody>
</table>

No alternates included
March 23, 2017

Mr. Ed Krieger  RE: Truck Unloading Stations
Power System Director  Bid Review and
City of Piqua  Recommendation
201 Hemm Avenue  Contract No. 016-01694-00
Piqua, Ohio 45356-3805

Dear Mr. Krieger:

Bids were received and opened for Contract No. 016-01694-00 — Truck Unloading Stations. The scope of work for the contract consists of adding fuel oil truck unloading stations at the following two (2) sites:

a. Site #1 (9020 North County Road 25A — Piqua Substation #5)

b. Site #2 (915 South Main Street — Piqua Substation #4)

One bid was received from M&T Excavating LLC (M&T) of Bradford, Ohio. M&T’s price is $79,171.00. A copy of M&T’s bid is attached. M&T provided a bid bond and did not take any exceptions to the plans and specifications. M&T did complete and submit the following requested forms:

- Affidavit in Compliance with Section 3517.13 of the Ohio Revised Code
- Delinquent Personal Property Taxes Affidavit of Bidder
- Non Collusion Affidavit of Bidder

M&T has worked for the City of Piqua (City) when it constructed the existing Piqua Power System facility at 200 Hemm Avenue. SSOE understands that M&T’s performance on that project was satisfactory.

The specification requires that the project be done by July 31, 2017. M&T has proposed a schedule of twenty (20) days from Notice to Proceed to completion of the project. M&T’s schedule is acceptable.

SSOE recommends that Contract No. 016-01694-00 be awarded to M&T for the price of $79,171.00. Attached is a Notice of Award based upon awarding the contract to M&T. If the City agrees with SSOE’s recommendation then we request that the City sign and date the attached Notice of Award and return it to SSOE. SSOE will then prepare the contract documents for signing by M&T.
Mr. Ed Krieger  
City of Piqua  
March 23, 2017  
Page 2 of 2

The Truck Unloading Stations Project entails excavating and as such may reveal unforeseen conditions that could require changes. SSOE believes that the project should have a 20% contingency allowance to accommodate any possible changes. Therefore, SSOE recommends that overall funding for the Truck Unloading Stations Project be set at $96,000 in order to accommodate possible changes.

Please contact me should you have any questions or require any further information.

Sincerely,

SSOE

[Signature]

Tom Fitzpatrick, PE, PMP  
Senior Project Manager

cc: Tim Angle – City of Piqua  
Gerald Hoffman, PE - SSOE
RESOLUTION NO. R-66-17

A RESOLUTION AWARDING A CONTRACT
FOR ROOF REPAIRS TO PIQUA’S POWER PLANT

WHEREAS, the present operations of the City require roof repairs to Piqua’s Power Plant for the Power System; 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 with WRI Applications, LLC for the purpose of completing roofing repairs at Piqua’s Power Plant is hereby approved as the lowest, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications;

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrant from time to time on the appropriate account of the city treasury according to contract terms, not exceeding a total of $40,000.

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

__________________________
KATHRYN B. HINDS, MAYOR

PASSED: ______________________

ATTEST: ______________________
REBECCA J. COOL
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by ______________________
seconded by ______________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds _________
Commissioner John Martin _________
Commissioner William Vogt _________
Commissioner Joseph Wilson _________
Commissioner Judy Terry _________.
<table>
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<tr>
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<th>April 4, 2017</th>
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<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AWARDING A CONTRACT FOR ROOF REPAIRS TO PIQUA’S POWER PLANT</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name &amp; Title: Ed Krieger, Power System Director Department: Power System</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>☑ Consent ☐ Ordinance ☑ Resolution ☐ Regular</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>☑ City Manager ☐ Asst. City Manager/Finance ☑ Asst. City Manager/Development ☐ Law Director ☑ Department Director ☑ Other: Energy Board</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>For the past 3 years the Power System has been actively making repairs to the roof at Piqua’s Power Plant. This initiative will help to extend the life of the plant and reduce overall maintenance expenses. This project was publicly advertised and bids were received on March 20, 2017. The bid specification includes a “foam type” roofing system with a polyurea coating, matching the system utilized the past three years. The lowest bid meeting the minimum bid specification was received from WRI Applications. The Power System is requesting authorization to enter into a contract with WRI Applications for roof repairs at the Power Plant for a not to exceed price of $40,000, which includes a contingency of 11.5% to accommodate any potential unforeseen conditions.</td>
</tr>
<tr>
<td>BUDGETING AND</td>
<td>Budgeted $: $40,000 Expenditure $: $40,000</td>
</tr>
<tr>
<td>FINANCIAL IMPACT</td>
<td>Source of Funds: Power System (401-202-511-7553)</td>
</tr>
<tr>
<td>Narrative:</td>
<td>Completion of repairs to this section of the Power Plant roof allows the Power System to continue its plan of completing all repairs to the Power Plant roof over a six year time frame.</td>
</tr>
</tbody>
</table>
| OPTIONS | 1. Approve Resolution No. R-66-17 awarding a contract to WRI Applications, LLC for roof repairs to the Power Plant.  

2. Do not approve Resolution No. R-66-17 and provide staff with further direction. |

| PROJECT TIMELINE | WRI Roofing has a required completion date of July 31, 2017. |

| REASON FOR SELECTING CONSULTANT/COMPANY | WRI Applications was the lowest bidder meeting the project criteria. WRI Applications has completed other repairs to the roof on Piqua’s Power Plant and we are very satisfied with their work and product. |

| STAFF RECOMMENDATION | Approve Resolution No. R-66-17 awarding a contract to WRI Applications, LLC for roof repairs to Piqua’s Power Plant at a cost not to exceed $40,000. |

| ATTACHMENTS | Power Plant Roof Repair Bid Tabulation |
IFB # 1712  
Power Plant roof repair  
Opened 3/20/17 at 2:00 p.m.

<table>
<thead>
<tr>
<th></th>
<th>Insulated Roofing Systems</th>
<th>WRI Applications</th>
<th>Kerrigan Roofing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tipp City, OH</td>
<td>Piqua, OH</td>
<td>Xenia, OH</td>
</tr>
<tr>
<td>Total cost of roof repair on the Power plant (includes labor and materials)</td>
<td>$69,900.00</td>
<td>$35,870.00</td>
<td>$33,689.96</td>
</tr>
<tr>
<td>Number of days to complete the work</td>
<td>5</td>
<td>9</td>
<td>12</td>
</tr>
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*DOES NOT MEET MINIMUM BID SPECIFICATIONS*
RESOLUTION NO. R-67-17

A RESOLUTION AUTHORIZING AN AMENDMENT TO ZONING MAP TO CHANGE THE ZONING DESIGNATION OF 430 AND 543 STAUNTON STREET TO I-1 (LIGHT INDUSTRIAL)

WHEREAS, the Planning Commission has studied a proposed amendment to the zoning map to change the zoning designation of 430 and 543 Staunton Street to I-1 (Light Industrial); and

WHEREAS, the Planning Commission has conducted a public hearing and made a report of its findings; and

WHEREAS, the Planning Commission has submitted a recommendation to the City Commission;

WHEREAS, the City of Piqua Charter Section 154.141 directs the Commission to take action on zoning amendment recommendations received from the Planning Commission at their next regularly scheduled meeting; and

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

SEC. 1: The zoning designation of I-1 (Light Industrial) for 430 and 543 Staunton Street is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to assign a zoning designation of I-1 (Light Industrial) for 430 and 543 Staunton Street, and the City Planner is hereby authorized to make said change on the original zoning map.

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

KATHRYN B. HINDS, MAYOR

PASSED: ________________________

ATTEST: ________________________

REBECCA J. COOL
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _________________
seconded by _________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds
Commissioner John Martin
Commissioner William Vogt
Commissioner Joseph Wilson
Commissioner Judy Terry
## Commission Agenda
### Staff Report

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<td>A RESOLUTION AUTHORIZING AN AMENDMENT TO ZONING MAP TO CHANGE THE ZONING DESIGNATION OF 430 AND 543 STAUNTON STREET TO I-1 (LIGHT INDUSTRY)</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: Chris Schmiesing, City Planner  
Department: Development Department |
| AGENDA CLASSIFICATION | ☒ Consent  
☐ Ordinance  
☒ Resolution  
☐ Regular |
| APPROVALS/REVIEWS | ☒ City Manager  
☐ Asst. City Manager/Finance  
☒ Asst. City Manager/Development  
☐ Law Director  
☒ Department Director; Power  
☒ City Planner |
| BACKGROUND | The applicant has petitioned to change the zoning of the subject property to more accurately reflect the planned solar array field special use of the property. A review of the Comprehensive Plan and Zoning Code, and the testimony provided at a public hearing concerning this matter, has resulted in the Planning Commission finding that the request is consistent with adopted community land use policy and plans. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $:  
Expenditure $:  
Source of Funds: |
| (Includes project costs and funding sources) | Narrative: The Planning Commission has conducted a public hearing and recommended approval of the proposed zoning change. |
| OPTIONS | 1. Adopt the resolution to authorize the zoning change  
2. Defeat the resolution to reject the zoning change. |
| (Include Deny/Approval Option) | |
| PROJECT TIMELINE | April 4, 2017 – City Commission authorize zoning change |
| STAFF RECOMMENDATION | Approve resolution |
| REASON FOR SELECTING CONSULTANT/COMPANY | N/A |
| ATTACHMENTS | Applicant submittals; Planning Commission recommendation |
RESOLUTION No. PC 07-17

WHEREAS, Piqua City Schools, Mary Heckman owners of the subject property located at 430 and 543 Staunton Street in the City of Piqua, Ohio, has submitted a request to change the zoning designation of parcels N44-099463 & N44-099460 from One-Family Residential R-1 to I-1 Light Industrial; 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 [Insert name] hereby moves to recommend [Approval or Denial] 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 [Insert name], and the voting record on this motion is hereby recorded as follows.

<table>
<thead>
<tr>
<th>AYE</th>
<th>MAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
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</thead>
<tbody>
<tr>
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</table>

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above [Resolution PC 07-17] is a true, accurate and correct copy of [Resolution PC 07-17] passed by the Commission of the City of Piqua, Ohio, on the [14th day of] [Month], [2017].

[Signature]
CLERK OF COMMISSION
CITY OF PIQUA, OHIO

Application for Zoning Change

1. Applicant's Name __________ Phone 937-778-2077
   Applicant's Address 201 HEALM AVE, PIQUA OH 45356

2. Owner's Name __________ Phone __________
   Owner's Address __________

3. Type of legal Interest held by applicant: NONE - EXPLORING PURCHASE FOR DEVELOPMENT

4. Location of Rezoning request
   A. Legal description (Lot No. or attach legal description) SEE ATTACHED
   B. Address __________

5. Existing zoning __________

6. Existing usage VACANT SCHOOL LOT / FARM FIELD

7. Proposed zoning __________

8. Proposed usage SOLAR FIELD

9. Is this "Request for Zoning" contingent upon annexation? Y __ N __

10. Describe the reason for the requested rezoning: DEVELOP SOLAR FIELD

11. Has a Rezoning Request for this location been made before? Y __ N __
    If yes, give date of previous application __________

12. No. of site plans submitted (16 required UNLESS waived) __________

I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws of the City of Piqua, Ohio.

Signature of Applicant __________ Date 2-21-17

Signature of Owner __________ Date __________

Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

*********************************************************************************** OFFICE USE ONLY  ***********************************************************************************

100-00
$50.00 Fee paid __________ Date fee paid __________
Receipt no. __________ P.C. Res. no. __________
From: Ed Krieger  
Sent: Friday, February 24, 2017 12:22 PM  
To: Chris Schmiesing <csschmiesing@piquah.org>  
Subject: Solar Picture

Chris,

This picture is from an installation in Bowling Green several times larger than what is proposed in Piqua.

As I mentioned, I hope to get a few pictures more to the scale of our proposed site.

Thanks,
Ed
From: Ed Krieger  
Sent: Friday, February 24, 2017 12:47 PM  
To: Chris Schmiesing <cschmiesing@piquaoh.org>  
Subject: MOre Solar Pictures  

Per my earlier email.  

Ed  

From: Doug Garvey  
Sent: Friday, February 24, 2017 12:39 PM  
To: Ed Krieger  
Subject: Solar Pictures  

Ed,  

Attached is a few pictures of the project in Front Royal, VA. This is a 2.5 MW project which will be bigger then Staunton St. but smaller then Manler Ave. The first picture is the start of module installation and the other is an overview shot of the racking and piles installed.  

Thanks.  

Doug Garvey, P.E.  
Project Engineer-Hydro  
American Municipal Power, Inc.  
1111 Schrock Road, Suite 100  
Columbus, OH 43229  
614-403-2507 (Mobile)  
614-540-0854 (Office)
RESOLUTION NO. R-68-17

A RESOLUTION APPROVING THE PURCHASE
OF LAND BY THE SANITATION DEPARTMENT ENTERPRISE FUND
FROM THE WATER DEPARTMENT ENTERPRISE FUND

WHEREAS, Parcel No. N44-250063 is located on R M Davis Parkway in Piqua, Miami County, Ohio, and was purchased in 2001 by the City of Piqua, utilizing Water Department funds; and

WHEREAS, the Health and Sanitation Department desires a property to build a new garage and office facility and has budgeted in 2017 for the property acquisition; and

WHEREAS, the Water Department has no use for approximately 2.5 acres of land west of the water tower.

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

SECTION 1. The City Manager is hereby authorized to permit the Sanitation Department Enterprise Fund to purchase 2.5 acres of Parcel No. N44-250063 from the Water Department Enterprise Fund for an amount not to exceed $53,425.

SECTION 2. The Finance Director certifies and warrants that the funds are available.

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

KATHRYN B. HINDS, MAYOR

PASSED: ________________________

ATTEST: _______________________

REBECCA J. COOL
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _______________________
seconded by ______________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds   _________
Commissioner John Martin  _________
Commissioner William Vogt  _________
Commissioner Joseph Wilson _________
Commissioner Judy Terry    _________
**Commission Agenda**

**Staff Report**

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 4, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A Resolution Approving the Purchase of Land by the Sanitation Department</td>
</tr>
<tr>
<td>(Should match resolution/ordinance title)</td>
<td></td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name &amp; Title: Amy Welker, Director of Health &amp; Sanitation Department: Sanitation</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>☐Consent ☐Ordinance X Resolution ☐Regular</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>X City Manager X Asst. City Manager/Finance</td>
</tr>
<tr>
<td></td>
<td>X Asst. City Manager/Development X Law Director</td>
</tr>
<tr>
<td></td>
<td>X Department Director; ☐Other:</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>On October 17, 2013, the Sanitation Dept. hosted the City Commission and Dept. Head Coffee Meeting to discuss the condition of the department facilities. Commissioners had an opportunity to see the deteriorating conditions and the need for more suitable facilities. The department began planning for a new facility and presented that project in the 2016 budget, which was approved by the City Commission. Throughout 2016, staff pursued various properties to locate the new facility, but to no avail. Recently, the availability of the R M Davis location was discussed, with all staff agreeing this would be a good use of the land already owned by the City.</td>
</tr>
<tr>
<td>BUDGETING AND FINANCIAL IMPACT</td>
<td>Budgeted $: 200,000 Expenditure $: 53,425 Source of Funds: Sanitation Dept. Reserve Narrative: This purchase is well under the budgeted amount for land acquisition.</td>
</tr>
<tr>
<td>(Includes project costs and funding sources)</td>
<td></td>
</tr>
<tr>
<td>OPTIONS</td>
<td>1. Approve the Resolution. 2. Do not approve the Resolution and provide staff with further direction.</td>
</tr>
<tr>
<td>(Include Deny/Approval Option)</td>
<td></td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>This Resolution would be the first step in the building project. City Commission could then expect to see more information in the future for design, construction management, and final construction as the project progresses.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the Resolution to purchase this land and move the building project forward.</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NO. R-69-17

A RESOLUTION REQUESTING FINAL LEGISLATION TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE BIKE PATH CONNECTIONS PROJECT

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

To construct short segments of multi-use trails at both ends of the project to connect the existing rail facilities to the existing street improvements, make the necessary improvements along the two street corridors to designate the bike route and enhance the pedestrian pathways, street improvements include modest curb, sidewalk, drainage and pavement base repairs, new surface asphalt, signage, pavement markers, and tree plantings on Garnsey Street from the Great Miami River Recreational Trail to Mote Park and Commercial Street from Garnsey Street to Piqua Activity Trail, plus or minus, 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, if curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, the future maintenance of installed sidewalk curb ramps shall be the responsibility of the City.

The share of the cost of the LPA is now estimated in the amount of Two Hundred Thirty Four Thousand One Hundred Thirty Eight and - - - 00/100 Dollars, ($234,138.00). For the purpose of this resolution, a 10% contingency has been added to the local share bringing the total to Two Hundred Fifty Seven Thousand Five Hundred and Fifty Two and - - - 00/100 Dollars ($257,552.00), 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 Two Hundred Fifty Seven Thousand Five Hundred and Fifty Two and - - - 00/100 Dollars ($257,552.00) 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. 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 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.

____________________________________
KATHRYN B. HINDS, MAYOR

PASSED: ________________________

ATTEST: _________________________
REBECCA J. COOL
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by____________________

seconded by____________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds __________ Commissioner John Martin __________

Commissioner William Vogt __________ Commissioner Joseph Wilson __________

Commissioner Judy - erry __________
### REPORT TITLE
A resolution requesting final legislation to enter into an agreement with the Ohio Department of Transportation (ODOT) for the Bike Path Connections Project.

### SUBMITTED BY
Name & Title: Amy L. Havenar, P.E., City Engineer  
Department: Engineering

### AGENDA CLASSIFICATION
- [ ] Consent  
- [ ] Ordinance  
- [x] Resolution  
- [ ] Regular

### APPROVALS/REVIEWS
- [x] City Manager  
- [ ] Asst. City Manager/Finance  
- [ ] Asst. City Manager/Development  
- [ ] Law Director  
- [ ] Department Director  
- [ ] Other:

### BACKGROUND
On February 15, 2011, City Commission passed a resolution authorizing the City Manager to enter into a preliminary agreement with ODOT for the Garnsey Street/Commercial Street Corridor Project. The City then engaged consultants to begin the detailed design, the environmental documents, and the right-of-way acquisition.

The project will consist of the construction of short segments of multi-use trails at both ends of the project to connect the existing trail facilities to the existing street improvements. The project will also make the necessary improvements along the street corridors to designate the bike route and enhance the pedestrian pathways, as well as the realignment of the intersection at Garnsey/Roosevelt/College.

### BUDGETING AND FINANCIAL IMPACT
Budgeted $: $257,552  
Expenditure $: $257,552 (includes a 10% contingency)

**Source of Funds:**
- 103 Fund (Street Income Tax)
- FHWA Grant (MVRPC)

**Narrative:**
The City has received funding from the Federal Highway Administration through the Miami Valley Regional Planning Commission in the amount up to $421,462 for this project.

While the bids are not in yet for this project, the estimated construction cost at this time is approximately $656,000. The estimated local portion of the project is approximately $257,552, which includes a 10% contingency. If the actual bids come in higher, the local portion will increase. If the bids come in lower than the estimate, the local portion will decrease.
<table>
<thead>
<tr>
<th>OPTIONS (Include Deny/Approval Option)</th>
<th>1. Approve the resolution to enter into an agreement with ODOT and complete the Bike Path Connections Project.</th>
<th>2. Deny the resolution, return the money, and do not proceed with the project.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT TIMELINE</td>
<td>The anticipated schedule is for the construction to being in June of 2017.</td>
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</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approval of the Resolution to enter into an agreement with ODOT to allow for the Garnsey Street/Commercial Street Corridor Bike Route Project to proceed.</td>
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</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Contract (Exhibit A)</td>
<td></td>
</tr>
</tbody>
</table>
Exhibit A

PID No. 88228
ODOT Project No. (2017)

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:

To construct short segments of multi-use trails at both ends of the project to connect the existing trail facilities to the existing street improvements, make the necessary improvements along the two street corridors to designate the bike route and enhance the pedestrian pathways, street improvements include modest curb, sidewalk, drainage and pavement base repairs, new surface asphalt, signage, pavement markers, and tree plantings on Garnsey Street from the Great Miami River Recreational Trail to Mote Park and Commercial Street from Garnsey Street to Piqua Activity Trail, plus or minus, 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 Two Hundred Thirty Four Thousand One Hundred Thirty Eight and - - - - 00/100 Dollars, ($234,138.00).

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 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, if curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, the future maintenance of installed sidewalk curb ramps shall be the responsibility of the City.

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.

ATTACH SEAL
HERE (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: ________________________