REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, JANUARY 15, 2019
6:00 PM
COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET - PIQUA, OHIO 45356

CALL TO ORDER

THE PLEDGE OF ALLEGIANCE

ROLL CALL OF PIQUA CITY COMMISSION

ANNOUNCEMENTS

PRESENTATION - FRIENDS OF THE PIQUA LIBRARY

PROCLAMATION - HONORING REBECCA J. COOL

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
   Approval of minutes from the December 18, 2018 Regular City Commission Meeting

2. RES. NO. R-1-19
   A Resolution appointing Jessica Morgan Stein as substitute Clerk of Commission for the City of Piqua

3. RES. NO. R-2-19
   A Resolution of Appreciation for the Public Service of Rebecca J. Cool as a City Employee

NEW BUSINESS

4. RES. NO. R-3-19
   A Resolution authorizing a purchase order to Barrett Paving Materials Inc. as the primary supplier, and Valley Asphalt Corporation as the secondary supplier of hot mix for the 2019 Street and Alley Maintenance Program

5. RES. NO. R-4-19
   A Resolution for consent to apply for, accept, and enter into a Water Supply Revolving Loan Account Agreement for Asset Management Planning and designating a dedicated repayment source for the loan

6. RES. NO. R-5-19
   A Resolution authorizing the City Manager to execute a contract to employ Frank J. Patrizio as Law Director and McCulloch Feiger Fite and Gutmann Co., L.P.A. as Legal Counsel for the City of Piqua

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

1. To consider pending or imminent litigation

ADJOURNMENT
MINUTES
PIQUA CITY COMMISSION
Tuesday, December 18, 2018
6:00 P.M.

Piqua City Commission met at 6:00 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 Lee, Short, Martin and Vogt. Absent: None.

ANNOUNCEMENTS

City Manager Huff welcomed Frank Patrizio who is sitting in as Law Director for a period of time.

No one came forward at this time.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the Minutes from the December 4, 2018 Regular City Commission Meeting.

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

OLD BUSINESS

ORDINANCE NO. 16-18 3rd 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 TOWAGES OF CERTAIN MUNICIPAL EMPLOYEES

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

This is the third and final reading of Ordinance No. 16-18. Schedule A covers the salaries of full-time non-union employees. There are six steps in each of the classifications, and each step has been increased by 2% beginning January 1, 2019.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 16-18.


ORDINANCE NO. 17-18 2nd Reading
AN ORDINANCE REPEALING SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA CODE AND ADOPTING A NEW SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL EMPLOYEES

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

This is the third reading of Ordinance No. 17-18. Schedule A-1 covers part-time, seasonal, and temporary employees. The wages for certain employees will be adjusted in accordance with State Minimum wage requirements. Two new titles/positions have been added to reflect specific, seasonal duties and they include Harvest Operator and Seasonal Greens Superintendent.
PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 17-18.


ORDINANCE NO. 18-18 2nd READING
AN ORDINANCE REPEALING CHAPTER 33.08 AND ENACTING A NEW CHAPTER 33.08 OF THE PIQUA CODE, RELATING TO EMPLOYEE INSURANCE

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

This is the third reading of Ordinance No. 18-18. This ordinance updates Chapter 33.08 of the Piqua Code to set the new benefit year for employee health insurance for 2019, and there have been no changes this year.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 18-18.


ORDINANCE NO. 19-18 2nd READING
AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CITY OF PIQUA, OHIO FOR THE YEAR 2019

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

This is the third of three readings of Ordinance No. R-19-18. The City Commission reviewed the Department Budgets on November 13, 2018. The City is required to present and pass the 2019 Annual Budget by the end of the 2018 year.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 19-18.


ORDINANCE NO. 20-18 2nd READING
AN ORDINANCE AMENDING SECTION 154.025 B GENERAL BUSINESS DISTRICT OF THE CITY OF PIQUA CODE OF ORDINANCES

Chris Schmiesing, City Planner/ Interim Development Director provided the Staff Report.

The proposed amendment will amend the B General Business section of the Zoning Code to include hospitals as a principal permitted use type within the B General Business zoning district. Currently the zoning code limits a hospital use to be located only in the R-2 and R-2 residential zoning districts. With the reference to the volume of traffic and use intensity generated by a hospital, the use type aligns much better with the purpose and intent of the B General Business zoning district, stated Mr. Schmiesing. It is suggested that the Code be amended to acknowledge
the use type within the subject zoning code. A Review of the Comprehensive Plan and Zoning 
Code, and the testimony provided at the public hearing has resulted in the Planning Commission 
finding the request is consistent with adopted community land use policy and plans.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 20-18.

Moved by Commissioner Lee, seconded by Commissioner Martin to adopt Ordinance No. 20-18. 
Mayor Hinds declared Ordinance No. 20-18 adopted

NEW BUSINESS

ORDINANCE NO. 21-18 1ST READING
AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CITY OF PIQUA, 
OHIO FOR THE YEAR 2018

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

This Ordinance amends the original ordinance and is required to be passed by the end of the 
year.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to waive the three reading rule 
carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Vogt to adopt Ordinance No. 21-18. 
Mayor Hinds declared Ordinance No. 21-18 adopted

RESOLUTION NO. R-153-18
A RESOLUTION AUTHORIZING THE City Manager to apply for City Membership to American 
Municipal Power, Inc.

Ed Krieger, Power System Director provided the Staff Report.

The AMP Ohio membership includes 135 electric municipalities located in the states of Indiana, 
Kentucky, Maryland, Michigan, Ohio, Pennsylvania and West Virginia and one joint action agency 
in Delaware. AMP is owned and governed by it member communities. This membership requires 
Commission approval to join. The Piqua Energy Board unanimously recommended continuing the 
membership in American Municipal Power for the 2019 year at their November 27, 2018 meeting, 
stated Mr. Krieger.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-153-18 at this time.

Move by Commissioner Vogt, seconded by Commissioner Martin to adopt Resolution No R-153- 
unanimously. Mayor Hinds declared Resolution R-153-18 adopted.

RESOLUTION NO. R-154-18
A RESOLUTION RETAINING THE SERVICES OF COOPERATIVE RESPONSE CENTER, INC. 
TO PROVIDE PROFESSIONAL CUSTOMER CALL ANSWERING AND DISPATCH SERVICES 
FOR THE POWER SYSTEM
Ed Krieger, Power System Director provided the Staff Report.

In March of 2007, the Power System began utilizing the Cooperative Response Center (CRC) to provide after-hours call answering and dispatch services. This service was necessitated when the steam and hot water system was shut down in December of 2006, as this resulted in shift operators being eliminated who provided the same service, with calls being answered and dispatched from several locations. The Piqua Energy Board unanimously recommended approval of the services of CRC to the Piqua City Commission at their November 27, 2018 meeting, stated Mr. Krieger.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-154-18 at this time.


RESOLUTION NO. R-155-18

A RESOLUTION AUTHORIZING THE CITY PURCHASING AGENT TO PURCHASE #2 FUEL OIL ON THE OPEN AND SPOT MARKET

Ed Krieger, Power System Director provided the Staff Report.

The Power System purchases #2 fuel oil at various times during the year. In previous years these Purchases have been made by obtaining quotes from various suppliers prior to placing an order. It is necessary for the Power System to purchase the fuel oil as needed in 2019 from one or more suppliers. Section 34.19 of the Piqua Code permits the purchase of supplies for City Departments without advertising when in the judgement of the City Purchasing Agent deems it would not be of any material benefit, stated Mr. Krieger.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-155-18.


RESOLUTION NO. R-156-18

A RESOLUTION RETAINING THE SERVICES OF UIS-POWER SERVICES TO PROVIDE PROFESSIONAL ELECTRICAL TESTING AND ENGINEERING SERVICES FOR THE POWER SYSTEM

Ed Krieger, Power System Director provided the Staff Report.

During routine Substation testing in 2017, USI-Power Services identified concerns related to the aging maintenance intensive 69k V Breakers and recommended the City consider replacing these service critical assets. The Power System completed the replacement of 3-69 kV oil breakers at the Piqua's Substation #5 in the fall of 2018. USI-Power Services provided professional electrical testing, commissioning and engineering services as needed to complete the Substation #5 project. The Piqua Energy Board unanimously recommended approval of these services at their November 27, 2018 meeting, stated Mr. Krieger.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-156-18.

RESOLUTION NO. R-157-18
RESOLUTION A RETAINING THE SERVICES OF SAWVEL AND ASSOCIATES TO PROVIDE PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR THE POWER SYSTEM

Ed Krieger, Power System Director provided the Staff Report.

For over twenty years, Sawvel has provided Piqua Powers System with cost-of-service and rate design, advised the City on electric powers supply and transmission arrangements, and made recommendation concerning Piqua’s potential participation in AMP joint-venture generating projects. At their November 27, 2018 meeting the Piqua Energy Board unanimously approved recommending the City Commission retain the services of Sawvel and Associates to provide professional consulting and engineering services in 2019, stated Mr. Krieger.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-157-18.


RESOLUTION NO. R-158-18
A RESOLUTION AUTHORIZING A PURCHASE ORDER TO NELSON TREE SERVICE, LLC FOR ELECTRIC POWER LINE CLEARANCE

Ed Krieger, Power System Director provided the Staff Report.

The Piqua Power System will be contracting with one aerial tree-trimming crew in 2019. Sealed bids from pre-qualified contractors were received on October 19, 2018. The bids were reviewed and Nelson Tree Service is recommended as the lowest responsive bid. Nelson has provided this service to the City of Piqua for the last thirteen years and their service has been exceptional, stated Mr. Krieger.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-158-18.


RESOLUTION NO. R-159-18
A RESOLUTION AUTHORIZING A PURCHASE ORDER TO MIAMI VALLEY RISK MANAGEMENT ASSOCIATION FOR PURCHASE OF INSURANCE

Catherine Bogan, Human Resources Director provided the Staff Report.

The City of Piqua desires to continue participation in the risk management pool in the calendar year 2019 through the Miami Valley Risk Management Association at a cost not to exceed $309,951 for property and liability insurance, stated Ms. Bogan.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-159-18.

RESOLUTION NO. R-160-18
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF MOTE PARK TO MIAMI VALLEY BOY SCOUTS OF AMERICA

Brittany Van Horn, Special Events Coordinator provided the Staff Report.

The Boy Scouts of America would like to use Mote Park for a day-long event where scouts from ages 6-18 years of age will participate in activities such as orienteering, knot tying, ice cube melting, lunch and other events called The Two Rovers District Klondike event. The will be utilizing the Mote Park building and the surrounding areas for these activities, stated Ms. Van Horn.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-160-18.


RESOLUTION NO. R-161-18
A RESOLUTION AUTHORIZING TRANSFERS OF CASH FROM THE GENERAL FUND TO THE OTHER FUNDS FOR THE FISCAL YEAR 2018

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

The City Commission had authorized Ordinance No. 21-18 which includes General Fund transfers to various funds, and the State Auditor requires a Resolution authorizing the transfers, stated Ms. Holtzapple.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-161-18.


RESOLUTION NO. R-162-18
A RESOLUTION AUTHORIZING TRANSFERS OF CASH FROM THE GENERAL FUND TO THE OTHER FUNDS FOR THE FISCAL YEAR 2019

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

The City Commission had authorized Ordinance No. 19-18 which includes General Fund transfers to various funds and other fund transfer to Debt Service Sinking Funds for 2019. The State Auditor requires a Resolution authorizing the transfers, stated Ms. Holtzapple.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-162-18.

RESOLUTION NO. R-163-18
A RESOLUTION AUTHORIZING TEMPORARY LOAN OF CASH FROM THE GENERAL FUND TO THE OTHER FUNDS FOR THE FISCAL YEAR 2018

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

The City Commission had authorized Ordinance No. 21-18 which includes General Fund temporary loans to various funds. The State Auditor also requires a Resolution authorizing the temporary loans, stated Ms. Holtzapple.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-163-18.


RESOLUTION NO. R-164-18
A RESOLUTION AUTHORIZING TEMPORARY LOAN OF CASH FROM THE GENERAL FUND TO THE OTHER FUNDS FOR THE FISCAL YEARS 2019

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

The City Commission had authorized Ordinance No. 19-18 which includes General Fund temporary loans to various funds. The State Auditor also requires a Resolution authorizing the temporary loans, stated Ms. Holtzapple.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-164-18.


RESOLUTION NO. R-165-18
A RESOLUTION AUTHORIZING THE CITY PURCHASING ANALYST TO ADVERTISE FOR BIDS TO MAKE CERTAIN PURCHASES DURING THE 2019 YEAR

Cynthia Holtzapple, Finance Director/Assistant City Manager provided the Staff Report.

The City is required to advertise for bids for any capital or operational purchase the City makes over $25,000 in the local newspaper. The City uses the Miami Valley Today for this purpose. At the first Commission meeting each year, the city asks for Commission approval for the Purchasing Analyst to be authorized to fulfill this commitment, stated Ms. Holtzapple.
Mayor Hinds also stated the bids are listed on the City’s website so local business can bid on the items.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-165-18.

RESOLUTION NO. R-166-18
A RESOLUTION TO AWARD A CONTRACT TO BURCH HYDRO, INC. FOR WASTEWATER BIOSOLIDS PROCESSING AND HAULING SERVICES

Chris Melvin, Wastewater Plant Superintendent provided the Staff Report.

Mr. Melvin provided a slide showing the area and the project. The city is currently in full construction mode at the Wastewater Plant. The city will take over the dewatering process later in 2019 and begin work in the thickening building, one Burch Hydro has moved out. The transition will currently use other structure handling and then converting to the new system that will run it. At that point the city will have onsite storage and only need hauling and application services, stated Mr. Melvin.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-166-18.


RESOLUTION NO. R-167-18
A RESOLUTION REQUESTING CONSENT TO AWARD A CONTRACT TO QUALITY MASONARY COMPANY INC. FOR THE 111 S. MAIN STREET BUILDING-ROOF, MASONARY AND STRUCTURAL REPAIR PROJECT

Chris Schmiesing, City Planner, Interim Development Director provided the Staff Report.

The Riverfront District Development Strategy identifies three projects critical to seeding the riverfront. Projects include: expansion and redesign of Lock 9 Park, the redevelopment of the Zollinger’s building into a mixed-use with market rate residential units, and the redevelopment of 111 S. Main Street and the adjacent parcels. This resolution will complete the third phase of the work necessary to ready the structure for the type of reuse opportunity contemplated by the Riverfront District Development Strategy, stated Mr. Schmiesing.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-167-18.


Public Comment

No one came forward to speak at this time.

City Manager’s Report

City Manager Huff stated the Roundabout is open and functioning as it should with no problems.

City Manager Huff announced the new refuse containers were currently being delivered with some still to come and be delivered after the holidays.
Valley Regional Surgical Center located on Looney Road held their groundbreaking recently.

City Manager Huff provided new Census Bureau statistics; further stating Piqua has had many changes and is growing.

The first regularly scheduled meeting of the Piqua City Commission for the year 2019 has been cancelled due to the New Year’s Day Holiday.

City Manager Huff thanked Commission Clerk Becky Cool, and her husband Steve who has provided the Production for the Commission Meetings for over 29 years for their service to the City Commission.

COMMISSIONERS COMMENTS

Commissioner Vogt wished everyone a Merry Christmas, and thanked Becky and Steve for their years of service to the City Commission.

Commissioner Martin stated his comments were the same as Commissioner Vogt's.

Commissioner Lee wished everyone a Merry Christmas and a Happy New Year, and also thanked Becky and Steve for their years of service to the City Commission. Commissioner Lee reminded citizens if they have questions to bring them to the City Manager.

Commissioner Short also wished everyone a Merry Christmas and a Happy New Year, and also thanked Becky and Steve for their service to the City Commission.

Mayor Hinds thanked Becky and Steve for their dedication to the City Commission over the past 29 years.

Mayor Hinds stated we are moving into the winter months, and need to remember their elderly Neighbors. They might need a helping hand with snow removal and other daily errands, and to please check on them regularly.

ADJOURNMENT TO EXECUTIVE SESSION

Motion was made by Commissioner Lee to adjourn from the Regular City Commission Meeting and move into Executive Session at 6:40 P.M. motion seconded by Commissioner Vogt. Motion carried unanimously.

Motion was made by Commissioner Vogt, seconded by Commissioner Martin to adjourn from the Executive Session at 7:09 P.M. Motion carried unanimously.

Motion was made by Commissioner Vogt, seconded by Commissioner Martin to adjourn from the Regular City Commission Meeting at 7:10 P.M.

KATHRYN B. HINDS, MAYOR

REBECCA J. COOL (PREPARED BY)
CLERK OF COMMISSION

PASSED: ______________________

ATTEST:

JESSICA MORGAN STEIN
CLERK OF COMMISSION
RESOLUTION NO. R-1-19

A RESOLUTION APPOINTING JESSICA MORGAN STEIN
AS SUBSTITUTE CLERK OF COMMISSION FOR
THE CITY OF PIQUA

WHEREAS, Rebecca J. Cool retired from the position of Clerk of Commission
for the City of Piqua on December 31, 2018; and

WHEREAS, after proper advertisement of said position, the City Manager has
recommended that Jessica Morgan Stein be appointed as substitute Clerk of
Commission in said office.

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: Jessica Morgan Stein is hereby appointed as substitute Clerk
of Commission for the City of Piqua, Ohio effective January 15, 2019.

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

KATHRYN B. HINDS, MAYOR

PASSED: ____________________________

ATTEST: ____________________________

JESSICA MORGAN STEIN
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 Kris Lee
Commissioner John Martin  Commissioner Dave Short
Commissioner William Vogt

Legislation Date: 1/15/2019
RESOLUTION NO. R-2-19

A RESOLUTION OF APPRECIATION FOR THE
PUBLIC SERVICE OF REBECCA J. COOL
AS A CITY EMPLOYEE

WHEREAS, Rebecca J. Cool has retired as Administrative Assistant with the Development Department; and

WHEREAS, her retirement follows over 31 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of Rebecca J. Cool as Administrative Assistant in the Development Department, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

KATHRYN B. HINDS, MAYOR

PASSED: ____________________________

ATTEST: ____________________________
JESSICA MORGAN STEIN
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 Dave Short  
Commissioner Kris Lee

Legislation Date: 1/15/2019
RESOLUTION NO. R-3-19

A RESOLUTION AUTHORIZING A PURCHASE ORDER TO
BARRETT PAVING MATERIALS INC. AS THE PRIMARY SUPPLIER, AND
VALLEY ASPHALT CORP. AS THE SECONDARY SUPPLIER OF HOT MIX FOR
THE 2019 STREET AND ALLEY MAINTENANCE PROGRAM

WHEREAS, on November 12, 2018 the Purchasing Analyst publically
advertised for bids for Hot and Cold Mix; and

WHEREAS, after proper advertisement, bids were opened on November 29,
2018 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 purchase order is hereby authorized to Barrett Paving
Materials Inc. as the primary supplier of Hot Mix pursuant to the bid specifications;

SEC. 2: A purchase order is hereby authorized to Valley Asphalt Corp.
as the secondary supplier of Hot Mix pursuant to the bid specifications should the
primary supplier not be able to meet the demands of the City of Piqua;

SEC. 3: The Finance Director certifies funds are available and is
hereby authorized to draw her warrants from time to time on the appropriate account
of the city treasury in payment according to contract terms, not exceeding a total of
$332,280 between both the primary and the secondary supplier;

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

KATHRYN B. HINDS, MAYOR

PASSED: _______________________

ATTEST: JESSICA MORGAN STEIN
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 Kris Lee
Commissioner John Martin  Commissioner Dave Short
Commissioner William Vogt

Legislation Date: 1/15/2019
# Commission Agenda

**Staff Report**

<table>
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<tr>
<th>MEETING DATE</th>
<th>January 15, 2019</th>
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<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AUTHORIZING A PURCHASE ORDER TO BARRETT PAVING MATERIALS INC. AS THE PRIMARY SUPPLIER, AND VALLEY ASPHALT CORP. AS THE SECONDARY SUPPLIER OF HOT MIX FOR THE 2019 STREET AND ALLEY MAINTENANCE PROGRAM</td>
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| SUBMITTED BY       | Name & Title: Brian Brookhart, Interim Public Works Director  
Department: Public Works |
| AGENDA CLASSIFICATION | □ Consent  
□ Ordinance  
☑ Resolution  
□ Regular |
| APPROVALS/REVIEWS  | □ City Manager  
□ Asst. City Manager/Development  
☑ Asst. City Manager/Finance  
□ Law Director  
□ Other: |
| BACKGROUND          | In November of 2018, the Purchasing Analyst went out for asphalt bids sending specifications to several companies. The bids were received on November 29, 2018 and the bid tabulation is shown as “Exhibit A.”  
In the past, we have purchased asphalt from both Valley Asphalt and Barrett Paving depending on who had the mix available that we needed at any given time. We do use more 404 asphalt than 402 and Barrett Paving was a little less expensive on this type. Therefore, similar to last year, we would like to issue a Purchase Order to both Barrett Paving & Valley Asphalt for the purchase of 402 & 404 asphalt to ensure that asphalt will be available to the City when it is needed. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $332,280  
Expenditure $: $332,280  
Source of Funds: Street Department O&M (101-113-850-7408)  
Narrative: This item is purchased each year for street paving and resurfacing projects. $332,280 was budgeted for this work in the 2019 budget. Based upon the unit bid prices, the Street Department anticipates completing as many patches and resurfacing projects as possible up to the $332,280. |
| OPTIONS            | 1. Approve the Resolution R-3-19 and continue with our 2019 Street Maintenance Program.  
2. Do not approve the Resolution R-3-19, which in turn would mean no in-house paving.  
3. Contract out all the patching and resurfacing, which would result in less being done for $332,280. |
<table>
<thead>
<tr>
<th>PROJECT TIMELINE</th>
<th>Work will be completed in 2019.</th>
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<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the Resolution R-3-19 to allow the Street Department to continue with our ongoing Street Maintenance Program.</td>
</tr>
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<td>ATTACHMENTS</td>
<td>IFB #1838 Bid Tabulation – Exhibit A</td>
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## CITY OF PIQUA, OHIO

### Exhibit A

**Hot & Cold Mix - Aggregate Stone**

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<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td></td>
</tr>
</tbody>
</table>

*Note: NB = Not Bid, YES = Yes, 23 Ton Min. Order Price Includes Delivery*

Morses Plant Only for cold
1001 Dryden Rd, Dayton or
1750 W. Statler Rd., Piqua
RESOLUTION NO. R-4-19

A RESOLUTION FOR CONSENT TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT FOR ASSET MANAGEMENT PLANNING AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

WHEREAS, the City of Piqua is required by the Ohio Environmental Protection Agency to produce an Asset Management Plan for its Water Treatment and Distribution System; and

WHEREAS, the City of Piqua intends to apply for a Water Supply Revolving Loan Account (WSRLA) for the amount of $10,000.00 to help offset the cost of the Asset Management Plan; and

WHEREAS, the Ohio WSRLA requires the City of Piqua to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source.

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

SEC. 1: The City Manager is hereby authorized to apply for a WSRLA loan for an amount not to exceed $10,000,000 and sign all documents for and enter into a WSRLA with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purposes of Asset Management Planning.

SEC 2: The Finance Director certifies that the funds are available and is hereby authorized to draw her warrant from time to time on the appropriate accounts of the city treasury in re-payment according to loan terms, not exceeding a total of $10,000.00.

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: ____________________________

JESSICA MORGAN STEIN
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 Kris Lee
Commissioner Dave Short

Legislation Date: 1/15/2019
<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>January 15, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION FOR CONSENT TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT FOR ASSET MANAGEMENT PLANNING AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN</td>
</tr>
</tbody>
</table>
| SUBMITTED BY       | Name & Title: Sky Schelle- Water Quality Coordinator  
Department: Utilities |
| AGENDA CLASSIFICATION | ☑ Consent  
☐ Ordinance  
☑ Resolution  
☐ Regular |
| APPROVALS/REVIEWS  | ☑ City Manager  
☐ Asst. City Manager/Finance  
☐ Asst. City Manager/Development  
☐ Law Director  
☐ Department Director;  
☐ Other: |
| BACKGROUND (Includes description, background, and justification) | In October 2018, Ohio EPA finalized the Asset Management Rule which mandated public water treatment facilities to create a written plan that categorizes and prioritizes their assets with respect to condition and criticality. The plan must address assets at the treatment plant and the distribution system. Working with consultants from FTC&H, staff completed approximately 30% of the Asset Management Plan (AMP) in 2018. In order to offset part of FTC&H’s fee to continue assisting with AMP development in 2019, staff applied for a $10,000.00 principal forgiveness loan from Ohio EPA’s Water Supply Revolving Loan Account.  
The anticipated loan award date is 2nd quarter of 2019 and this resolution, as required by OH EPA, authorizes the City Manager to apply and accept the loan. The resolution language is dictated by OH EPA, which is why it references loan repayment. In reality, the $10,000.00 loan will be forgiven and only required to be paid back if the AMP is not completed within 5 years of the award. Staff anticipates no reason why this deadline cannot be met. |
| BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources) | Budgeted $: N/A  
Expenditure $: N/A  
Source of Funds: N/A |
<table>
<thead>
<tr>
<th>OPTIONS</th>
<th>Narrative: The resolution authorizes the City Manager to accept a $10,000.00 principal forgiveness loan from OH EPA for the purposes of Asset Management Planning.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Include Deny /Approval Option)</td>
<td>1. Approve the Resolution granting the City Manager the stated authority.</td>
</tr>
<tr>
<td></td>
<td>2. Deny the Resolution granting the City Manager the stated authority.</td>
</tr>
<tr>
<td></td>
<td>3.</td>
</tr>
<tr>
<td></td>
<td>4.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>The award is anticipated sometime during 2nd quarter 2019 and will only need to be repaid if the AMP is not complete within 5 years.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approval of the Resolution granting the City Manager the stated authority.</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>N/A</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>N/A</td>
</tr>
</tbody>
</table>
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO EMPLOY FRANK J. PATRIZIO AS LAW DIRECTOR AND MCCULLOCH FELGER FITE AND GUTMANN CO., L.P.A. AS LEGAL COUNSEL FOR THE CITY OF PIQUA

BE IT RESOLVED, by the Legislative Authority of the City of Piqua, State of Ohio, that:

SEC. 1: Frank J. Patrizio shall be designated Law Director for the City of Piqua and McCulloch, Felger, Fite and Gutmann Co., L.P.A. shall be designated as Legal Counsel for the City of Piqua upon the terms set forth in the contract attached as Exhibit “A”; and

SEC. 2: The City Manager is authorized to sign said contract on behalf of the City of Piqua.

SEC. 3: The Finance Director certifies that the funds are available and is hereby authorized to draw her warrant from time to time on the appropriate accounts of the City Treasury according to contract terms, not exceeding a total of $85,000.

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

KATHRYN B. HINDS, MAYOR

PASSED: ______________________

ATTEST: ______________________

JESSICA MORGAN STEIN
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 Kris Lee __________
Commissioner John Martin __________ Commissioner Dave Short __________
Commissioner William Vogt __________

LEGISLATION DATE:1/15/2019
| MEETING DATE | January 15, 2019 |
| REPORT TITLE | A Resolution authorizing the City Manager to enter into a contract with the Law Firm of McCulloch, Felger, Fite, & Gutmann Co. LPA for Legal Counsel services for the City of Piqua |
| SUBMITTED BY | Name & Title: Gary A. Huff, City Manager |
| Department: | |
| AGENDA CLASSIFICATION | □ Consent □ Ordinance X Resolution □ Regular |
| APPROVALS/REVIEWS | X City Manager X Asst. City Manager/Finance |
| Department Director: | □ Other: |
| BACKGROUND | Interviews were conducted in December 2018 to fill the Law Director position. After the interviews, the City Manager decided to continue to employ the law firm of McCulloch, Felger, Fite, & Gutmann Co. LPA because of their knowledge, expertise, and familiarity with the community. |
| (Includes description, background, and justification) | |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $265,567 |
| (Includes project costs and funding sources) | Expenditure $: $85,000 Projected |
| Source of Funds: | General Fund – Law Department Budget |
| Narrative: | The firm will provide both municipal law and prosecution services. |
| OPTIONS | 1. Approve the contract. |
| (Include Deny/Approval Option) | 2. Deny the contract and re-advertise for legal services. |
| | 3. |
| | 4. |
| PROJECT TIMELINE | The contract would be effective upon completion of legal advertisement requirements. There is a temporary current agreement in place. |
| STAFF RECOMMENDATION | Recommend approval. |
| REASON FOR SELECTING CONSULTANT/COMPANY | Knowledge, expertise, and familiarity of the community and issues. |
| ATTACHMENTS | MFFG Contract |
Exhibit “A”
AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT is entered into between The City of Piqua, Ohio ("City"), 201 West Water St., Piqua, Ohio and Frank J. Patrizio ("Patrizio"), 123 Market Street, Piqua, Ohio McCulloch, Felger, Fite and Gutmann Co. L.P.A. ("McCulloch"), 123 Market Street, Piqua, Ohio, effective the 1st day of March, 2019 through April 30, 2021.

WHEREAS, Patrizio shall act as the Law Director and McCulloch, Felger, Fite and Gutmann Co., L.P.A. as legal Counsel for the City with Frank J. Patrizio as primary contact for the firm, Michael Gutmann shall be designated secondary contact and Nathaniel Funderburg as the last contact; and

NOW THEREFORE, the City, Patrizio and McCulloch hereby agree as follows:

1. Frank J. Patrizio shall serve as law director and prosecutor for the City, Michael Gutmann and Nathaniel Funderburg shall act as assistants.

2. All other attorneys of McCulloch designated by McCulloch may also act as legal counsel and prosecutors when acting on behalf of the City.

3. City shall pay Patrizio and McCulloch the following fees for services rendered:

   A. McCulloch attorneys shall bill at an hourly rate of $150.00 per hour with a guaranteed minimum of ten hours per week. McCulloch will charge a minimum of six hours per week for prosecution of criminal offenses traditionally performed on Wednesday mornings and afternoons. Said minimum is necessary for the reason that Patrizio will not be able to schedule for other matters on Wednesdays from the 8 a.m. to 3 p.m.; said billings will be credited to the City's minimum guarantee of ten hours per week. McCulloch will itemize and submit billing monthly to the City.

   B. Paralegal time shall be billed at an hourly rate of $75.00 per hour. Paralegal will be compensated for calendaring; responding to Court requests; preparation of documents under the direction of law director; preparation of Marcy’s law notifications; and any other necessary work performed to adequately represent the City of Piqua. Paralegal time will not be included in the 10 hour minimum set forth in paragraph 3A above.

   C. It is the further understanding of the parties that no City fringe benefits, including, but not limited to, participation in the PERS system, shall be paid to McCulloch. Additionally, McCulloch attorneys and staff shall not be considered employees for Social Security, Federal, State and City tax purposes.

4. McCulloch owns Market Square Title Agency. Any real estate work performed by McCulloch or Market Square Title Agency (ie: title work, closings, deed preparations, title insurance, etc.) on behalf of the City of Piqua will be billed to the city at the ordinary and customary rates charged by said companies. No title insurance shall be purchased from
McCulloch or Market Square Title Agency by the City unless specifically requested by the City Manager.

5. McCulloch will bill all expenses incurred on behalf of the City, such as reimbursement for long distance telephone calls, travel, postage, deliveries, experts, filing fees and other expenses. Copying fees will not be charged.

6. City and McCulloch acknowledge that conflicts of interest between the City and other clients of McCulloch may occur from time to time. The firm will request transfer of criminal cases to another prosecutor performing work in Miami County, Ohio when a conflict arises with prosecution of criminal defendants. Regarding Civil matters, McCulloch will advise the City Manager of any potential conflict. Based on the facts of the case, McCulloch and City Manager will determine whether outside counsel should be retained to represent the City.

6. General direction on administrative matters shall be given to McCulloch through the City Manager. McCulloch will perform only such legal activities for the City as are authorized by the Piqua City Charter, the City Manager or his designees. McCulloch shall also be authorized to perform, without specific instruction, those legal functions which are necessary or desirable for the welfare of the City. McCulloch, upon reasonable notice, will provide an attorney to attend staff meetings as requested by the City Manager and will review all contracts provided to it by the City Manager or his authorized representatives.

7. This Agreement supersedes any and all other agreements, either oral or in writing, between McCulloch, Patrizio and the City with respect to the employment of Patrizio by the City as law director and prosecutor and McCulloch as Legal Counsel. Further, this Agreement contains all the covenants and agreements between the parties.

8. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio and Charter of the City. In all cases permitted by law, the Charter of the City shall control.

In witness whereof, the parties have executed this Agreement on the ____ day of January, 2019 to be effective March 1, 2019.
McCulloch, Felger, Fite and Gutmann Co., LPA

By

McCulloch, Felger, Fite and Gutmann Co., LPA
By Frank J. Patrizio

The City of Piqua, Ohio

By

Gary Huff
City Manager