MINUTES
PIQUA CITY COMMISSION
Tuesday September 6, 2011
7:30 P.M.

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Vogt, Martin, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

EXECUTIVE SESSION:

Moved to Executive Session to consider pending or imminent litigation and to consider the purchase or sale of property for public purposes.

Moved by Commissioner Martin, seconded by Commissioner Terry, to move in to Executive Session to consider pending or imminent litigation and to consider the purchase or sale of property for public purposes. Roll call, Aye: Terry, Martin, Vogt, Fess, and Wilson. Nay: None.

Moved by Commissioner Vogt seconded by Commissioner Martin to adjourn from the Executive Session at 7:59 P.M. Voice vote, Aye: Martin, Fess, Wilson, Terry, and Vogt. Nay: None.

Moved by Commissioner Vogt, seconded by Commissioner Martin to reconvene as the Piqua City Commission at 8:00 P.M. Voice vote, Aye: Fess, Martin, Vogt, Terry, and Wilson. Nay: None.

Approval of Minutes

Approval of the minutes from the August 16, 2011 Regular Piqua City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the Regular Piqua City Commission Meeting of August 16, 2011 be approved. Voice vote, Aye: Fess, Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 9-11 (3rd Reading)

An Ordinance determining to proceed with and levying assessments for the improvement of Broadway Street Reconstruction

Interim City Manager Bill Murphy stated this is the third reading of the assessments associated with the Broadway/Riverside Street Reconstruction project. The property owners were given the option of paying the fees after the project was completed or assessing the fees to their property taxes for a period of five or ten years.

Public Comment

No one came forward to speak for or against Ordinance No. 9-11 at this time.

ORD. NO. 10-11 (3rd Reading)

An Ordinance to levy special assessments to pay for the cost of nuisance abatement assessments relating to a Stormwater Improvement

Interim City Manager Bill Murphy stated this is the third reading of Ordinance No. 10-11 that specifically deals with a property on Garfield Street for improvements made to a water drainage issue that was going out into the street. The property owner was responsible for making the improvements and chose to have the fee assessed to their property taxes for a five-year period.

Public Comment

No one came forward to speak for or against Ordinance No.10-11 at this time.


ORD. NO. 11-11 (2nd Reading)

An Ordinance to levy Special Assessments to pay for the cost of nuisance abatement assessments

Interim City Manager Murphy stated Ordinance No. 11-11 is for assessments that are related to maintenance issues, mostly to tall grass and a couple of property maintenance issues.

Finance Director Cynthia Holtzapple stated the option to submit the assessments to the County is only open one time a year. Ms Holtzapple further explained the assessments must be filed at the Miami County Auditors Office by September 12, 2011. They chose to go with the two readings to allow more property owners to pay the fees and for the notifications to go out in a timely manner. This is something that has been done in the past with the billings being sent out to property owners and payments being accepted through August 31, 2011.

Mayor Fess asked what the total amount of the assessments is at this time? Ms. Holtzapple stated the total amount of the assessments is $27,015.04. This is about $5000 less than last year stated Mayor Fess.

Ms Holtzapple explained what the assessments consist of stating the assessments are applied when property owners do not take care of the grass, brush and some property maintenance issues and the City has to take care of the problem. The cost is then passed on to the property owner and assessed on their taxes if they so chose.

Public Comment

No one came forward to speak for or against Ordinance No. 11-11 at this time.

Commissioner Terry asked if any of the property owners have come in to pay the assessments. Ms. Holtzapple stated yes, they had five property owners come in and pay their assessment, which amounted to a total of $237.50.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 11-11 to be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay: None. Motion carried unanimously.

ORD. NO. 12-11 (2nd Reading)

An Ordinance amending Schedule 1-Speed Limits, adopted in accordance with City of Piqua Code of Ordinances Section 77-01 Traffic Schedules Adopted of Chapter 77 Traffic Codes

Interim City Manager Murphy stated this is the second reading of Ordinance No. 12-11 relating to the rerouting of State Route 185. At the August 16, 2011 Commission Meeting there was discussion concerning the speed limits on portions of the existing State Route 185 being abandoned, and how the City is guided by the Ohio Revised Code in setting the speed limits.

Mayor Fess stated she has received several calls stating their resistance to the changing of the speed limit. Mayor Fess stated she agrees with the citizens stating the speed limit should remain the same at 35 MPH. At this time the City needs to find out what the State ruling is, and have asked the Law Director to research it. We hope by the next Commission Meeting to have the research back from the Law Director, stated Mayor Fess.

Commissioner Terry asked if the State should tell the City they do not have a say, then the City would have no choice in the matter, why would we have to vote on it then? Maybe we do have a say in this, stated Commissioner Terry.

City Planner Chris Schmieszing explained what the State Code states. After looking at the initial review of the applicable code sections we have arrived at the conclusion the 25 MPH is the required speed limit under the circumstances that will exist here. However, we will defer to the Law Director on the findings. Mayor Fess stated she was looking at that it has been 35 MPH, now we have to lower it to 25 MPH and that was initiated because of the rerouting of State Route 185. The reason is due to the removing of the State Route on the streets we are talking about, as long as it is a State Route the applicable standards specify the speed limit will be 35 MPH. When it is no longer a State Route then there is a different set of standards that apply, stated Mr. Schmieszing.

Commissioner Vogt mentioned State Routes and standards that apply citing Clark Avenue, McKinley Avenue, and South Street are all 35 MPH, and voiced his opinion on keeping the 35 MPH speed limit. Let’s work on this and see if we can keep the 35 MPH, said Commissioner Vogt.

Law Director Wall stated she would certainly double check and see if there are any exceptions to the code requirements. The primary issue which is confusing is the belief that because the City of Piqua is a Charter City they can make any law they want. That is not true, we are a Charter City but can only govern those things that are not General Law, and they have to be a special law specific to the City only. A General Law is something that affects anyone and speed limits are General Laws. Any person driving through the City of Piqua regardless if they are a citizen or not is affected by the speed limits, which makes it a General Law, stated Ms. Wall. The Case Law indicates even with a General Law the State gets to make the decisions and govern the law, and that is the dilemma right now. It is a State governed issue because it is a General Law, but Ms. Wall indicated she would do her best to see if there is any type of exception the City can apply for, because this section of the code is based very specifically on definitions.

Commissioner Vogt asked if we are going to look at all the streets we are comfortable with now at 35 MPH, and are going to have to change them back to 25 MPH and cause more problems? In determining if there is any exception we will have to re-evaluate where there were State Routes that were removed or why certain streets have been designated as 35 MPH and not 25 MPH. They will look at it through the Planning & Engineering Departments and see if anything needs to be changed.

Commissioner Martin stated he was given some information on speed limits and would like to pass it on to the Law Director. This information states that ODOT only has to give the City approval to lower the speed limits, not to raise the speed limits, said Commissioner Martin. According to the information from ODOT if we leave the speed limit at 35 MPH we don’t have to get an approval from ODOT to do that. Commissioner Martin stated he maybe misinterpreting the
information he received. Ms Wall explained that is a different issue, but what the city is stating is that under the State Code we are required to lower the speed limit. What the information is saying if the city wanted to raise the speed limit weather or not ODOT would require approval. This is not the city stating lets reduce the speed limit now we need ODOT approval, we are stating the city is required to reduce the speed limit and that is where the Revised Code comes in.

Commissioner Martin stated according to the information the city is not required to reduce the speed limit if they chose not to, we could leave it same, but lowering the speed limit requires ODOT approval. Lowering the speed limit requires ODOT approval, but leaving it at 35 MPH would not make a difference, stated Commissioner Martin.

Ms. Wall stated there is another part of the Code under Chapter 45.11 of the Ohio Revised Code that seems to require based on the definitions the lowering of the speed limit, that is the issue.

Mayor Fess stated this is not something the city has an issue with; it is something that has been put on the city because of the code. Ms. Wall stated to her knowledge the city did not say, "hey, great idea lets lower the speed limit", this only happened due to the rerouting of State Route 185.

Commissioner Vogt asked if the city was told they had to do it, or did we look in the book and say we were going to change it because of the rerouting? City Managers and Planners have the ability to read between the lines to get a true understanding rather than cut and dry just the way it is written, different interpretations come out of every ordinance, let's look at it, stated Commissioner Vogt.

Mayor Fess stated it is Ms. Wall's plan is to see if there is any way to keep it at 35 MPH, and we hope she is successful at doing that. We will do what we have to do, said Mayor Fess.

Public Comment

Brad Boehringer, Mound Street came forward and stated he was going to throw another interpretation into the works. A certain section of Broadway that runs coexistent with a State Route that being 66 from the point up to the north corporation limits, and believes that the speed limit is 35 MPH, does that sound right to you? From a safety standpoint it would make sense to keep that stretch within the city limits that you are talking about changing at 35 MPH, unless you post signage that says reduced speed ahead, not sure if that is in the plans or not. There will a chance for more traffic accidents and that is something that should be considered when doing the research; it is practically more than it is code, said Mr. Boehringer.

Mayor Fess thanked Mr. Boehringer and stated she did not feel anyone setting up there is truly in favor of changing the speed limit and lowering it, we just have to see what the rules and the laws are and it is our job is to follow these laws. We hope that Stacy can come up with something that is more pleasing than what we are thinking about now, said Mayor Fess.

Russ Fashner, Forest Avenue came forward and stated correct me if I am wrong in this ordinance we are looking at passing, this deals with the section of town that is State Route 185 right now, correct? Mr. Fashner further stated a work session was held on this and he attended along with some of his other neighbors. When we left the meeting we all said it needs to be 25 MPH. Mr. Fashner said he is not sure what date that was. But in front of his house is one of the issues it is 35 MPH, and thanks God no one has ever been hit there to his knowledge. The whole purpose we voted was to pass it on to the State to get State Route 185 moved, and to lower the speed limits. That was the purpose of State Route 185 getting moved as the way he understood it. If we are not going to change these speed limits, all the time spent in departments doing the mapping to get it changed it, he hates to say it, but it is stupid and it is a waste of time. If we are not going to change it leave it State Route 185 and we will still get State funding for that area of town. Mr. Fashner stated he thinks a Work Session should be held on this. Having the Law Director look into things is great, but you are going to bring that information to the public on a third reading, and if the public is not here like he is, they are not going to be able to voice their opinion on a third reading before it is voted on.
Mr. Fashner believes there are issues there on deciding this issue, and it was talked about Broadway and again in front of his house to Park Avenue Hill, the hospital area possibly having a new school there, Nicklin School, the Catholic Schools, that was all in this work session on getting rid of State Route 185 and having a 25 MPH speed limit. Having the Law Director check on this is a waste of her time, and the whole idea of this project was to make these roads 25 MPH for safety.

Commissioner Vogt stated it was his understanding that to move State Route 185 to have it follow Route 36 was to keep the trucks and semis off of Broadway and Park Avenue because they are driving over the ADA access at the corners, and there is not enough room for them to turn.

Mr. Fashner stated from the work session he attended they are not going to get rid of truck traffic because they are servicing the schools with food deliveries, servicing the Marathon Station, there is a truck that goes out to the Tecumseh Pool, and there is still going to be truck traffic making those turns. There is not that much truck traffic that follows State Route 185 that passes by Mr. Fashner’s house compared to Rt. 36. Mr. Fashner believes the agenda for the meeting was to get rid of the State Route so the City could lower the speed limit for the safety of the school area and the bike path.

Mayor Fess thanked Mr. Fashner for his comments and asked who conducted the meeting in question. City Planner Schmiesing stated he and City Engineer Havenar conducted the meeting. Mayor Fess asked if there were minutes from the meeting. Mr. Schmiesing stated yes we have minutes. The discussion revolved around the truck traffic on State Route 185 as part of the discussion and the speed limit issue was raised, and was also discussed during the course of the conversation.

Commissioner Terry asked along where the schools are the speed limit automatically drops and there is signage. So when you go down Broadway and get close to the school it drops down to 25 MPH and 20 MPH when school is in session. At the Bike Path area is it not 25 MPH and is there signage to drop it?

Mr. Schmiesing stated you want to be careful not to have hit and miss speed limits so far as not having uniformity along the corridor if you have a 25 MPH and 35 MPH it is a little confusing to the motorist. Right now there is a speed advisory plate near the Bike Path, but it is not enforceable but advises motorist to slow down.

Mayor Fess stated Mr. Fashner is the first person she has spoken with who is in favor of the 25 MPH, and after his comments she would like to have a copy of the minutes of the meeting Mr. Fashner is referring to.

Ruth Koon, Park Avenue came forward and stated she lives on the portion of Park Avenue from Sunset to where Mr. Fashner lives. Mrs. Koon and her husband were out of town the evening of the meeting but stated they were in favor of the rerouting of State Route 185 for a couple of reasons. Park Avenue is very narrow street, and it is hard for two semi trucks to pass and she is in favor of dropping the speed limit down to 25 MPH. Another reason is there is a large number of deer in the area and on the roads. Children walk on Park Avenue and she feels the 25 MPH would be great.

Mayor Fess stated the next meeting will be the third reading for this resolution but it can always be tabled to give the community the opportunity to provide input.

Ordinance No. 12-11 was given a second reading.
NEW BUSINESS

ORD. NO. 13-11 (1ST Reading)

An Emergency Ordinance to make Appropriations for the City of Piqua, Ohio for the year 2011

Interim City Manager Murphy stated this is the annual appropriation that the city goes through this
time each year.

Finance Director Cynthia Holtzapple gave a brief overview of the appropriations. (See enclosed
copy of the appropriations and the Summary.)

There was discussion on several items, and Ms. Holtzapple explained them.

The total impact to the General Fund will only be $9500, stated Mayor Fess.

Public Comment

Hal Heiner, Lambert Drive came forward and stated he does not believe we will ever have an end
to supplementary appropriation adjustments. Mr. Heiner asked over the last five years has the
percent to appropriations increased in looseness or has it been more refined. Finance Director
Holtzapple explained we have definitely modified and decreased the General Fund Budget; last
year alone the departments decreased their budgets by $1.5 million. Before we may have had
General Fund expenditures on the level of $12 -$13 million where we are now at about $10.5
million.

Mr. Heiner also asked if it would be possible to make adjustments and to make the presentation to
Council in August so there would not be a need to have an Emergency Ordinance. Ms.
Holtzapple explained the reason for the Emergency Ordinance. The illusion that this presents to
people who read the paper is that the City is scrambling and not up to date. The end budget after
it is signed is exactly correct, but to put it into an emergency situation does not give the
appropriate illusion to people who are reading the paper. Mr. Heiner stated when he saw the $2.5
million he did not know where it was in comparison to the $79 million, but now knows. Next year he
would like to see if it would be possible to not to be an emergency situation.

Commissioner Martin asked about the $72,000 that was transferred to the Safety Fund and why it
has brackets around it, does it mean we spent $72,000 less? Ms. Holtzapple explained they are
reducing the estimated transfer to the Safety Fund by $72,000 from the General Fund but it does
not mean they will necessarily spend less than their budget. Because they receive a portion of
that additional income tax revenue the portion of $300,000 that it is increasing for. Commissioner
Martin asked if it shows anywhere where they get the $72,000 back? Ms. Holtzapple stated in the
revenue, this is the expenditure appropriation, you would see it in the increased revenue that is
required according to the tax ordinance.

Moved by Commissioner Martin, seconded by Commissioner Terry, that the rule requiring
Ordinance No, 13-11 to be read fully and distinctly on three separate days be suspended. Roll
call, Aye: Wilson, Terry, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Ordinance No. 13-11 be

RES. NO. R-97-11

A Resolution requesting authorization to purchase the real property located at State Route 66,
Parcel ID No. M40-04100, 16,823 acres on the Water Treatment Plant Construction, payable to
Rosalyn Lee Toland, Bradley W. Jacob, C. Patricia Jacob, Andrew Douglas Keyt, Bernard Morris
Keyt, Ann Gantvoort, Bets Vondrasek and Gretchen Gantvoort in the amount not to exceed $140,000

Interim City Manager Bill Murphy stated Resolution No. R-97-11 is the second purchase of property needed for the proposed new Water Treatment Plant on State Route 66 just beyond Hardin Road.

Water Superintendent Don Freisthler gave a brief explanation on the reason for the purchase of the property. The first parcel is right at about twenty acres, and the footprint for the new plant is right around ten acres. We want to make sure we do not disturb the wooded area so we want to purchase the extra acreage to make sure the plant is a friendly neighbor and have plenty of room for landscaping mounds. The total acreage for these two properties is about forty acres, and the new Water Plant will need ten acres with room for additional plant processes that will be added in the future. Ultraviolet light will need to be added since we will be treating surface water. This will insure the city has enough room for the additional processes that will be required in the future, said Mr. Freisthler.

Public Comment

Joe Mikolajewski, Shawnee Trail lives in the Northwood Hills Housing Development across from the Johnson Farm. Mr. Mikolajewski stated he wanted to put it officially on record that the neighborhood out there would like to object to the purchase of this property. He stated they are not against the Water Treatment System but would like to get more information. He stated he wanted to thank the team that came out to discuss the information with them. The neighbors would just like to get a little more information such as what this really means safety wise, what kind of expansion, what kind of buffer is planned, how the neighborhood is going to be protected environmentally, and for the goodness of everybody involved. Mr. Mikolajewski stated he does not feel there is anything under board but just wants to make sure they understand what is going to happen to the neighborhood with the additional eighteen acres, and how it is going to effect them. The additional eighteen acres runs adjacent to some of the neighborhood properties and we want to make sure we officially go on record objecting. They want to continue to work with the city and see what it is all about, and would like some time to find out what is going on. Mr. Mikolajewski stated they would like to guarantee there would be three readings on this to have time to go through this.

Mayor Fess explained Resolutions do not go through three readings; it is only on the agenda for one reading. Mayor Fess stated Dave Burtnur, Don Freisthler, Bill Murphy and she met with the group and attempted to answer most of their questions. Mayor Fess further stated they are very cognizant of the neighborhood and their lovely area and want to make sure it is protected. That is the reason for keeping the wooded area and purchasing the forty acres which is twenty-five more than we will ever need, but this is to make sure there is a lot of buffers around the area. Mayor Fess thanked Mr. Mikolajewski for his comments.

Commissioner Terry asked is the reason for the purchase of the second parcel to make sure the neighbors have a bigger buffer area in their neighborhood. Mr. Freisthler stated yes, it allow more room for a larger buffer area, and it is not something they will be able to view from their homes. Some of the things that led them to the site is the availability to come back into town to hook into the distribution system without having to run miles of extra pipe and get source water and to bring the raw water lines up from a pump station as well. This is what led them to the site, as the additional area will allow the city to place the plant in the best location for all involved.

Interim City Manager Murphy stated they shared with the Neighborhood there would be additional opportunities to make sure items such as screening would be taken into consideration, the kind of building materials used in the construction of the facility. Mr. Murphy further stated there will be additional opportunities for public input in terms of specific screening requirements and design.

Mayor Fess stated this is still in the initial phase of the design, and it is not something that will occur overnight. The City Commission and the Department Heads fully intend to keep you all
involved in the process including the screening so it will not interfere with the properties in your neighborhood, and understand you wanting to keep that area pristine the way it is. The city looked at several properties and this particular one was chosen by the consultant and is the best use of any of the properties we could find. We want to make it nice and want to make sure that you are not offended by it, said Mayor Fess.

Commissioner Wilson mentioned by purchasing these two properties we will be able to buffer not only the homes but also along St. Rt. 66 and the Johnson Farm so the whole area around the plant will be buffered.

Commissioner Martin stated the reason for purchasing the two properties was to be able to put the plant in the middle so this gives us plenty of room for buffering.


RES. NO. R-98-11

A Resolution awarding a contract to VTF Excavation, LLC for the North Cemetery Bridge Replacement Project

Interim City Manager Bill Murphy stated they have had some discussion with the Cemetery, and will replace the North Cemetery Bridge with a 20’ x 9’ concrete box.

Commissioner Wilson stated the plan for the bridge to the south will it be boarded off and only have one bridge for vehicle traffic?

Commissioner Martin asked if the south bridge would closed off or would pedestrians and bicycles be able to cross the bridge?

City Engineer Amy Havenar stated the south bridge will be closed off to vehicles but would be open to pedestrians and bicycle traffic.

Commissioner Vogt asked if Forest Hill Cemetery contributed anything to the cost of the bridge. Mayor Fess stated no, the bridges are the responsibility of the City.

Public Comment

No one came forward to speak for or against Resolution No. R-98-11 at this time.


RES. NO. R-99-11

A Resolution awarding a contract to Walls Brothers Asphalt Company, Inc. for the 2011 Street Resurfacing Program

Interim City Manager Bill Murphy stated Resolution No. R-99-11 is for the local street repaving program which consists of approximately 2/3 of a mile on County Road 25A on the south side of the corporation limits. This includes from Fox Drive on County Road 25A west to the curve, and County Road 25A from the south corporation limit to the north driveway of the trailer court across from Aesthetic Finishes.

Commissioner Terry asked if the project has been budgeted in the Street Fund. Mr. Murphy stated yes.
Public Comment

No one came forward to speak for or against Resolution No. R-99-11 at this time.


RES. NO. R-100-11

A Resolution authorizing the adoption of the Operations and Maintenance manual for the Shawnee Pump Station, as certified by the City Engineer, including all amendments thereto.

Interim City Manager Murphy stated this resolution deals with the levee accreditation by the Miami Conservancy District, a requirement that they have in order for the City of Piqua to receive accreditation.

City Engineer Amy Havenar explained the city is required to sign an agreement with the Miami Conservancy District, a "PAL" a Provisionally Accredited Levee. In order for our levee to be accredited by FEMA information must be submitted to the Miami Conservancy District and part of that is an Operation and Maintenance Manual of the Pump Station, then they will turn the information into FEMA and hope the levees are accredited. If it comes back and there is something wrong with the levees and they don’t receive accreditation, then the majority of the City of Piqua that is not typically paying flood insurance would be required to carry it. It is critical that we comply with all the requirements from MCD to assure the levees stay accredited.

Mayor Fess stated this is something that is near and dear to Commissioner Martins heart as he has had a lot of contact and dedicated work over there with the Pump House in Shawnee.

Commissioner Martin asked if the Pump House was up and running like it was originally planned to be?

City Engineer Havenar stated the pumps are running as designed kicking on and off, but there is still one issue with the dialer, when the pumps kick on it is supposed to dial a handful of people. It is not letting them know but the pumps are running and they are in the process of working with the consultant to get that fixed.

Public Comment

No one came forward to speak for or against Resolution No. R-100-11 at this time.


RES. NO. R-101-11

A Resolution amending the total payment to Sulzer Turbo Services for emergency repairs to #8 gas turbine

Interim City Manager Murphy stated this resolution deals with repairs that are necessary to the #8 Gas Turbine.

Power Systems Director Ed Krieger stated on July 5, 2011 the City Commission approved a resolution for up to $995,000 to Sulzer Turbo Services for repairs to the #8 gas turbine. Realizing that the scope of the repairs would not be fully known until the unit was disassembled. Sulzer came on site and disassembled the unit and found out that we had significantly underestimated
the repairs. Total repair costs are expected to exceed $2.7 million, and the MVRMA policy covers just over $1.2 million. We are 99% sure that $1.5 million will cover our share of the costs associated with this damage. We recognize these gas turbines are a very important asset to the Power System as this unit is a backup source to over half of the City's customers should it be needed, and in addition will reduce our exposure to significant financial penalties should the City be called upon to operate the gas turbines as part of our participation in the PJM demand response program. Our continued participation in this program saves electric customers over $1.3 million annually on their electric bills, said Mr. Krieger.

Commissioner Martin asked what we are getting for the $1.5 million. Mr. Krieger further explained we really did not know what was wrong with the turbine until we got into it. We were hoping for only having to repair three rows of compressor blades and it turned out to be ten rows of compressor blades, which is a significant difference. The other major difference is that the unit is forty-one years old; it does not run a lot and is used for backup purposes. The $1.5 million is not related to the failure but is related to the age of the unit, the deterioration of the unit over time, and our goal is to get this unit back in like new condition.

Mayor Fess stated that the money would come out of the Enterprise Fund reserves correct? Mr. Krieger stated the money would come out of existing cash reserves. Mr. Krieger further explained the importance of the gas turbines to the City.

Commissioner Wilson asked about the damage that was found was City personnel able to verify that it was legitimate damage, and we were not solely going on what we were told? Mr. Krieger explained, some of the damage found is very common, and our consultant Jim Vines has been working with gas turbines for years and agreed.

Law Director Wall stated she has been talking with MVRMA about this claim. MVRMA is extremely impressed with the quality of the repairs that have been done on this project in terms of the expertise in evaluating the unit and assessing the damage.

Ms. Wall explained what MVRMA is and the reason the City has it.

Public Comment

No one came forward to speak for or against Resolution No. R-101-11 at this time.


RES. NO. R-102-11

A Resolution awarding a purchase order to Barrett Paving Materials, Inc. for the purchase of stone for the Street Department

Interim City Manager Murphy stated there has been a need for additional stone purchases for several of the Street Projects and is asking for approval for these purchases.

Public Comment

No one came forward to speak for or against Resolution No. R-102-11 at this time.

RES. NO. R-103-11

A Resolution authorizing a purchase order to Wall Bros. Asphalt Co. for the placement of 301 Asphalt Base

Interim City Manager Murphy stated this relates to two projects, one is the Water Street project, and the other is the Hemm Avenue Roadway Improvements associated with the new Power Systems Service Center.

City Engineer Havenar further explained it was originally thought this could be done in house, but there were issues on how much the Street Department could do, plus the fact that we are running out of time to get this paved. We were able to coordinate our efforts with the Power System on Hemm Avenue and go out for one bid together to do both jobs, said Ms. Havenar.

Interim City Manager Murphy stated he wanted to clarify that this is just the base asphalt on the Water Street Project. ODOT will come in after the base is done and finish the asphalt. Hemm Avenue will not be getting a final layer of asphalt at this time.

City Engineer Havenar stated this would just be for the base asphalt on both of the projects. ODOT will be paying for 80% of the surface course of asphalt on St. Rt. 36 from Spring Street to Downing Street and also on St. Rt. 185. This is for the six inches of 301 base, and then ODOT will put another three inches of asphalt down. Hemm Avenue will only get the 301 asphalt base at this time.

Public Comment

No one came forward to speak for or against Resolution No. R-103-11 at this time.


RES. NO. R-104-11

A Resolution authorizing the settlement of the appropriation of 439 E. Ash Street, Piqua, Miami County, Ohio

Interim City Manager Murphy stated this is one of the items that was discussed in Executive Session and relates to the East Ash Street Reconstruction Project and the two properties that we need to acquire for the widening project. This deals with the Commercial property, the former Dog Grooming business.

Law Director Wall stated the property owner was represented by legal counsel and the matter was settled before the filing of the complaint. The permanent Highway Easement and the Temporary Easement agreements were both signed with the agreement price of $40,000.

Public Comment

No one came forward to speak for or against Resolution No. R-104-11 at this time.


RES. NO. R-105-11

A Resolution authorizing the reassignment of the City's Canal Sublease for 110 E. Ash Street, Piqua, Ohio, Parcel No. N44-000895
Interim City Manager Murphy stated this resolution also relates to an issue that was discussed in Executive Session relating to the sale of property.

Law Director Wall explained the Canal Lease agreements and how the City reassigns the lease to the property owners. The next resolution allows the City to renegotiate the Master Lease.

Public Comment

Brad Boehringer, Mound Street came forward and asked if the City has ever explored the option of purchasing the Canal Land from the State avoiding the burdensome renegotiations of the Canal Leases. Law Director Wall stated she is not sure but believes the State of Ohio has not been interested in selling, they have always been maintained them under a lease agreement. The lease was signed in 1926 and was for a period of ninety-nine years and it has not yet expired, stated Ms. Wall.


RES. NO. R-106-11

A Resolution authorizing the City of Piqua to terminate the Master Canal Lease with the State of Ohio, being entered into March 30, 1926, and to modify the terms and conditions to enter into a new Master Lease

Interim City Manager Murphy stated this is the second part of the discussion that Ms. Wall just explained in the previous Resolution.

Public Comment

No one came forward to speak for or against Resolution No. R-106-11 at this time.


OTHER

Monthly Reports – July 2011

Monthly Reports for July 2001 were accepted.

PUBLIC COMMENT

Ruth Koon, Park Avenue came forward and congratulated several individuals and organizations that have made a positive impact in the Piqua Community. Jeff Lange for his continued leadership in the POW Organization, The Piqua Civic Band for their summer sessions each week in the Park, Golf Pro Chip Fox at Echo Hills Golf Course for putting together the Junior Golf Camp this year, and the Southview Neighborhood Association as they were able to show that good results do happen when working with the City, and are very pleased with the money that is going to be spent at Mote Park. These are some of the positive things that are going on in our Community and wanted citizens to be aware of them, said Ms. Koon.

Commissioner Wilson stated Channel 5 has been converting over to digital and looks pretty impressive so far, and is a big improvement. Commissioner Wilson noted there is a coach’s show aired each week with Piqua Football Coach Bill Ness covering the Piqua Football games on Wednesday, Thursday, and Friday.
Volunteers are very important to our Community and it is wonderful how they all help out in various ways and on committees, stated Commissioner Wilson.

Commissioner Terry stated she attended the Heritage Festival and further stated we have so much in the City of Piqua to be thankful for. Commissioner Terry also reminded citizens to attend the Day of Honor on Sunday September 11, 2011 at Fountain Park beginning at 2:00 P.M.

Mayor Fess stated a group of 4th grade students are participating on Sunday as these students were born in 2001, and they will have a part in the Day of Honor Program. This is a coming together in a day of unity, said Mayor Fess.

Commissioner Vogt also encouraged citizens to attend the Day of Honor on September 11, 2011. Commissioner Vogt attended the Heritage Festival and stated the volunteers are to be thanked and honored for their work, and encouraged citizens to volunteer.

Interim City Manager Murphy stated there are openings on several Boards and Committees. Two on the Community Diversity Committee, two on the Stormwater Utility Board, and one on the Energy Board. Mayor Fess stated applications are available in the City Manager’s office and on the City’s website, and encouraged citizens to apply for these seats.

Law Director Wall stated an Emergency Preparedness Operation is scheduled for Saturday, September 10, 2011 at the Piqua Airport. The Piqua Airport will be closed Thursday, Friday, and Saturday for this operation. The Piqua Fire Department will be the lead agency on this operation, and this is not in coordination with any of the other 9/11 events, stated Ms. Wall.

Mayor Fess asked Power System Director Krieger to give a brief explanation on the power outage that occurred on Saturday in Piqua. Mr. Krieger explained the reason for the one and one-half hour and outage, and thanked Bob Bowman and his crew for doing such a good job in restoring the power so quickly.

Mayor Fess also asked Mr. Krieger to give a brief update on the power outage that occurred in Tipp City recently. Mr. Krieger stated Piqua sent several employees to help out in Tipp City and worked with DP & L to help restore power.

Mayor Fess thanked all of the Heritage Festival volunteers, and encouraged citizens to attend the Day of Honor.

Mayor Fess noted the passing of Paul "Skip" Jackson, Jr.; he was very well respected in the Piqua Community, loved by all and was everybody’s friend. Mr. Jackson was active in the City serving on committees including the Civil Service Board, and the AD Hock Committee. Mayor Fess asked the Community to keep the Jackson family in their thoughts and prayers.

Mayor Fess stated she wanted to thank all who called and sent her cards following her recent surgery.

**Adjournment**

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:50 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

PASSED: ____________________________

ATTEST: ____________________________
REBECCA J. COOL
CLERK OF COMMISSION

Lucinda L. Fess, Mayor
ORDINANCE NO. 13-11
AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2011

Whereas, Section 5705.38 empowers the municipal legislative authority to pass supplemental appropriations measures as it finds necessary; and therefore:

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected or appointed thereto concurring:

SEC. 1: That there be appropriated from the GENERAL FUND (001)

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>2011 APPROPRIATIONS</th>
<th>2011 SUPPLEMENTAL</th>
<th>2011 REVISED APPROPRIATIONS</th>
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<tr>
<td><strong>Fund 001 General Fund</strong></td>
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<tr>
<td>City Manager</td>
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<td>Operation and Maintenance</td>
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<td>209 Fire Department</td>
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<td>Operation and Maintenance</td>
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<td><strong>Fund 323 Swimming Pool Construction Fund</strong></td>
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<td><strong>Fund 403 Water System Fund</strong></td>
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$21,360,172 $1,624,978 $22,985,150
Fund 404 Wastewater System Fund
Personal Services/Administrative Support $1,088,460
Operation and Maintenance $1,481,502
Capital Outlay (including labor) $153,221
TOTAL $2,723,283

Fund 407 City income Tax Administration Fund
Non Government/Transfers/Refunds $7,450,000

Fund 410 Fort Piqua Plaza Fund
Operation & Maintenance $236,416

Fund 411 Stormwater Utility Fund
Operation and Maintenance $205,411
Capital Outlay (including labor) $205,411
TOTAL $548,822

Fund 412 Meter Reader Fund
Personal Services/Administrative Support $238,175
Operation and Maintenance $28,018
Allocated Expenses (286,193)
TOTAL $0

Fund 413 Utilities Business Office Fund
Personal Services/Administrative Support $459,571
Operation and Maintenance $10,874
Allocated Expenses (569,455)
TOTAL $0

Fund 415 Swimming Pool Fund
Operation and Maintenance $72,517
Capital Outlay (including labor) (17,000)
TOTAL $55,517

Fund 754 Broadway Street Fund
Operation and Maintenance $0

2011 APPROPRIATIONS 2011 SUPPLEMENTAL 2011 REVISED APPROPRIATIONS

$1,088,460 ($11,600) $1,076,860
$1,481,502 $11,600 $1,493,202
$153,221 $145,172 $298,393
$2,723,283 $145,172 $2,868,455
$7,450,000 $300,000 $7,750,000
$236,416 $51,390 $287,806
$205,411 $59,000 $264,411
$434,200 $25,503 $368,703
$548,811 $84,503 $633,114
$238,175 $208,18 $256,175
$28,018 $1,600 $29,618
$286,193 (1,600) (267,753)
$0 $0 $0
$459,571 $10,874 $459,571
$365,600 $10,874 $365,600
$845,471 (10,874) (856,345)
$0 $0 $0
$72,517 $3,000 $75,517
$20,000 (20,000) $0
$92,517 (17,000) $75,517
$0 $98,250 $98,250

SEC. 62: That the sums appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2011. Future commitments representing encumbrances of fund balance or future receipts will be appropriated in the future year when those services or goods are rendered to the city.

SEC. 63: That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reapportioned for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.

SEC. 64: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2011 when passed and legally contracted for in conformity by law.

SEC. 65: That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed $1,000,000 in the aggregate nor exceed past December 31, 2011; except those that are to be reimbursed by federal or state grant programs that were previously approved by this Commission.

SEC. 66: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

SEC. 67: That this ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and shall take effect and be in force from and after passage.

LUCINDA L. FEISS, MAYOR

PASSED:

ATTEST:

REBECCA J. COOL
CLERK OF COMMISSION
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<tr>
<th>Department</th>
<th>Budget Item</th>
<th>Amount</th>
<th>Notes</th>
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<td>City Manager Search</td>
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<td>Engineering</td>
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<td>Auto Repairs</td>
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<td>Health</td>
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<td>Operation and Maintenance</td>
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<td>Transfer from General Fund to other funds</td>
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<td>Decreased Revenue</td>
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<td>Transfer to Golf 409</td>
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<td>Loss of Tenant</td>
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<td>Net Increase to General Fund</td>
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<td>Increased Ambulance Runs</td>
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<td>Pro Piqua Fund (128)</td>
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<td>Per WOTVC Contract</td>
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<td>City Income Tax Administration Fund (407)</td>
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<td>Fort Piqua Plaza Fund (410)</td>
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<td>Stormwater Utility Fund (411)</td>
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<td>Meter Readers Fund (412)</td>
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<td>Utility Business Office Fund (413)</td>
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<td>Swimming Pool Fund (415)</td>
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<td>Broadway Street Fund (754)</td>
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<td>Overall Total</td>
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- **EMA Fund (139)**
  - Personal Services/Administrative Support
  - $15,000 Ohio Task Force I
- **Swimming Pool Construction (323)**
  - Non Government/Transfers/Refunds
  - $35 Tax Transfers
  - $1,624,578 $1,500,000 Gas Turbine Rebuild; $124,978 Brownfield
  - $219,146 $17,156 Flood Gravel Pit; $19,218 O.R. Colan; $24,272 Flocculator
  - $ (219,146) Repair; $168,500 CDM Study
- **Wastewater System Fund (404)**
  - Personal Services/Administrative Support
  - $ (11,600)
  - $11,600 TV Camera Van
  - $145,172 Increase in West Sewer Rehab
  - $145,172
- **City Income Tax Administration Fund (407)**
  - Non Government/Transfers/Refunds
  - $300,000 Increase in Tax Collections
- **Fort Piqua Plaza Fund (410)**
  - Operation and Maintenance
  - $51,390 Advertising, Contractual Services, Repairs & Maintenance, IT Equipment
- **Stormwater Utility Fund (411)**
  - Operation and Maintenance
  - $59,000 Map Survey
  - $25,503 Leaf Vacum
  - $84,503
- **Meter Readers Fund (412)**
  - Operation and Maintenance
  - $1,600 Radix Repair
  - $ (1,600)
  - $ (1,600)
- **Utility Business Office Fund (413)**
  - Operation and Maintenance
  - $10,874 Increased Visa Fees due to increase Credit Card Payments
  - $ (10,874)
- **Swimming Pool Fund (415)**
  - Operation and Maintenance
  - $3,000 Cost of Concessions
  - $ (20,000) No Capital Needed
  - $ (17,000)
- **Broadway Street Fund (754)**
  - Operation and Maintenance
  - $98,250 Broadway Special Assessment

**Overall Total**: $2,548,783
### General Fund, Safety, & Parks Breakdown

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<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation and Maintenance</td>
<td>$28,412</td>
</tr>
<tr>
<td>Allocated Expenses</td>
<td>$(14,344)</td>
</tr>
<tr>
<td>Transfers to other Funds</td>
<td>$</td>
</tr>
<tr>
<td>Capital Outlay (including labor)</td>
<td>$(4,500)</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td><strong>$9,568</strong></td>
</tr>
</tbody>
</table>

### Streets 101 & 103 Breakdown

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services/Administrative Support</td>
<td>$30,000</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>$114,500</td>
</tr>
<tr>
<td>Non Government/Transfers/Refunds</td>
<td>$76,387</td>
</tr>
<tr>
<td><strong>Total Streets</strong></td>
<td><strong>$220,887</strong></td>
</tr>
</tbody>
</table>

### Other Funds Breakdown (119, 128, 323, 407, 754)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services/Administrative Support</td>
<td>$15,000</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>$114,250</td>
</tr>
<tr>
<td>Non Government/Transfers/Refunds</td>
<td>$300,035</td>
</tr>
<tr>
<td><strong>Total Other Funds</strong></td>
<td><strong>$429,285</strong></td>
</tr>
</tbody>
</table>

### Enterprise Breakdown

(Power, Water, Wastewater, Stormwater, Meter Readers, Utility Business Office, Plaza, Pool)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services/Administrative Support</td>
<td>$(11,600)</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>$1,981,588</td>
</tr>
<tr>
<td>Allocated Expenses</td>
<td>$(12,474)</td>
</tr>
<tr>
<td>Capital Outlay (including labor)</td>
<td>$(88,471)</td>
</tr>
<tr>
<td><strong>Total Enterprise</strong></td>
<td><strong>$1,889,043</strong></td>
</tr>
</tbody>
</table>

### Overall Total

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overall Total</strong></td>
<td><strong>$2,548,783</strong></td>
</tr>
</tbody>
</table>