

A G E N D A
PIQUA CITY COMMISSION
MONDAY, NOVEMBER 17, 2008
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

REGULAR CITY COMMISSION MEETING

1. **APPROVAL OF MINUTES** Approval of the minutes from the November 3, 2008
 Regular City Commission meeting

2. **ORD. NO. 26-08** An Ordinance amending Section 93.04 of the
 3rd Reading Piqua Code relating to Fire Prevention

3. **RES. NO. R-121-08** A Resolution establishing a City Commission
 2009 calendar of meetings

4. **RES. NO. R-122-08** A Resolution authorizing the City Manager to enter
 into an agreement with the Miami County Board of
 Commissioners to replace an existing sanitary
 sewer agreement to include providing sanitary sewer
 to the Village of Fletcher

ADJOURN

**MINUTES
PIQUA CITY COMMISSION
MONDAY, NOVEMBER 3, 2008
7:30 P.M.**

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

EXECUTIVE SESSION

Piqua City Commission met at 6:00 P.M. in the Administrative Conference Room for the purpose of an Executive Session.

Mayor Hudson called the meeting to order. Also present were Commissioners Vogt, Fess, and Terry. Absent: Martin.

Moved by Commissioner Vogt, seconded by Commissioner Terry, to excuse Commissioner Martin from the Executive Session. Voice vote, Aye: Vogt, Fess, Terry, and Hudson.

The purpose of the Executive Session is to prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel.

Commissioner Martin came into the Executive Session at 7:00 P.M.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adjourn from Executive Session at 7:20 P.M. Voice vote, Aye: Martin, Fess, Terry, Hudson, and Vogt. Nay: None.

REGULAR CITY COMMISSION MEETING

Presentation of Proclamation - Family Month in the City of Piqua

Mayor Hudson read the proclamation and presented it to representatives of the Church of Jesus Christ of Latter Day Saints proclaiming November as Family Month in the City of Piqua.

APPROVAL OF MINUTES

Moved by Commissioner Martin, seconded by Commissioner Terry, that the minutes of the October 20, 2008 Regular City Commission Meeting be approved. Voice vote, Aye: Terry, Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously.

ORD. NO. 25-08
(3rd Reading)

An Ordinance amending Ordinance No. 36-66 relating to the Municipal Income Tax

Commissioner Terry asked someone to explain the amendments that were changed. Cynthia Holtzapple, Finance Director explained the various changes to the amendments.

Commissioner Fess stated she has received several calls regarding the city income tax paid by the employees and asked to have it explained. Ms. Holtzapple stated there would not be any changes made at this time regarding the employee tax but they just tried to make it easier to understand.

Public Comment

No one came forward to speak for or against Ordinance No. 25-08.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 25-08 be adopted, as amended. Voice vote, Aye: Hudson, Fess, Vogt, Martin and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 25-08 adopted, as amended.

ORD. NO. 26-08 **(2nd Reading)**

An Ordinance amending Section 93.04 of the Piqua Code relating to Fire Prevention

Public Comment

Bill Hogston, Greene Street, President of Local 252 Firefighters voiced his concern over the passing of Ordinance No. 26-08 at this time and explained his reason regarding the City Commission adopting this ordinance.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Ordinance No. 26-08 be given a second reading. Voice vote, Aye: Hudson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 26-08 be given a second reading.

ORD. NO. 27-08 **(2nd Reading)**

An Ordinance vacating a portion of Campbell Street public right of way

Public Comment

No one came forward to speak for or against Ordinance No. 27-08.

Commissioner Terry stated she has looked at the property in question, and Mr. Shively should not be impacted in anyway with the vacation of Campbell Street.

Moved by Commissioner Fess, seconded by Commissioner Terry, that the rule requiring that Ordinance No. 27-08 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Terry, Hudson, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously. Moved by Commissioner Fess, seconded by Commissioner Terry, that Ordinance No. 27-08 be adopted. Voice vote, Aye, Hudson, Terry, Vogt, Martin, and Fess. Nay None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 27-08 adopted.

Res. No. R-115-08 **(Tabled 10-20-08)**

Moved by Commissioner Vogt, seconded by Commissioner Martin, to remove Resolution No. R-115-08 from the table at this time. Voice vote, Aye: Vogt, Hudson, Martin, Terry and Fess. Nay: None. Motion carried unanimously. Mayor Hudson stated Resolution No. R-115-08 has been removed from the table.

A Resolution adopting a Long Range Financial plan for the City of Piqua

Commissioner Fess stated she would like to remove the word "comprehensive" from Section 1, the last line, from Resolution No. R-115-08 at this time. All were in agreement on removing the word "comprehensive" from Section 1 in Resolution No. R-115-08 at this time.

City Manager Enderle stated within the Long Range Financial plan there is \$420,000 in revenue enhancements proposed over the next three years, and \$643,00 in expenditure reductions over the next three years.

Mayor Hudson stated there were about 40 attendees at the Work Study Session held on October 28, 2008 and received a lot of public input and thanked all who attended for their comments.

Commissioner Vogt stated he felt it was the best work session they have had with the public input that was received, and took heed to the public opinions. "We are here to listen to you", stated Commissioner Vogt.

Public Comment

Brad Boehringer, 128 Mound Street, stated he felt the work-study session was very productive, and thanked the Commission for listening to the public. Mr. Boehringer also voiced his concern over the traffic citation area and asked the commission to look at it a little longer first.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-115-08 be adopted as amended. Voice vote, Aye: Hudson, Terry, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-115-08 adopted as amended.

RES. NO. R-116-08

A Resolution awarding a contract for the construction of a 3.0 million gallon flow equalization basin and standby power generator for the wastewater Treatment Plant

Commissioners asked several questions concerning the tank and the need for the change in size and timeframe for building. Acting Public Works Director Amy Havenar explained the changes.

Public Comment

No one came forward to speak for or against Resolution No. R-116-08.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-119-08 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-119-08 adopted.

RES. NO. R-120-08

A Resolution amending the total payment to Camp Dresser & McKee, Inc. for the design and construction phase engineering of a 3.0 million gallon flow equalization basin and a standby power generator project

There was discussion on the amount of increase in the change order.

Public Comment

No one came forward to speak for or against Resolution No. R-120-08.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-120-08 be adopted. Roll call, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-120-08 adopted.

Monthly Reports for September 2008 were accepted.

PUBLIC COMMENT

A Manier Street resident voiced concern about a neighbor's dog attacking her dog. Mayor Hudson asked that she speak to Acting Chief Jamison after the meeting.

Bill Hogston, Greene Street, voiced concern about a typo in the Charter Amendment in the legal notice that was published in the Piqua Daily Call. Law Director Stacy Wall explained that the typo was corrected and the correct language is on the ballot for the November 4, 2008 election.

Chet Osborn, Staunton Street, President of the Shawnee Neighborhood Association, thanked Officer Bill Weaver and the DARE Program for helping hand out candy in the Shawnee Neighborhood.

Brad Boehringer, Mound Street, reminded citizens to exercise their right to vote on November 4, and voiced his opinion on the five ordinances on the ballot, and asked citizens to vote no.

Frank Barhorst, S. Wayne Street, voiced his opinion on the five ordinances, stating these are just common sense Ordinances, there is no reason not to vote for them.

Chuck Starrett, Demming Road, POINT Director voiced his opinion on having a twenty-year old young women from the City of Piqua running for the State Senate and continued by saying he is very proud of our youth.

Joe Drapp, Park Avenue, voiced his opinion on the five ordinances on the ballot and stated he is all for everything that is pro-Piqua. Mr. Drapp urged citizens to not walk backwards, but to continue to walk forward and vote yes for the five ordinances on the ballot.

William Mader, S. Downing Street, voiced his opinion on the code enforcement issues and asked the Commission to think about the taxpayers in the city.

Commissioner Vogt commented on the wonderful Gala held at the Fort Piqua Plaza, and how much he enjoyed the Glen Miller Orchestra and the Mills Brothers. Commissioner Vogt stated he was astounded at the way the ballroom was able to accommodate the crowd. Piqua has a real gem with the Fort Piqua Plaza, said Commissioner Vogt.

Commissioner Vogt voiced his opinion on the five ordinances on the ballot, stating these ordinances have a lot to do with our economic development, and urged citizens to vote yes on all five.

Commissioner Martin urged citizens to get out and vote yes on all five or the ordinances on the ballot.

Commissioner Fess stated the Gala held at the Fort Piqua Plaza was spectacular and the music was wonderful and everyone had a great time. Commissioner Fess had a question concerning the licensing of contractors and the use of illegal aliens. City Manager Enderle explained.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 8:30 P.M. Voice vote, Aye: Fess, Hudson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 26-08

AN ORDINANCE AMENDING SECTION 93.04 OF
THE PIQUA CODE RELATING TO FIRE PREVENTION

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

SEC. 1: Section 93.04 (Bureau of Fire Prevention; Duties) of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined):

- (A) The Fire Prevention Codes shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and shall be operated under the supervision of the Chief of the Fire Department.
- (B) ~~The Assistant Chief in charge of the fire prevention bureau shall be chosen as per the civil service rules for promotions.~~ The Fire Chief of the Piqua Fire Department may delegate any of his powers or duties under this chapter to the ~~Assistant chief of the fire prevention~~ officer ~~bureau.~~
- (C) The Chief of the Fire Department, from time to time, may designate as many members to be inspectors as he may deem necessary. They shall have such powers and perform such duties as are set forth in other sections of this chapter, and as may be conferred and imposed from time to time by law.
- (D) A report of the bureau of fire prevention shall be made annually to the chief of the fire department. Such report shall contain all proceedings under this chapter.
- (E) It shall be the duty of the fire prevention bureau to enforce all state and local fire codes in the City of Piqua, Ohio
- (F) It shall be the duty of the ~~assistant chief of the fire prevention~~ officer ~~bureau~~ to investigate and recommend to the City of Piqua, Ohio such additional ordinances, or amendments to existing ordinances, as he may deem necessary for the safeguarding of life an property against fire and explosion.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____
3rd Reading

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-121-08

**A RESOLUTION ESTABLISHING A CITY COMMISSION
2009 CALENDAR OF MEETINGS**

WHEREAS, Section 4 of the City of Piqua Charter (*Meetings of Commission*) states that Commission Meetings shall be held on the first Monday in January following a regular municipal election beginning at 7:30 P.M.; and

WHEREAS, thereafter the Commission shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month; and

WHEREAS, it is in the best interest of the Piqua City Commission to adopt a 2009 calendar of meetings attached hereto as Exhibit "A."

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 2009 Calendar of Meetings for the Piqua City Commission is hereby approved.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Exhibit "A"

**COMMISSION MEETING DATES
JANUARY – DECEMBER 2009**

Monday	January 5, 2009
<i>Tuesday (Due to MLK, Jr. Day)</i>	January 20, 2009
Monday	February 2, 2009
<i>Tuesday (Due to President's Day)</i>	February 17, 2009
Monday	March 2, 2009
Monday	March 16, 2009
Monday	April 6, 2009
Monday	April 20, 2009
Monday	May 4, 2009
Monday	May 18, 2009
Monday	June 1, 2009
Monday	June 15, 2009
Monday	July 6, 2009
Monday	July 20, 2009
Monday	August 3, 2009
Monday	August 17, 2009
<i>Tuesday (Due to Labor Day)</i>	September 8, 2009
Monday	September 21, 2009
Monday	October 5, 2009
Monday	October 19, 2009
Monday	November 2, 2009
Monday	November 16, 2009
Monday	December 7, 2009
Monday	December 21, 2009

RESOLUTION NO. R-122-08

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH THE MIAMI
COUNTY BOARD OF COMMISSIONERS TO REPLACE
AN EXISTING SANITARY SEWER AGREEMENT TO
INCLUDE PROVIDING SANITARY SEWER SERVICE TO
THE VILLAGE OF FLETCHER**

WHEREAS, on September 20, 1999, Piqua City Commission approved a contract with the Miami County Board of Commissioners to provide sanitary sewer service north of the City by approving Resolution No. C-11332 attached hereto as Exhibit "C"; and

WHEREAS, a proposed new agreement is necessary to change the language to include industrial pre-treatment and limiting sewer service for customers with water meter services of up to 2-inch in diameter and revising the service area map and adding 100,00 gallon/per day of capacity to highlight some of the major areas of change between the existing agreement and the attached proposed agreement; and

WHEREAS, the attached proposed new agreement with the Miami County Board of Commissioners will continue to provide sanitary sewer service to areas outside of the city limits; Greens of Springcreek Subdivision, the Piqua Country Club and Monnin Subdivision in addition to the Village of Fletcher and the immediate surrounding areas in Brown Township; and

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:

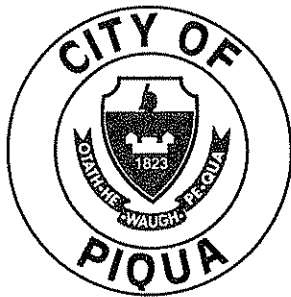
SEC. 1: The agreement between the City and the County appended hereto is hereby approved and the City Manager is hereby authorized to execute said Agreement.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



ENGINEERING DEPARTMENT

Amy L. Havenar, P.E. – City Engineer
201 West Water Street • Piqua, Ohio 45356
(937) 778-2044 • FAX (937) 778-5165
E-Mail: ahavenar@piquaoh.org

November 10, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR COMMISSION AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE MIAMI COUNTY BOARD OF COMMISSIONERS TO REPLACE AN EXISTING SANITARY SEWER AGREEMENT TO INCLUDE PROVIDING SANITARY SEWER SERVICE TO THE VILLAGE OF FLETCHER**

Attached for commission authorization please find a new agreement with the Miami County Board of Commissioners as referenced above. The current sanitary sewer agreement includes providing sanitary sewer service to the following areas outside of the city limits: Greens of Springcreek Subdivision, the Piqua Country Club and Monnin Subdivision. The new agreement will continue to provide sanitary sewer service to these areas, in addition to the Village of Fletcher and the immediate surrounding areas in Brown Township (see attached Exhibits A & B).

At its meeting on September 15, 2008 the City Commission expressed its willingness to provide sanitary sewer service to the Village of Fletcher in addition to committing a minimum of \$150,000 for costs to oversize the sanitary sewer main from the Village of Fletcher to Piqua.

Language regarding industrial pre-treatment, limiting sewer service for customers with water meter services of up to 2-inch in diameter, the revised service area map, and adding 100,000 gallon/per/day of capacity to the agreement are the major areas of change between the existing agreement dated September 28, 1999 and the proposed agreement.

Please let me know if you have any additional questions pertaining to this matter.

Respectfully submitted,

Amy L. Havenar, PE

ALH/jc

Attachment

cc: Dave Burtner, Wastewater Treatment System Superintendent
Patrick Turnbull, PE, Miami County Sanitary Engineer



SEWER AGREEMENT

THIS AGREEMENT made and entered into at Piqua, Ohio, the _____ day of _____, 2008, by and between THE CITY OF PIQUA, OHIO, an Ohio municipal corporation, hereinafter called "CITY" as has been duly authorized by Resolution _____ adopted by PIQUA CITY COUNCIL on the _____ day of _____, 2008, and the Board of County Commissioners of Miami County, Ohio, hereinafter called the "COUNTY" as has been duly authorized by Resolution No _____ passed by the Commission on the _____ day of _____, 2008.

WITNESSETH:

WHEREAS, the COUNTY has established the Miami County Sewer District which encompasses and includes areas of Miami County, Ohio, outside the corporate limits of CITY, and has constructed therein, and proposes to effect further construction, and to maintain or install sanitary sewers therein pursuant to authority afforded under relevant provisions of the Ohio Revised Code, including, specifically, Sections 6117.42, 307.15 and 307.18 of the Code;

WHEREAS, the CITY, at the request of the County currently provides wastewater treatment services to the COUNTY Sewer District, and is prepared, willing, and able to continue the provision of such services; and

WHEREAS, the CITY, upon the request of Miami County will provide treatment of wastewater delivered from areas of the COUNTY Sewer District, as depicted in the attached Service Area Maps, Exhibit A and B, to the CITY's Wastewater Treatment Facilities; and

WHEREAS, the CITY will provide treatment of wastewater delivered to its Wastewater Treatment Facilities, and the COUNTY desires such service:

NOW, THEREFORE, in consideration of the promises and mutual covenants hereafter set forth the CITY and the COUNTY AGREE as follows:

SECTION 1: The CITY AGREES AS FOLLOWS:

- A. To furnish wastewater treatment service, at an average flow rate which shall not exceed three hundred, and fifty thousand gallons (.35 MGD) per day, unless additional flow is approved by the CITY, for the benefit of the Miami County Sewer District, and the COUNTY, by the receipt and treatment of wastewater generated within said area, and to allow the COUNTY to connect the sanitary sewers in said District to CITY's system at the most appropriate and convenient location as may be determined by the agreement of the COUNTY and the CITY, and to continue to maintain existing connections.

SEWER AGREEMENT

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- B. Customers who connect to the COUNTY sanitary sewers within the area shown in Exhibits A and B, with the exception of those in the boundaries of Monnin Estates Section Number 1 through Number 5, Brown Township, and the Village of Fletcher, shall be required to sign an agreement that they will petition for annexation to the CITY once the property served by sewer service is contiguous to the CITY.
- C. To relieve the COUNTY of obligation and responsibility of treating wastewater discharges in said area and to assume the same provided that any portion of such area which is so serviced has its wastewater discharges centrally sewerred and conveyed to the CITY system as is agreed herein.
- D. To provide the COUNTY water meter readings from the service area in a timely manner in order for the COUNTY to calculate sewer bills.

SECTION II: THE COUNTY AGREES AS FOLLOWS:

- A. To pay the CITY for all wastewater treatment furnished hereunder at the prevailing sewer rates assessed and charged by the CITY on services provided to premises within the CITY, plus fifteen percent (15%).
- B. To cause this Agreement to be administered by the Miami County Sanitary Engineer for and on behalf of the COUNTY.
- C. To only obtain sanitary sewer service for areas identified in Exhibit A and B through CITY or with written CITY approval
- D. To construct, to maintain, to operate, and to expand as the COUNTY may deem necessary the COUNTY's sewage collection system and to retain complete responsibility for the construction, maintenance, upkeep, and operation of said sewage collection system. Any plans for the expansion of the collection system shall first be submitted to the CITY for its approval prior to submission to the appropriate regulatory agencies for approval. Approval by the CITY in this regard shall not be withheld unreasonably. In addition, the COUNTY agrees to maintain and enforce proper rules, regulations, and construction specifications governing sewer extensions within the Miami County Sewer District which are connected to the CITY system and through which wastewater is conveyed to the CITY for treatment. The latest revision of the City of Piqua "Subdivision Construction Standards", or other mutually agreed upon standards, shall serve as minimum requirements for such installation, construction, repair, or maintenance done by or for the County.

SEWER AGREEMENT

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- E. To require of itself and all its customers that conformance with the discharge requirements of the CITY and with all applicable Federal Pretreatment Requirements as may be in effect.
 - 1. To require pretreatment or other corrective measures to be installed or developed with respect to industrial, commercial, and institutional customers of the system in order to comply with applicable statutory or regulatory requirements of the CITY.
 - 2. That it will enact or adopt appropriate rules and regulations which are applicable to the use of its sewer systems through which wastewater is conveyed to the City for treatment, and for the control of wastewater discharges from such systems and related to treatment under this agreement.
- F. To maintain a schedule of sewerage service charges that are at least 25% above prevailing in CITY rates, which may, from time to time, be amended by action of the County. Such schedule of charges shall be developed in accordance with Federal regulations pertaining to USER CHARGE and INDUSTRIAL COST RECOVERY. The revenues from said charges shall at all times be at least sufficient to pay:
 - 1. The charges of the CITY as specified in Section II.A above.
 - 2. As to the Sewer System of the COUNTY from and through which wastewater is conveyed to the CITY for treatment, all reasonable expenses to operate and to maintain the same, and to provide an adequate reserve for replacement, improvements and other necessary requirements of said portion of the COUNTY'S Sewer System.
 - 3. The debt service upon the COUNTY system(s) and its current obligation, and to maintain reserves which, in the context of the budget of the system and financial condition of the COUNTY are fiscally sufficient.
 - 4. To pay the excess loading surcharges as the same may be determined by the CITY, which surcharges shall be charged the COUNTY, by the CITY, as it would any other CITY customer.
- G. To maintain and to repair all sewer lines, facilities, and appurtenances constructed by the COUNTY outside of the CITY's system and within said Sewer District at no cost or expense to the CITY. The COUNTY'S system which is connected to the Sewer System of the CITY shall be maintained so that infiltration and inflow (I/I) quantities do not exceed fifty percent (50%) of the average daily flow of wastewater from the COUNTY to the CITY.

SEWER AGREEMENT

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- H. To construct all collection mains, trunks, interceptors, lift stations, and other necessary appurtenances, outside the CITY's corporation line, as well as plus that portion of the same within the corporate limits of the CITY's which are necessary to permit connection to the CITY's existing sewer mains so as to effect the provision of treatment services contemplated hereby, at the most appropriate and convenient location as agreed to by COUNTY and CITY, at no cost or expense to CITY.
- I. To maintain and to repair all sewer lines, facilities and appurtenances constructed by COUNTY outside CITY's systems and within said Sewer District at no cost or expense to CITY.

SECTION III: THE CITY AND COUNTY AGREE:

- A. That the CITY will permit sewer tap-in of customers with water meter services of up to 2" in diameter for COUNTY connections for domestic and non-fire protection uses, without requiring prior, additional approval by the CITY. Extensions of sewer collection lines are not part of this limitation.
- B. That all sewer mains, facilities, and appurtenances shall be installed in accordance with the CITY's specifications which are generally applicable to installations effected within the CITY by the CITY customers or other specifications upon which the parties may mutually agree. The CITY shall have the right to inspect said construction, and installation, and the materials used therein.
- C. That all wastewater services to be furnished to said Sewer District shall be measured by a flow measuring device or devices, or other mutually agreeable methods which shall be utilized to determine the COUNTY's monthly flow volume into the CITY sewerage system.

Said devices(s) shall be installed at a mutually agreed upon location(s) and shall be installed by COUNTY at no risk, cost, or expense to CITY. Such devices shall be maintained by the COUNTY so as to remain operable on a ongoing basis. Said devices shall be read by CITY and the rates and surcharges of the CITY will be calculated from these flow measurements or methods using the costs for service as established by the CITY's Ordinance as is set forth herein. Rates and surcharges allowed hereunder will be billed monthly, or at such date and times as may be fixed by CITY, and shall be payable within a period of thirty (30) days thereafter.

The CITY shall combine all County metered locations into a single "master" customer account with a single, equivalent minimum meter size; and with the usage of the various meter locations combined as a single consumption quantity.

SEWER AGREEMENT

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Upon failure of COUNTY to pay an invoice rendered by CITY for wastewater service, said CITY shall have the right to discontinue furnishing service to said Sewer District with a minimum of thirty (30) days notice, unless public health and safety are at risk, or the discontinuation of said services will render public health and safety to be at risk.

- D. The COUNTY shall not be permitted to connect industrial customers to the sewer system under this Agreement.
- E. That COUNTY shall obtain all necessary regulatory agency approvals and permits for the execution and operation of this agreement as the same are applicable to the functions of the COUNTY hereunder, and the connection of service lines to the CITY system for the provision of wastewater treatment services for wastewater generated in the COUNTY and transported to the CITY, at no expense to the CITY.

SECTION IV: LEGAL CONSTRUCTION

The determination that any Section of this Agreement is invalid shall not invalidate or impair the force of effect of any other Section thereof.

SECTION V: ANNEXATION

The CITY and the COUNTY agree that, in the event of annexation of part or all of said Sewer District to the CITY, all sewer mains and other appurtenances installed by the COUNTY at COUNTY expense, contained within the area to be annexed may be sold by the COUNTY to the CITY, and may be purchased by the CITY from the COUNTY. The purchase price shall be agreed upon by both parties, and negotiation of the purchase price shall consider:

- A. The amount of the COUNTY's outstanding debt on said sewer mains and appurtenances;
- B. The percentage of capacity of said COUNTY installed sewer mains being used, or required to serve area to be annexed; and
- C. The percentage of sewer customers contained within the area to be annexed as compared to the total debt service area.

After agreement is reached on the above items and a satisfactory purchase price is established, the CITY hereby agrees to reimburse the COUNTY in the amount of said figure, after which ownership of said COUNTY installed sewer mains and facilities shall be vested in the CITY.

SECTION VI: INTERVENING USER PROTECTION

The CITY and the COUNTY agree that, in the event that Section V of this agreement has not been exercised on COUNTY lines that have been annexed into the CITY, the CITY shall provide intervening user protection in the form of a compensation agreement for any part of a COUNTY installed sewer that could serve CITY customers. Prior to the CITY's granting taps or connections to a COUNTY line, the compensation agreement shall be agreed upon by the COUNTY and the CITY and shall be generally structured as follows:

- A. The COUNTY shall receive payment as established in the current Miami County Local Collection System Charge per linear foot of front footage along the sewer line.
- B. The COUNTY shall receive payment for the loss of revenue on the County installed mainline. Typically this amounts to 25% of the current COUNTY rates for 20 years based upon the projected customer water usage.
- C. The current COUNTY tap fee shall be paid for each tap based upon the current COUNTY tap fee schedule.

SECTION VII: EFFECTIVE DATE

This agreement shall continue in full force and effect for a period of twenty (20) years after the date hereinbefore written unless the entire Sewer District service area is obtained by the CITY, or unless, with two (2) years prior written notice to the other, the CITY or the COUNTY effects the termination of this Agreement. The COUNTY may not terminate service to areas of said Sewer District annexed to CITY that are serviced by CITY wastewater services through COUNTY sewer systems unless approved by the CITY. Nothing in this agreement shall mitigate against the CITY's provision of sewer service to such annexed areas through its own resources.

SECTION VIII: AMENDMENTS

This Agreement may be amended at any time by mutual agreement of both parties except that such amendment shall not impair the security of any bonds or other obligations and any such amendment shall be in writing executed by both parties.

Issues not covered in this agreement shall be open to negotiation at the time of their occurrence.

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IN WITNESS WHEREOF, said City of Piqua by Frederick E. Enderle, City Manager, and the Board of County Commissioners of Miami County, Ohio, by John F. Evans, Ron Widener, and John W. O'Brien, all said individuals being duly authorized, have hereunto set their hands to triplicate originals on the day and year first above written.

APPROVED AS TO FORM AND
CORRECTNESS:

THE CITY OF PIQUA, OHIO

_____ by: _____

APPROVED AS TO FORM AND
CORRECTNESS:

THE BOARD OF COUNTY COMMISSIONERS
OF MIAMI COUNTY, OHIO

_____ by: _____

MIAMI COUNTY
SERVICE AREA MAP
EXHIBIT A



1" = 1200'



MIAMI COUNTY
SERVICE AREA MAP
EXHIBIT B



RESOLUTION NO. C-11332

**A RESOLUTION APPROVING A CONTRACT
WITH MIAMI COUNTY BOARD OF COM-
MISSIONERS TO PROVIDE SANITARY SEWER
SERVICE NORTH OF THE CITY**

WHEREAS, Miami County has established the Miami County Sewer District outside the corporate limits of the City of Piqua, and proposes to maintain, or to construct, install and maintain sanitary sewers therein by authority of ORC 6117.42, 307.15 and 307.18; and

WHEREAS, the COUNTY desires to abandon the Monnin Estates wastewater treatment plant and construct sewers to the CITY which will subsequently provide the means for the abandonment of the Piqua Country Club wastewater treatment plant, both of which discharge into the RUSH CREEK; and

WHEREAS, the CITY desires the elimination of the potential sources of pollution and the environmental impacts from the Monnin Estates and Piqua Country Club wastewater treatment plants; and

WHEREAS, the CITY, upon the request of Miami County, will provide wastewater treatment services to the COUNTY Sewer District to serve the Monnin Estates, Piqua Country Club, Carriage Crossing Development and existing residential units in the immediate vicinity; and

WHEREAS, the CITY will provide treatment of wastewater delivered to its Wastewater Treatment Facilities, and the COUNTY desires such service;

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 agreement between the City and the County appended hereto as Exhibit "A" is hereby approved and the City Manager is hereby authorized to execute said Agreement.

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


FRANK H. BARHORST, MAYOR

PASSED: September 20, 1999

ATTEST: Rebecca J. Cool
REBECCA J. COOL
CLERK OF COMMISSION