

# RECORD OF PROCEEDINGS

## MEETING OF COUNCIL

January 9, 2023

Mayor O'Callaghan called the City of Union council meeting to order on Monday, January 9, 2023 at 7:30 p.m.

Attendance was taken and the following council members were present, Mayor O'Callaghan, Mr. Bruns, Mrs. Oberer, Mrs. Thomas-Roth, Mr. Niemann and Mr. Prunier.

Other City staff members attending the meeting were John Applegate, City Manager, Denise Winemiller, Clerk of Council, and Joe Moore, Law Director.

Mayor O'Callaghan called for a moment of silence.

1. Mayor O'Callaghan asked if there were any additions, deletions or corrections to the minutes of the December 12, 2022 council meeting. There were no corrections.

Mr. Bruns moved that the minutes be accepted as prepared. Mrs. Oberer seconded the motion. All concurred and the minutes were accepted as prepared.

Mayor O'Callaghan started the meeting out with a letter received from Council member Jean Kyle asking for Mayor O'Callaghan and Council to accept her resignation from the City of Union Council effective 12-30-2022. Mr. Applegate received a letter from Jean Kyle's daughter thanking the City Council for making her mother a part of the Union Council over the years. And that her Mother holds the City of Union near and dear to her heart and loved serving with you all.

Mayor O'Callaghan moved to accept Jean Kyle's resignation. Mr. Bruns seconded the motion. All concurred and Council member Jean Kyle's resignation was accepted.

2. Citizen's and Visitor's Comments.

There were no comments.

3. Appointment of members for the 2023 Miami Valley Regional Planning Commission Board of Directors and for the 2023 Technical Advisory Committee.

Mayor O'Callaghan moved for Mr. Bruns to be appointed to the 2023 Miami Valley Regional Planning Commission Board of Directors and Mrs. Oberer seconded the motion. All concurred and the motion was passed.



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Mr. Bruns moved for Mayor O'Callaghan be the alternate for the 2023 Miami Valley Regional Planning Commission Board of Directors and Mrs. Oberer seconded the motion. All concurred and the motion was passed.

Mr. Bruns moved for Mr. Applegate be appointed to the 2023 Technical Advisory Committee. Mayor O'Callaghan seconded the motion. All concurred and the motion was passed.

4. Reappointment of Helen Oberer for the Personnel Advisory and appeals Board. (Three year term).

Mayor O'Callaghan moved for Helen Oberer be reappointed to the Personnel Advisory Appeals Board. Mr. Bruns second the motion. All concurred and the motion was passed.

5. Reappointment of Carolyn Bruns for Board of Park Trustee. (Four year term).

Mayor O'Callaghan moved for Carolyn Bruns be reappointed to the Board of Park Trustees. Mr. Bruns seconded the motion. All concurred and the motion was passed.

6. ONE READING - RESOLUTION 23-01 - A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO AFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE MONTGOMERY COUNTY AND MIAMI COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

Mr. Applegate said that tonight there is Resolution 23-01 and Resolution 23-02 dealing with aggregation programs that needs to be approved by Council to go on the ballot. Not only in Montgomery County but also Miami County. This information was sent out to the Council September 12, 2022 to make Council aware of what was taking place with the MVCC (Miami Valley Communications Council) in regards to the thoughts of the members getting together to create this group. Since then, MVCC has chosen Palmer Energy Company to represent that program. Phillip Dysard, agent for Palmer Energy is here tonight to help answer any questions Council may have. Mr. Applegate added that he would like to point out that local government aggregation programs do not necessarily guarantee the consumer the lowest energy rate. Aggregation programs ensure that participants receive a competitive market rate. In some instances, consumers themselves may be able to secure a lower rate in the open market and the



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Resolution reads that it is an opt out program. Basically, businesses and residents belong once its approved by the electorate and you can choose to opt-out yourself or you are able to opt-in. The more residents that opt-in could give us the best competitive rate. Palmer Energy will be the lead in helping get information out when it gets closer to the special election that will be in May. It is my recommendation that the Mayor and Council adopt these Resolutions, for both Montgomery and Miami County because we are in both counties.

Mr. Dysard of Palmer Energy thanked Mr. Applegate for having him and continued to say that the program is opt out and is fee free and you can opt out at any time. The reason you do the opt-out option is we find we get more participation that way. It is not a guarantee savings but you are going to have a competitive rate and you will know what the rate will be for that term. Whether it be 12 months, 24 months or 36 months. This program allows the citizens to feel comfortable knowing this is the City of Union and MVCC (Miami Valley Communications Council) program and they have the choice to keep it or go out on their own. We are going to have 18 communities right now that are interested in joining the group.

Mr. Prunier asked Mr. Dysard what his company was? Mr. Dysard replied that his company is Palmer Energy and is an independent consultant for the MVCC.

Mr. Prunier questioned if they're affiliated with a power supplier?

Mr. Dysard replied, we are not attached to energy suppliers.

Mr. Applegate stated that the Board of Directors at MVCC selected Palmer Energy out of several consultant companies that were interviewed.

Mr. Bruns asked, this is not strictly Union, this is a conglomeration of Union and these other communities together and it will be that population you are going to be getting a rate on?

Mr. Dysard replied yes, it is a conglomeration of Union and these other communities together.

Mr. Bruns asked for an approximate figure of how many communities of the 18 cities he mentioned voted for this and signed up and what would happen if 30% of the community members opt out once the program started and the program rate is not very good?

Mr. Dysard admitted he did not have the exact number but would say approximately 15 of the 18 communities signed up. If the program rate is not very good that is when you can use the opt out with no fee.



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Mr. Bruns questioned the approximate number of the population involved in this aggregation?

Mr. Dysard answered approximately around 50,000 to 60,000 households. We expect this to be one of our larger groups in Ohio.

Mayor O'Callaghan asked if all the other communities voted it in?

Mr. Dysard said that there were several that passed it back in November 2022. Once it is passed you do not have to pass it again.

Mrs. Oberer asked if they would automatically be changed to the new utility service, even if you are already in a contract?

Mr. Dysard replied that once it is passed the supplier will go through the list and only residents that are not currently in a contract or in the PIP program will be automatically enrolled with the new supplier. Once you have reached the end of your contract with the other supplier you can always opt in to the new program.

Mr. Applegate asked if there is a phone number that residence can call to compare rates or to opt out of the program?

Mr. Dysard said that there is not a phone number for rates but there is a website called apples to apples you can look at online to compare rates. You will receive an opt out letter after the contract is completed. There is a 21 day opt out period and the letter will be sent directly to the residents. If you want to stay in the program you do nothing with the letter. You also will get a second letter 7 days prior to going into effect. Palmer Energy will have a dedicated line to help individual citizens who missed out or they were in a contract and is interested in opting in.

Mr. Prunier asked Mr. Dysard, with his experience, what kind of price differential are we looking at?

Mr. Dysard replied that he believes AES right now is about 0.11 cents per kilowatt hour. I think we are looking at probably .08 cents to .09 cents range.

Mr. Applegate pointed out that there has been talk in the past about aggregation and now with the AES planned rate increase its motivated everyone to make a move. The one thing I like about it is you can opt out, they don't have to stay with the program. We will have that offer in writing and it will be highlighted. We had calls back in November when it was in the newspaper that some of the communities passed it, so there is an interest. From the information I have received from the MVCC and Palmer Energy it would be my recommendation to the Mayor and Council to



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vote to put this on the ballot for Montgomery County and Miami County and let the citizens decide what they want to do.

Mr. Bruns moved to have the one and only reading and adopt Resolution 23-01. Mrs. Oberer seconded the motion. All concurred and Resolution 23-01 was adopted.

7. ONE READING – RESOLUTION 23-02 - A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO AFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE, DIRECTING THE MONTGOMERY COUNTY AND MIAMI COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

Mr. Bruns moved to have the one and only reading and adopt Resolution 23-02. Mrs. Oberer seconded the motion. All concurred and Resolution 23-02 was adopted.

8. ONE READING – ORDINANCE 1764 – AN ORDINANCE TO AMEND CODIFIED ORDINANCE NUMBER 921.33, WATER CHARGES.

Mr. Applegate addressed the Mayor and Council in regard to the two Ordinances item 8 and 9 on the agenda. Starting with number eight which deals with amending the water rates. There is a memo with the information for the Mayor and Council. The last water rate increase was in 2015. The last sewer rate increase was in 2019. The sewer rate increase involved the plant expansion. That was E.P.A. directed and required us to meet our NPDES permitting requirements on the clean water act. Union will continue to have the lowest water rate. Unions quarterly water rate will be \$82.50, less than the average rate of \$146.80 based on the City of Piqua 2022 water rate survey.

Mr. Applegate stated, number 9 on the agenda is the proposed sewer rate increase. The City's quarterly rate will move Union from 15<sup>th</sup> to 19<sup>th</sup> position on the annual rate survey at \$128.40 per quarter. Union's quarterly sewer rate will be \$133.45 less than the average rate of \$161.85 based on the Piqua's sewer rate survey.

Mr. Applegate said when you look at the water rate increase, we are anticipating an increase in revenue of \$228,960. The sewer rate increase will generate an anticipated revenue of \$134,256. This is an annual cost of \$128.00 for customers and when you divide that by 12 months it comes to an average of \$10.67 a month. The Budget Committee has reviewed and recommends these proposed increases.



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10 years to have the wells pulled, rehab and cleaned. We just completed well #1. It cost about \$60,000. The basic cost just to pull it, clean it and if there is nothing wrong with the pump and parts it is roughly \$22,000. You don't know if it needs repaired or replaced until you get it out and you tear it apart and look at it. This year Well # 2 reaches its cycle to be cleaned. Well #3 in 2024 and Well #4 will be in 2029. We're upgrading the well control building and looking at increasing the iron removal capacity from 600 gallons up to 1200 gallons. Also, the E.P.A. has new regulations on water testing for unregulated contaminants. Even though this is a good thing it will be another large expense we did not have before. Every 10 years we are required to have the water towers inspected and it is due again this year creating another cost.

Mr. Applegate expressed that the meter replacement program is going well. Fifty percent (50%) of the community is done and we have about 1,330 more meters to replace. The meters that have been replaced were about 30 years old.

Phase I of the sewer plant expansion is meeting and exceeding our expectations. We are looking into starting phase II which will consist of replacing old equipment such as electric blowers. The approximate cost to replace a blower is \$150,000 to \$175,000. The City estimates between 1 million to 1.5 million dollars in equipment replacement costs. We are looking into doing a lot of the work ourselves to help cut costs. As of now we have a center discharge and it short circuits because it goes down the middle and then it flumes out, that's what they call short circuit. We are planning to put a manifold in so it travels the full length because that holds roughly 15 million gallons. We also are planning to have a zero- discharge plant from May to November where we would not be discharging anything into the river. These are all continued efforts we are working on.

Mr. Applegate continued to state the City is having trouble finding people to hire for the wastewater treatment plant. If someone is looking for a job it is a good place to start.

Mr. Applegate continued, when you look at the overall combined water and sewer rate calculation based on 22,000 gallons the new combined rate will be \$210.90 per quarter. This would make the City the 7th lowest out of 64 jurisdictions. The staff recommends for the Council to approve Ordinance 1764 and Ordinance 1765 so that the City can continue to meet EPA regulations and service the residents with quality water and wastewater systems.

Mrs. Thomas-Roth moved to suspend three readings for Ordinance 1764. Mrs. Oberer seconded the motion. All concurred and the motion was adopted.

Mr. Thomas-Roth moved to have the one and only reading and adopt Ordinance 1764. Mr. Niemann seconded the motion. All concurred and Ordinance 1764 was adopted.



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9. ONE READING – ORDINANCE 1765 – AN ORDINANCE TO AMEND CODIFIED ORDINANCE NUMBER 931.01 SEWER CHARGES.

Mrs. Thomas-Roth moved to suspend three readings for Ordinance 1765. Mrs. Oberer seconded the motion. All concurred and the motion was adopted.

Mrs. Thomas-Roth moved to have the one and only reading and adopt Ordinance 1765. Mrs. Oberer seconded the motion. All concurred and Ordinance 1765 was adopted.

10. Open Agenda

Mayor O'Callaghan started the open agenda by reminding council to complete their Ohio Ethics Commission Forms. The Mayor also shared that he attended the opening of the new Northmont library and it is a fantastic facility and has something for everyone.

Mr. Prunier shared what a great job the City's snow removal crew did clearing the streets and they also helped an elderly resident who was receiving continuous drifting snow from the field next to her and they helped her out. Thanks to the crews.

Mr. Bruns expressed that he was going to miss council member Jean Kyle. I believe she came on Council in 2008. She was a steady rock for us and she always wanted to do what was best for the City.

Mr. Bruns asked if there was a reason to have a second Council meeting in January. Mr. Applegate said there is nothing at this time. Mr. Bruns then moved that the second council meeting in January be cancelled. Mrs. Oberer seconded the motion. All concurred and the second meeting in January was cancelled.

Mr. Bruns said the next Council meeting will be Monday, February 13, 2023.

Mr. Applegate ended the meeting saying that he had known Jean Kyle most of his life. She was a member of the Ladies Auxiliary. Whenever they would have a dinner or activity to raise money she was always there to help. She was a superb person and did a good job on Council. But most important she loved the community. It was a pleasure serving with her, she will be missed and I wish her the very best.



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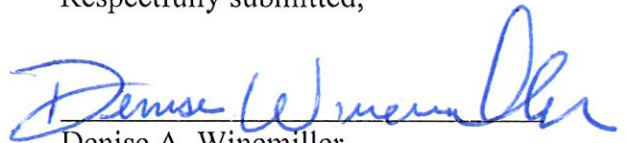
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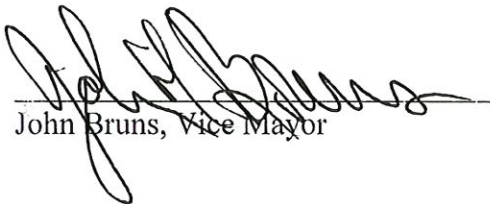
### 11. Adjourn

Mr. Bruns moved that the council meeting be adjourned. Mrs. Oberer seconded the motion. All concurred and the council meeting was adjourned.

Respectfully submitted,



Denise A. Winemiller,  
Clerk of Council



John Bruns, Vice Mayor