

FINDLAY CITY COUNCIL MEETING MINUTES
REGULAR SESSION **MAY 16, 2023** **COUNCIL CHAMBERS**

ROLL CALL of 2022-2023 Councilmembers:

PRESENT: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser

ABSENT: none

President of Council Harrington opened the meeting with the Pledge of Allegiance and a moment of silence.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the May 3, 2023 Regular Session City Council meeting minutes as amended, seconded by Councilman Palmer. All were in favor. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA: none

Councilman Russel moved to add-on the following to tonight's agenda, seconded by Councilman Bauman. All were in favor. Filed.

ADD-ONS:

1. Letter from Mayor Muryn – Phase 2 Benching Properties Environmental (*REPORTS OF MUNICIPAL OFFICER AND MUNICIPAL DEPARTMENTS section*).

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS:

Zoning amendment request – 0 W McPherson Ave (parcel no. 600000302210)

Andrew Yates of Andek, LLC, would like to change the zoning of 0 W McPherson Avenue (parcel no. 60000302210) to M2 Multi-Family, High Density. It is currently zoned O1 Office/Institutions. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

Zoning amendment request –219 Hurd Ave

Timothy Sigworth of Greater Findlay Properties LLC, would like to change the zoning of 219 Hurd Avenue to R3 Small Lot Residential. It is currently zoned I1 Light Industrial. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

ORAL COMMUNICATIONS:

Blanchard River Watershed Partnership, Watershed Coordinator Lauren Sandhu, M.S. - Riverside Dam Stakeholder meeting update

Ms. Sandhu arrived at City Council around 7:00pm and gave her ORAL COMMUNICATIONS after LEGISLATION portion of tonight's meeting (*see LEGISLATION section for more details*).

Deborah Peterson – June Pride Month

Ms. Peterson is before Council about a matter that is very important to her – June Pride Month. It is a huge topic. Larry Richards wrote a letter to the newspaper that expresses some of her views on it. She has a copy of that letter with her. She looked on congress.gov website and saw that a resolution recognizing June 2021 as LBGTQ Pride month was introduced by Senate Sherrod Brown on June 8, 2021. The resolution was introduced and passed in the Senate only. House.gov states that resolutions are not laws and are expressions of sentiments of either the House or the Senate. This was passed with full approval in the Senate only which was when the Democratic Party was in control of the Senate. Her appeal to Findlay City Council is to revisit the decision of having June Pride Month in Findlay so that many people, not just a few who approve of it, will have a voice in it. She is concerned about the event at the park and understands that the City's parks, fairgrounds and other public venues are to be safe and family-friendly locales. The images and conversations are often lewd that transpire at the so-called pride event are not safe and family friendly. Many share her opinion. Some are being coerced into legitimizing homosexuality partly because of this community's exposure and acceptance which is blatantly wrong. Main Street is painted yearly with a false rainbow that has never washed off. She contacted the City of Findlay Street Department who stated that all groups are required to use a certain type of paint that will wash off after a short time and have not been able to take care of it for fear of harming the street surface. She questions this. While she thinks fear is an issue in all of this and that it is time for City leaders to stand up to the dominion of a few. So-called June Pride Month speaks for itself and is a moral issue, not religious, political or freedom of speech, equality or anything else and is a celebration of immorality. People have the freedom to choose their lifestyle but not flaunt it before others or tyrannize them as it is happening nationally and perhaps locally. She asked Council to consider her thoughts and let her have her city and park back in June and the rest of the year. She likes what Larry Richards wrote in his letter: First the goal of the homosexual movement was tolerance, then tolerance morphed into acceptance and then became a cause for celebration and now there is criticism toward those that don't embrace the celebration. Each step became a little louder in an attempt to gain influence and left unchecked that has now progressed to the point of attempting to normalize story time for children conducted by drag queens and drug paraphernalia. This is what it has progressed into, what it is today in the news. Filed.

MetroNet Ben Ruzick – update on construction in the City

MetroNet is before City Council tonight to provide an update of where MetroNet is at during their construction. The last update he provided Council was in January. Mr. Ruzick is the Government Affairs Director for MetroNet. Chris Bauer, Project Director for MetroNet who is heading up the construction project is also in attendance tonight to help answer any questions. MetroNet provided handouts of the project. The first page of the handout describes who MetroNet is. MetroNet is fully subsidized, so they do not require or use any government funding (Federal, State, or Local). All the money they use to build out Findlay with their infrastructure comes from MetroNet and its private investors. They have had that question come up lately in a few other cities. The second page is about the construction portion of the project. Mr. Bauer color coordinated the map. Yellow areas show what is currently under construction. It provides an idea of where they are in town right now. The blue section is where construction will be heading to next, and then after that, the purple section is the area they will move to after that. There is a ton of factors that can adjust the construction movement. Ideally, this is exactly what MetroNet is looking at right now. The second page shows the geographic regions that allows MetroNet to open up service to those regions as soon as construction is done. The first three (3) yellow ones are estimated to release sometime this summer. Once those are finished and construction has begun in the blue area, they are anticipated to will be released sometime in the fall. Once all of them are released, things change and is less about what is going on and instead will be residents starting to ask when it will start happening in their neighborhood which is when MetroNet gets to the fun stuff and residents start getting excited about what MetroNet is doing. The current year-to-date completion portion of the handout show the completed underground work of over two hundred twenty-two thousand feet (222,000 ft) of conduit placed in town in the short amount of time Mr. Bauer and his team has been working. The forty-five thousand eighty-four feet (45,084 ft) number listed in the handouts is the amount of fiber that has been blown through into conduit tubes which will always trail behind the conduit that is being placed in the ground. The next page of the handouts is an update in MetroNet's communication process. Both he and Mr. Bauer have spoken with Assistant City Engineer Rausch and his team about residents reaching out to the City asking for support and what is going. The top part of that page shows the letter, the postcard and the yard darts that MetroNet installs. They have spoke with Kathy to see if they can put additional information online to help guide residents to MetroNet's website. Once they get to their website (or can call MetroNet directly), tickets can be put in with Mr. Bauer's team responding to each ticket within twenty-four (24) hours with seven (7) days to restore, answer or whatever needs done to support those residences. They use construction communication meetings to talk through all of those with the team. The next meeting is tomorrow. They will go through a quarter worth of work and look at the tickets that have come through (what have they been, what are they looking for, how MetroNet responded, how MetroNet did with their job, and any damages, utility strikes, etc.) and make any adjustments needed to ensure they are taking good care of the City.

Discussion:

Councilman Bauman moved to allow Mr. Ruzick more time, seconded by Councilman Wobser. All were in favor.

Councilwoman Frische received communication from residents who have been happy with the communication out in the field when there is a concern about where MetroNet is going on their property (front or back) and hitting something underground. She asked if MetroNet could address some concerns about a communication barrier with their workers and why. Mr. Bauer replied that MetroNet requires an English-speaking Supervisor per crew to break down that barrier, not to say that the Foreman might not be at the exact spot of the communication, but does try to address it and have an OSP Supervisors floating around multiple times a day. The best way to get MetroNet's attention is to submit a ticket. Mr. Ruzick added that the OSPs are on direct MetroNet teams that go around and supervise the work that is being completed. It is another form of check and balances. Any time a resident has a concern, they can call MetroNet or submit a ticket to them and they will get them taken care of and supported.

Councilman Wobser noted that as he is driving around town, he has seen MetroNet crews working and thinks they are doing a really good job. It is tough work, not easy, and do not always have good weather to do the work. If MetroNet were to put "MetroNet" on their trucks, people would know who they are and would answer a lot of questions pretty quickly. He has been asked by many who they are, what is going on, what is being put in. Mr. Bauer replied that worker trucks do state that they are a contractor for MetroNet. Fortunately, Findlay had a very mild winter, so they were able to stay productive from the time they started in November.

Councilman Russel pointed out that he had two (2) citizens reach out with concerns, so he contacted MetroNet and talked with Mr. Ruzick who took care of both of the callers in a timely manner. He appreciated the responsiveness and when citizen concerns are taken care of in one phone call. Mr. Bauer replied that Findlay residents are not customers to his team yet. His team is on the construction side as they are building the infrastructure for the customers. His team's mind set is that if they do not appease the customers now and do what they are supposed to be doing on their property, MetroNet will not have a customer.

Councilwoman Warnecke pointed out that the color-coded areas within the handout looks as though they are all outside the populated area of Findlay and asked when the areas where Findlay residents live are going to get the work done. Mr. Bauer replied that the yellow areas are heavily populated areas. Councilwoman Warnecke asked what the timeline is for the green areas. Mr. Bauer replied that construction has not started in the green areas. The whole City will be serviced by the time his crew is finished. Councilwoman Warnecke asked if that will be after the third phase. Mr. Bauer replied that this will be going on for approximately another two (2) years. They have a lot of aerial construction, but are working with the pool owners which takes anywhere from six to eight (6-8) months. From the time they start submitting for poles, which was about a month ago, they will not see approvals to get on their poles until possibly this fall. Once that happens, their plan will change a little bit depending on what poles they get approved for.

Councilman Russel asked what a certified gigabyte City listed on the first page of the handouts means. Mr. Ruzick replied that once MetroNet gets to a point that they cover a majority of homes and businesses as defined by the U.S. Census Bureau, then they can announce the City as a gigabyte certified city. MetroNet will give the City an award for it and provide a presentation on it.

Councilman Hellmann followed up on Councilwoman Warnecke's question about the area that isn't colored in yet that Mr. Bauer indicated would be Phase 4 or 5, and asked what the timing is for that. Mr. Bauer replied that the last area of completion will be in mid-2026, if not a little sooner. Their production goals are to turn over a certain amount of customers every quarter. This quarter will turn over more customers which is the yellow area of the handout. Construction will continue for the next two (2) years. Councilman Hellmann noted that it was mentioned that MetroNet would be utilizing other poles from other utility companies and asked if MetroNet will be constructing their own poles. Mr. Bauer replied that as of right now, they do not have a need for their own poles. It is an infrastructure that they would have to maintain throughout its life cycle and have tried to use infrastructure that is already out there as a rental to MetroNet. If there is availability, they work with the pole owners to use them. Filed.

Tom Ross – rental inspections

Mr. Ross is before City Council tonight to dispute the untrue statements purported by Mayor Muryn and printed in the Findlay Courier's Saturday edition on April 29, 2023 where the Mayor clearly stated that landlords are not subject to inspections or accountability following factual information seen in direct dispute of those false statements. It is only about a third (1/3) of the laws and rules that landlords are subject to due to time constraints. Every single law or rule he is going to read has an inspector associated with it and legislation funded either by Federal, State, or local government, the rental industry as heavily regulated is any industry in the State of Ohio.

Mr. Ross stated many rules, codes, laws, regulations that landlords have to abide by:

- Ohio Revised Code (ORC) 5321 landlord/tenant laws and responsibilities
- fair housing
- a higher residential building code OAC 4101
- Department of Health and residential structures code requirements
- National Fire Protection Administration
- 101 Ohio National Electric Code ORC 4101
- Hancock County Public Health Department rules and laws
- Ohio Landlord Drug and Eviction requirements
- ORC 5321 - domestic violence law for landlords and tenant responsibilities
- ORC 5321 and 3113
- EPA lead-based paint rules and regulations for inspection and disposal
- OAC 3701
- Toxic Substance Control Acts 40CFR Part 760 for asbestos handling and removal
- Conservation Recover Act
- Handling disposal of solid and hazardous waste
- 40 CFR Part 268
- OSHA 29 1926 construction standards
- HUD and Metro Tennant Housing Inspections
- Wood County Commercial and HUD Associated Building Code Inspections
- Americans with Disabilities Act
- City of Findlay Zoning and N.E.A.T. Office program consisting of an Inspector and Police Officer on board costing the taxpayer about one hundred thirty-seven thousand dollars (\$137,000.00) a year.

In addition to this article, there was a poster child, an alleged tenant Ms. Deidre Cole isn't quite the benevolent saint that Mayor Muryn and The Courier would have you believe to be. In fact, Ms. Cole has had thirty (30) plus Police calls on her former residents on College Street in less than three (3) years. Calls ranged from drug activity to property damage to stolen vehicles to domestic violence and animal complaints, etc.. Ms. Cole has had more police calls in three (3) years than he has had on all his properties combined in ten (10) years. He would have evicted her at the first call and would not have been as patient as City Auditor Staschiak was with her. He submitted the police report to the record. It is clear from the article in The Courier that Mayor Muryn libeled or slandered a four hundred fifty million dollar (\$450,000,000.00) industry, an industry that humbly serves this community and provides an invaluable service to thousands of tenants each year. It is pretty clear that the article was written to try to influence public opinion in a negative way, or maybe Mayor Muryn just does not care about the rental property industry. Anyone with an internet connection or a library card could find out what he just read to Council tonight in five (5) minutes or less. Truth and facts apparently do not fit the narrative that seems to be being pushed by the Administration which translates to: landlords bad, government good, but that dog won't hunt anymore. On behalf of the Apartment Association and all law abiding property owners and investors in Findlay, he asks that Council and the Administration cease and desist all such libelous and slanderous activities. Filed.

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Income Tax Monthly Collection Report – April 2023. Filed.

Findlay Municipal Court Activities Report – April 2023. Filed.

Findlay Police Department Activities Report – April 2023. Filed.

City Planning Commission minutes – April 13, 2023; **staff report** – May 11, 2023.

Discussion:

Councilman Wobser noted that the staff report was from the meeting that the committee looked at the new GetGo and Raising Cane's on Tiffin Avenue and asked if the amount of traffic this is going to generate in that area is being taken into consideration where a Chick-fil-A and a Turkey Hill gas station already exist. Mayor Muryn replied that the City Engineer and the team worked with the two (2) separate applicants to merge their site plans together to try to make it more cohesive to provide additional space for traffic movement within both of their properties and recognize early on that they will need additional traffic management as was with Chick-fil-A and a number of other high demand restaurants. A traffic study was also completed and some alignment of things to maximize the on-facility traffic movement. Those items were a topic of discussion and a big preparation point to make sure the City was best utilizing that. City Engineer Kalb added that when they looked at the traffic study for that area, they did not want an traffic entry from Cane's and another from GetGo, and instead did a one big combined traffic study. Traffic counts for that area was looked at with some minor adjustments that could be accomplished by the signal timing seen with the level of service that the City will take into consideration. The drive coming out is a right-in, right-out set up. The City has been working with them to make sure that it can only be a right-in, right-out traffic pattern and not be wide enough that traffic can make a left-hand turn. The City worked with them on a couple of different reviews of their site asking where their traffic is going to stack and if it does stack up, how it will affect Tiffin Avenue. It has been changed around compared to what is seen at their other sites on how their drive-thru will be as the City has concerns on that as well, and did take into consideration both sites as one. Councilman Wobser asked if the City has allowed them additional curb cuts versus what is already there for the mall. City Engineer Kalb replied yes. On Tiffin Avenue, the GetGo site has a right-in, right-out for that which does then connect over to Cane's but is on the GetGo site. Councilman Wobser asked if GetGo will be on the corner and Cane's will be further west with a right-in, right-out out of GetGo. City Engineer Kalb replied that is correct, out of the GetGo area. Councilman Wobser asked if that will be connected to Raising Cane. City Engineer Kalb replied yes slightly up to the north. It will be on the GetGo site. Councilman Wobser asked if an additional curb cut will be on Croy. City Engineer Kalb replied on Croy there is additional curb. Councilman Wobser asked if the one that is about a block and a half down will be left there. City Engineer Kalb replied yes there will be two (2) curb cuts on the north side that will be lined up with the Key Bank drive which will be signal timed. Even with additional stacking, it will just create more queuing and will not get vehicles through. The same amount will go through there with a timing mechanism that had to be looked at. It is something the City is going to look at to try to improve that intersection. Councilman Wobser asked if there will be access out the back side of the GetGo or Raising Cane so that the mall lot could be accessed and if the additional exit would be another half (1/2) block down. City Engineer Kalb replied that they both have entrances into the mall parking lot area.

Mayor Muryn noted that the representatives from Raising Cane shared with the City a system that they have to monitor the traffic coming onto their lot. The average time in line was two (2) minutes, which moves people through very quickly.

Councilwoman Frische pointed out that there has been a lot of conversation about Raising Cane coming in in that many like them and many like Giant Eagle, but there is still the concern if Findlay is going to have a gas station and bar on every corner. The City is trying to control how many Dollar Generals and billboards are allowed in town, and feel that Findlay has a lot of gas stations and billboards already, especially on Tiffin Avenue.

Councilman Hellmann was disappointed when he saw that additional curb cuts will be allowed on Tiffin Avenue. He talked with some proprietors along there who have gone out of business because traffic was so heavy on Tiffin Avenue and too many accidents, and would no longer tolerate it. He visited Litchfield Park, Arizona which is on the west side of Phoenix whose planning is excellent. He encouraged the City's Planning Departments to look into how they are able to control that as there are intersections there on the corner where there are no curb cuts and instead go down the street on both sides to get into a shopping area, as well as a McDonalds, Starbucks, other restaurants, a major grocery store, and other ancillary retail establishments. It is not like Findlay where every establishment has its own individual curb cut. He suggested Findlay look into how Litchfield Park, Arizona is able to control the traffic there. Mayor Muryn replied that is a point well taken and the Administration is always open to discussion anytime Council has recommendations on how the City allows free development while also developing in an intelligent fashion. A more robust access management plan is being addressed as one of the struggles of developing in building out already developed lots and the sharing of access points. There are no specific plans for further development at the mall at this time, so how to reconfigure the area as an entire block is being considered. Shifting of the inner access points has been considered with the hopes of future development there where some adjustments made need to be made to help with the traffic flow. The Administration is trying to work with the parameters they have while making things more intelligent.

Councilman Wobser suggested burying the utility lines while out there doing this project. Mayor Muryn replied that discussion with American Electric Power (AEP) on what underground burying looks like, which is very costly and is the biggest barrier, while trying to get more creative. They will further discuss how to ensure they are buried in new development areas. She and City Engineer Kalb have been talking with ODOT on improving that corridor and how some of the policies were changing that will help clean up sight lines. Adding greenery and burying lines would go a long way through a couple of the concrete jungle corridors.

Councilman Hellmann added that there are no overhead lines in Litchfield Park, Arizona and is unsure how they accomplished it. Filed.

City Engineer Kalb – ODOT Aviation Grant, PAPIs and REILs Replacement

The City of Findlay will be submitting for a grant opportunity through the Ohio Department of Transportation (ODOT) Aviation Division to fund the replacement of the PAPIs and REILs at the Findlay Airport. Through the grant, ODOT Aviation will be covering ninety-five percent (95%) of the project up to four hundred ninety thousand four hundred dollars (\$490,400.00). The City’s portion will be twenty-four thousand five hundred twenty dollars (\$24,520.00) to cover the five percent (5%) local matching funds. This project will be for the design and replacement of the Navigational Aids at the Findlay Airport. The navigational aids being replaced are the Precision Approach Path Indicators (PAPI) and Runway End Identifier Lights (REIL). Legislation authorizing the Mayor, Service-Safety Director, and/or City Engineer to apply for grant funding from ODOT Aviation, as well as enter into a grant agreement with ODOT Aviation is requested. Ordinance No. 2023-055 was created. Filed.

City Engineer Kalb – WPC Clarifier Rehab & Oxidation Ditch Repairs, Project No. 35601300

On February 17, 2022, the City of Findlay accepted Request for Qualifications (RFQ) from design/build contractors to assist in the development and implementation of repairs that were needed on three (3) of the clarifiers and concrete joint repairs on the oxidation ditches at Water Pollution Control (WPC). From the RFQ process, Mosser Construction was selected to conduct the design and construction of the repairs needed at WPC. Mosser Construction has completed the rehabilitation work on the three (3) clarifiers and is ready to start the repairs on the oxidation ditches. In the upcoming months, WPC should be experiencing lower flows to the plant, so the warmer months are a prime timeframe to perform the work on the oxidation ditches. Through the design process, Mosser Construction and their Engineering consultant have developed plans to repair all of the deficient concrete joints on all four (4) ditches. Legislation authorizing the Mayor, Service-Safety Director, and/or City Engineer to enter into contracts, as well as appropriate and transfer funds is requested. Ordinance No. 2023-056 was created.

FROM: Sewer Fund \$ 400,000.00
TO: WPC Clarifier Rehab & Oxidation Ditch Repairs, *Project No. 35601300* \$ 400,000.00

Filed.

Findlay Fire Department Activities Report – April 2023. Filed.

Traffic Commission minutes –April 17, 2023. Filed.

Mayor Muryn – appointment to Airport Advisory Board

Mayor Muryn is appointing Jeff Koehler to serve on the Airport Advisory Board His appointment will be effective through December 31, 2025. This appointment does not require Council’s confirmation.

Discussion:

Councilman Palmer asked for a brief background on Mr. Koehler. Mayor Muryn replied that he has been an tenant at the Findlay Airport for quite awhile. He is a local businessman and has served on the Airport Advisory Board for many years. He has been able to help provide insight on how to continue to develop the Airport to attract more businesses. He is a great asset to the group as an owner which allows great insight. President Harrington added that Mr. Koehler is a senior member on the Advisory Board. Filed.

Mayor Muryn – appointment to Hancock Regional Planning Commission

Mayor Muryn is appointing Jody O’Brien, Judy Scrimshaw, Christie Ranzau, and Matthew Leddy to serve on the Hancock Regional Planning Commission. Their appointments will be effective through December 31, 2024. These appointments require Council’s confirmation.

Discussion:

Councilman Russel moved to confirm this appointment, seconded by Councilman Bauman. All were in favor. Filed.

A set of summary financial reports for April 30, 2023:

- Summary of Year-To-Date Information as of April 30, 2023
- Financial Snapshot for General Fund as of April 30, 2023
- Open Projects Report as of April 30, 2023
- Cash & Investments as of March 31, 2023

Discussion:

Councilwoman Frische followed up from the last City Council meeting when the salt building was discussed and asked if ARPA funds could be used for it. Mayor Muryn informed her that the ARPA funds were all spent, but the last page of this document shows that there is one million two hundred thousand dollars (\$1,200,000.00) that is unappropriated and unspent, and asked what that plan is for those dollars. Mayor Muryn replied there a game plan for those funds. The Capital book states the plan for those dollars and that they are not appropriated to each of the individual projects going through the year. Councilwoman Frische asked if some of the funds have been appropriated such as vehicles, etc. Mayor Muryn replied that is correct. Some have been appropriated and have not made the formal appropriation request. There is a game plan, but have not necessarily moved the money yet. Filed.

Mayor Muryn – KPIs

The end of year 2022 and year to date 2023 City of Findlay Key Performance Indicators (KPI) are now available on the City's website: <https://www.findlayohio.com/government/transparency-performance>. The attached KPI Dashboard shows a few key metrics. These KPIs are a critical tool used to measure service delivery and operational effectiveness. They show progress towards goals set for continuous improvement. The City of Findlay is proud of the work the City of Findlay team is doing to ensure targets are met. Additional details are available on the City website.

Discussion:

Councilman Russel asked Mayor Muryn if she has any overview comments or items that she would like to specifically point out. Mayor Muryn replied that today's newspaper had a good article that hit on a couple of highlights. The team has been working to decrease unaccounted for water that is lost with flushing, bad meters or inaccurate information. The team has been working to clean that up and leaks in the system. Violent and non-violent crimes have been decreasing, Police and Fire continue to respond in a timely fashion. Engineering is in yellow because the first quarter of the year there is not a lot of street work to get done mainly because of the cold and weather conditions, but that number will be going up quickly. Overtime is up was because of sickness and staffing which are the same issues everyone is having in trying to get more staff, especially in Police and Fire. Fire was the primary component due to timing and bringing new recruits on. That should dwindle off through the rest of this year. Otherwise, departments are doing a great job in continuing to manage that. She encouraged Council to read the full report as it digs into each of the department's key indicators. She encouraged Council to reach out with questions and/or if there are other indicators that they believe would be beneficial for the Administration to report to Council. The Administration is continually evaluating what makes sense to report on and do not want the report to just be something to checkmark, but something that provides insight into the City's operations. Filed.

Mayor Muryn – Phase 2 Benching Properties Environmental

Mayor Muryn provided a summary of information as a follow-up to the question related to environmental concerns on the Phase 2 Benching properties:

- She has been in conversations with Steve Wilson, Project Manager for the Hancock County Commissioners on the Phase 2 Benching Project.
- In preparation for the Phase 2 Benching Project, the Hancock County Commissioners have been working with Stantec Engineering. Mannik & Smith completed archeological services and American StructurePoint completed environmental studies.
- She has received and has reviewed documents for the Environmental Phase 1 that was completed on properties as deemed necessary for concern of environmental contamination. A number of residential properties within the project area were determined to not need environmental studies completed because of no reasonable expectation of contamination based upon historical information. The only property deemed to need specific environmental remediation is the Ra-Nik property. The Hancock County Commissioners applied for and received a Brownfield Remediation Grant through the Ohio Department of Development in 2022, and the environmental remediation will begin in the coming weeks. This property is already in the City's ownership and are coordinating the remediation and mitigation efforts on this property.
- The consultants did not identify any other properties that needed further remediation.
- She is comfortable with assuming ownership of these properties knowing that through the Phase 2 Benching Project, the Hancock County Commissioners will be overseeing any spot issues that may arise as part of the project.

Based upon her review of the information and discussions with Steve Wilson and various consultants, she is confident that there is very limited, possibly no risk to the City of Findlay related to environmental issues in assuming ownership of these properties.

Discussion:

Councilman Russel moved to read the letter in its entirety, seconded by Councilman Palmer. All were in favor. The Council Clerk read the letter in its entirety.

City Auditor Staschiak reminded Council that at the last meeting, he brought up concerns and wanted to make sure Council received accurate and complete information on this. He is concerned how this has been presented to Council prior to voting on a piece of legislation. When talking to an attorney who understands the statutory structure of cities, they would describe Findlay as a weak bear structure meaning it is Council's responsibility to make sure they have all, full, and complete documented information prior to making a decision that would affect the funding of the operations of the City long-term. In looking at this letter, he is very concerned that Council does not have the individual documents tied to the information and the information was not provided to the City Auditor's Office as he is the individual and elected official that requested it. This is about a significant number of properties. What is even more concerning is that there is now a letter in the record that has the Mayor stating that based upon her review of the information, she doesn't feel that the City has little or no environmental risk. As a person who comes from the world that has dealt with real estate, and as the City's Fiscal Officer whose job is to understand the liability of the City, it is an Environmental Consultant's job to make sure the information is presented to the City of Findlay in a manner that Council receives an informed and complete evaluation of what they are looking at. He is for the benching project and is excited that it is getting closer, but he is not in favor of continuing to have major decisions brought before Council with no information given to them to evaluate. He asked Council if the County was going to deed these properties, if they would personally allow those deeds to come to them individually putting their finances at risk with a guarantee that the City will buy those properties from them twenty-four (24) hours later, but that Council maintains the environmental liability based on the information Council has today. If Council takes on the personal liability of that environmental responsibility with the guarantee the City would buy those properties back twenty-four (24) hours later, then they should go ahead and vote for this, but prudence and common sense says that Council deserves to see the information in a business-like fashion and organized manner that shows a complete review has been done. He has not seen that and would be disappointed if Council has seen it and not his office.

Councilman Bauman noted that what City Auditor has stated is not how he reads the letter and instead sounds as if the County Commissioners would be on the hook should additional environmental concerns be raised and not the City. Mayor Muryn replied that the area that is being looked at is approximately seventy-one (71) parcels with the majority of them being residential. She received documentation late last week from Project Manager Steve Wilson. Each of the environmental reports are three hundred (300) pages long including archeological information, the history of it, their findings, recommendations, summaries, etc. She is happy to provide that to everyone. There is no reason to believe that there is contamination on the properties that have always been residential and has been a variety of remediation done on the commercial properties. A number of underground storage tanks have already been removed. We as a community have been watching this happen for the last seven to ten (7-10) years while the County or City have acquired these properties, have done various remediations, have torn down properties in taking steps to ensure it was safe to be maintained there. The County Commissioners have approved this and now the City is taking on the responsibility continuing to oversee the liability of completing the benching project which is further going to remediate anything that is in the area. The Ra-Nik property had an environmental liability, so the City excavated it separately and took it to the landfill. Now, the County Commissioners are going to do the whole area where eight to fifteen feet (8-15') in various spots is being excavated out and taken care of. If for instance, a pile of old tires are found in a random spot, that will be removed as part of the project. Instead of going through parcel by parcel, line by line, and try to draw out from each of those different reports and references to it, what date and time the blessing given in that it was safe to own and be turned into a park area, she provided a summary knowing this was important to get to Council and that there was a slight delay in getting all the formal documentation. She personally feels comfortable with taking on the liability if that is what needs to be done because this has been a well-managed project for a decade, appropriate steps have been taken to ensure it is not a hazard to the community and are not taking on an extensive liability, remediation work has already been planned and is already funded, and that she is comfortable that there is not a risk moving forward.

Councilman Slough asked City Engineer Kalb for his thoughts. City Engineer Kalb replied that he has not reviewed all the documents, so he does not want to say either way, but in looking at phase one, benching was an environmental issue where there were problems throughout the remediation. There were areas that had to be undercut extensively because more and more environmental problems were found and handled off site to the proper locations within it. Many tests have to be done before recording them as good dirt. In looking how phase 1 was treated and that phase 2 will be done in the same manner, if it is found that it is deeper than ten foot (10') down, the remediation will have to continue deeper as those are the guidelines that have to be followed.

City Auditor Staschiak appreciates all the points mentioned on this tonight, appreciates all the work that has been done, and appreciates the cooperation with the County Commissioners. What he has stated tonight is not to belittle all those efforts, but from what he reads from the letter is that the information has not been provided and only a summary, therefore, all the information has not been reviewed. Council are the ones who are responsible. They are the ones to make the decision and should ultimately obtain the documents and have a record of the documents in Council's records and not in the Administrative records. Council should also have the letter stating that the County Commissioners are taking on the liability and will handle any environmental issues there. He is not saying to not do it, but is saying that Council should dot their I's and cross their T's, ensure the information is complete, and have all questions answered as individual members representing the entire community before taking on a potential liability that may or may not be there. He appreciates and respects what the Mayor is saying in terms of her belief, but that his point is different than that. His point is that it is time that Council takes some responsibility, particularly in this type of issue and should not be risking the taking on liability. The answer is simple. Table it, have a COMMITTEE OF THE WHOLE meeting to get the information so that those that want to learn it can and those that don't, don't, and as Council moves forward, do it with the documents in place. Right now, Council does not know if they have all the documents in place and do not know if they have even asked all the right questions. A couple Councilmembers are pretty well versed in real estate, environmental, and development, so they should use that knowledge to protect themselves and the community.

Councilwoman Frische is unsure if the question that was brought up on who is liable for this has been answered and asked Law Director Rasmussen what the normal process is when taking on a piece of property that has an environmental issue, what is provided to the City on each parcel that says it is clean and safe without it being a three hundred (300) page document. Council has not received confirmation that the liability is the County's or if only until the City takes possession. For example, a former Councilman's property east of Main Street (aka Ra-Nik property) was a huge EPA issue that the City took on. She asked what was provided to the City before taking ownership and what was provided to Council. Law Director Rasmussen replied there generally is a closure report for the project, so when it is clean, a report from the State or County is provided which is what Council relies on. Councilwoman Frische asked if the City has that. Mayor Muryn replied that when looking at properties, a phase 1 environmental study is completed, and if it warrants it, phase 2 is done. She has received the documentation on the majority of these properties which are the three hundred (300) page documents she was referring to. They also provide an executive summary that is approximately twenty (20) pages long. In this case, the entire document was provided, so the summary is inside the document which is the same situation with phase 1. Instead of transferring these properties from an owner to the County and then to the City, they just went from the owner to the City so that the City did not have to record them multiple times. The County is the entity overseeing this who received the flood money and is completing the projects. Here in the same situation, the City, at this point in time like the property Councilwoman Frische brought up (Ra-Nik or Nichols Plating Company), is already in the City's name. As part of the project, the County is the entity that did the remediation and is doing the environmental work. The City has the documents related to this. When doing remediation, the environmental entity that completes the work will provide a statement of the work being complete that would be filed, for example, with Bureau of Underground Storage Tank Regulations (BUSTR). The Heuerman's and Kuhlman Body Shop both had underground tanks that were removed and then filed with BUSTR that they had been removed. Councilwoman Frische asked if the City is just not there yet. Mayor Muryn replied that she has all of those documents on file. Environmental studies were not completed for residential properties because the environmental entities reviewed and determined that a phase 1 was not needed because there is no reasonable expectation of contamination and will not do a study just for the sake of doing a study. Councilwoman Frische asked to be excused from the rest of tonight's meeting as she has to be somewhere (she left at 6:55pm).

City Auditor Staschiak noted that one of the County Commissioners indicated to him that they may not have enough funds to finish the flood mitigation efforts that are in place that they were expected to pay for due to supply chain and some cost increases. He is unsure if it is true or not, but he took it seriously. He is not telling Council not to do this, but is suggesting they do their due diligence before moving forward. He has not heard that anything is at risk from putting a little delay on accepting these properties, but need to document and get those questions answered and go from there. He hates to see Council make a mistake, and doesn't think they will, but need to make sure they don't. Filed.

COMMITTEE REPORTS:

The **STRATEGIC PLANNING COMMITTEE** met on May 3, 2023 to continue the Strategic Planning process.

We recommend that the goals and objective of the plan be distributed to the committee and forwarded to PlanningNext so they can start their finalization process. The STRATEGIC PLANNING COMMITTEE will have a final vote for approval of the goals and objectives.

Councilman Wobser moved to adopt the committee report, seconded by Councilwoman Warnecke. All were in favor. Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 012-2023 (CR 212/236 annexation – services the City will provide if annexed in) **requires three (3) readings** **third reading - adopted**

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION AND CASS TOWNSHIPS, COUNTY OF HANCOCK, STATE OF OHIO, BEING A PART OF THE SOUTH HALF OF SECTION 33, AND PART OF THE SOUTHWEST QUARTER OF SECTION 34, T2N, R11E, CASS TOWNSHIP, ALSO BEING PART OF THE NORTHWEST QUARTER, PART OF THE NORTHEAST QUARTER, AND PART OF THE SOUTHEAST QUARTER OF SECTION 4, MARION TOWNSHIP, T1N, R11E, ALSO BEING PART OF THE NORTHWEST QUARTER, AND PART OF THE SOUTHWEST QUARTER OF SECTION 3, MARION TOWNSHIP, T1N, R11E, COUNTY OF HANCOCK, STATE OF OHIO, A TRACT OF LAND CONSISTING OF 15.043 ACRES OF LAND, MORE OR LESS.

Councilman Slough moved to adopt the Resolution, seconded by Councilman Hellmann. Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

ORDINANCES:

ORDINANCE NO. 2023-041 (Maumee Watershed Conservancy District MOA) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE MAUMEE WATERSHED CONSERVANCY DISTRICT AND THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR CONTINUED FLOOD MITIGATION IMPROVEMENTS IN AND NEAR THE CITY OF FINDLAY, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-041 and is hereby made a part of the record.

ORDINANCE NO. 2023-042 (retirement settlements) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-042 and is hereby made a part of the record.

ORDINANCE NO. 2023-043 (Phase 2 benching project) **requires three (3) readings** **third reading - tabled**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ACCEPT PERMANENT OWNERSHIP OF PROPERTIES IN ORDER FOR THE BOARD OF COMMISSIONERS OF HANCOCK COUNTY, OHIO, TO TRANSFER THE PARCELS LISTED ON THE ATTACHED EXHIBIT TO THE CITY OF FINDLAY, OHIO AND DECLARING AN EMERGENCY.

Councilman Wobser moved to table the Ordinance, seconded by Councilman Greeno. Ayes: Niemeyer, Palmer, Slough, Warnecke, Wobser, Greeno. Nays: Russel, Bauman, Hellmann. The Ordinance was declared tabled.

ORDINANCE NO. 2023-046 (315 N Blanchard St rezone) **requires three (3) readings** **second reading**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 315 NORTH BLANCHARD STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-3 SMALL LOT RESIDENTIAL" TO "C-1 LOCAL COMMERCIAL".

Second reading of the Ordinance.

ORDINANCE NO. 2023-047 (*continue Workers Compensation programs*) **requires three (3) readings** **second reading**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKERS' COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-048 (*replacement Parking Enforcement vehicle*) **requires three (3) readings** **second reading**

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT(S) FOR THE PURCHASE OF A REPLACEMENT VEHICLE FOR THE CITY OF FINDLAY PARKING ENFORCEMENT DEPARTMENT, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-049 (*Harrison St waterline replacement*) **requires three (3) readings** **second reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT(S) FOR THE HARRISON STREET WATERLINE REPLACEMENT PROJECT NO. 35720200, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel informed Council that he will make a motion to waive the third (3rd) reading of this Ordinance so that the West Park area residents around Harrison Street where this waterline replacement is can enjoy the benefits of this project two (2) weeks earlier instead of waiting for its third (3rd) reading. This project will create a looped waterline in the area.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Niemeyer. Ayes: Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Russel, Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-049 and is hereby made a part of the record.

ORDINANCE NO. 2023-050 (*CR 212/CR 236 road widening*) **requires three (3) readings** **second reading**

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT(S) WITH HOHENBRINK EXCAVATING, INC. FOR THE COUNTY ROAD 212/COUNTY ROAD 236 ROAD WIDENING PROJECT NO. 32864600, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-055 (*ODOT Aviation Grant, PAPIs and REILs Replacement*) **requires three (3) readings** **first reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO APPLY FOR GRANT FUNDS AND ENTER INTO AN AGREEMENT AND/OR RELATED DOCUMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF THE PRECISION APPROACH PATH INDICATORS (PAPI) AND RUNWAY END IDENTIFIER LIGHTS (REIL) AT THE CITY OF FINDLAY AIRPORT, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Bauman asked if this is just to allow to apply for the grant. City Engineer Kalb replied yes. This is to apply for the grant and to accept the grant, but will still have to come back to Council, if awarded, to appropriate the funds into the project. This ordinance will allow the City to apply for it up to the amounts with the City's five percent (5%) match. A separate request will have to come back to Council to appropriate funds.

Councilman Bauman moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-055 and is hereby made a part of the record.

ORDINANCE NO. 2023-056 (*WPC Clarifier Rehab & Oxidation Ditch Repairs*) **requires three (3) readings** **first reading**

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT(S) FOR REPAIRS ON OXIDATION DITCHES AT THE CITY OF FINDLAY WATER POLLUTION CONTROL CENTER, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

Blanchard River Watershed Partnership, Watershed Coordinator Lauren Sandhu, M.S. - Riverside Dam Stakeholder meeting update

Ms. Sandhu arrived at City Council around 7:00pm and gave her ORAL COMMUNICATIONS after the LEGISLATION portion of tonight's meeting.

Ms. Sandhu introduced herself as the Coordinator for the Blanchard River Watershed Partnership (BRWP) and provided an update on the Riverside Dam Project. A meeting with Verdantis (Engineering firm that is working on the project) was held on April 26, 2023 with Verdantis providing a formal overview of everything that had been accomplished with the engineering study of the Riverside Dam and reservoir area which is now complete. John Hull and Kristen Jenkins of Verdantis led that meeting in the City Council Chambers on Wednesday, April 26, 2023 at 11:00am. Fish passage Engineers from the Alden Engineering firm were also present virtually at the meeting. Several BRWP board members were also present. A lot of information that was provided in that meeting had previously been presented at the outreach event held at the Riverside Dam Park back in September of 2022. There were a couple of new pieces of information that she had presented. An overview of the Riverside Dam project was provided as well as each of the tasks that were completed during the engineering study. Sediment sampling results were discussed, the bathymetric survey, cultural resources review, and the fish and muscle species overview stating that there was a market difference in species found both upstream and downstream of the dam, emphasizing the importance and necessity of the fish passage to be incorporated into the dam. Funding sources and next steps were also discussed. Some of the key findings of the sediment study was that none of the sediment that will be dredged from around the dam were found to contain any concerning levels of any pollutants, chemicals or heavy metals, and can therefore be used for beneficial use programs. One program Verdantis mentioned was the Ohio Voluntary Action Program which involves the use of dredge sediments at brownfield sites. Any sediment that is dredged from behind the dam and in the reservoir area could potentially qualify for that use. That was discussed because of the concern of the cost of hauling sediment away from the project site. Under the Ohio Voluntary Action Program, any brownfield operations, if that is the route taken, could potentially pay for sediment that is transported out of Riverside Park. That is an option. It is good to know that the sediment isn't contaminated and can be used elsewhere. It was recommended that any of the dredged sediment after construction occurs not be used for structural fill, so Verdantis did not feel that that sediment would be good for those types of projects. Three (3) fish passage designs were discussed by the Engineers at Alden who will be designing the fish passage. During that meeting, it was decided that options one and three were preferred since option two involved partial removal of the dam, which BRWP is not interested in. She has handouts of options one and three showing what they will look like which involve a bypass that goes around the dam (Riverside Park where many feeds the ducks, the bypass would be opposite that so that it is not easily accessible by the public). Sediment mitigation will be factored into the fish passage designed to prevent future buildup of sediment behind the dam so that it doesn't have to be dredged again and revisit this project again in fifty to one hundred (50-100) years from now. Safety improvements to the dam itself were also discussed because there were deaths at the dam several years ago. In options one and three, which involved the bypass around the dam, there are safety elements that can be factored into that which is something that Verdantis is going to work with the BRWP on. Different funding avenues may have to be factored in those safety components, but is something that they are willing to work with them on. The BRWP and Verdantis will be applying for funding through National Oceanic and Atmospheric Administration (NOAA) this summer for their second round of fish passage funding that should be announced sometime in June. Further discussions generating questions from that meeting was what the fish passage will look like which is something that will be discussed once the design is finalized, and how will the East Main Cross Street overlook area parking lot and trail be impacted. Verdantis stated that some alterations would occur in that area along East Main Cross Street, but that the extensions of the alterations will be better known once the fish passage design is finalized. The meeting that was held was to formally present the findings of the engineering study.

Discussion:

Councilman Russel asked if the NOAA grant is the one that the BRWP applied for last year. Ms. Sandhu replied yes. The BRWP applied for it back in August and did not receive that funding as they were overwhelmed with projects, and a lot of the projects that were selected were along the west coast. Now that those projects are out of the way, and after meeting with NOAA representatives, this project scored high with NOAA encouraging the BRWP to reapply for the second round of funding.

Councilman Wobser asked if the disposition of the sediment is something that the City will need to make a decision on or who would make that decision. Ms. Sandhu replied that the City would make the decision or wherever the sediment could best be used or if someone expresses interest in it for any construction projects. There were also discussion on potentially using it on agricultural fields since it is nutrient rich and there have been research projects out of Bowling Green that are currently looking at it that is showing some promising effects on fields planted with corn. Another option might be if landowners that have agricultural fields around the Riverside Park area are interested. Councilman Wobser replied that is where the sediment came from in the first place. He asked if the project has gotten to the point yet when they start to dredge it out if there will have to be a place where it is drained to and dried out. He asked if it is known where that is going to happen. Ms. Sandhu replied not as of yet, but knowing Verdantis and how many projects like this that they have done in the past, they have that figured out. Councilman Wobser replied that it will be very interesting to see how it all comes together and will be a good discussion for Council to figure out what to do with the sediment to determine if there is potential value in it. While the Brownfield is very nice, if there is cost for the trucking of it, that might be the best financial option.

Councilman Hellmann asked if there is a cost estimate to redo the dam. Ms. Sandhu replied the whole project is estimated to be approximately three million one hundred thousand dollars (\$3,100,000.00) and will have a better estimate now that the BRWP has picked the options they want to go with for the fish passage. It is expected to be between two million eight hundred thousand dollars to three million one hundred thousand dollars (\$2,800,000.00- \$3,100,000.00). Councilman Hellmann asked how long the construction part of it will last. Ms. Sandhu replied that the pre-construction to finalize the designs and obtain all the permitting will take about six to nine (6-9) months with construction coming after that. The construction part of it would be six to nine (6-9) months. The goal is to have everything complete by 2026 at the latest.

Councilman Greeno asked if any of the costs quoted by Ms. Sandhu includes any safety costs. Ms. Sandhu replied no.

UNFINISHED BUSINESS:

OLD BUSINESS: none

NEW BUSINESS:

Councilman Wobser pointed out that he made the motion to table Ordinance No. 2023-043 (*Phase 2 benching project*) to allow for time to review the documentation obtained on those properties. He asked if the completed archeological service report and that American StructurePoint completed environmental studies from Stantec Engineering could be provided to Council and entered into Council's record. He asked if Stantec Engineering reviewed the testing and gave their approval on it. He appreciates that Mayor Muryn reviewed it, but wants to know if Stantec Engineering gave their stamp of approval on the tests. Mayor Muryn replied yes that Stantec has been the engineering firm that has been managing the entire project. As part of their management of that project, they have brought in the necessary experts for the varying levels of archeological and environmental remediation. Councilman Wobser replied that as soon as those are in the record, he will make a motion to pass this. Mayor Muryn replied that she will make everything accessible. There are twenty plus (20+) reports of three hundred (300) pages each, assuming Council does not want a binder of them and would prefer a summary of them. Councilman Wobser asked if an electronic copy could be added in and made available to Council and then added into the record into Council's minutes as an add-on and asked City Auditor Staschiak if that would satisfy the open records laws. City Auditor Staschiak replied that Council needs to decide what is adequate, but that if Councilman Wobser's request is done, that would be great. If Stantec Engineering has done the environmental studies, there has to be some kind of letter that they issued going over all the projects stating that the liability for the project is still on the County Commissioners and that the City will not inherit anything like that.

Councilman Hellmann noted that the reason he voted not to table it was because he doubts that he'll read all the Engineering reports which is why there are Engineering Consultants who do that. Stantec and Mannick & Smith have managed huge projects. The City has an Engineer and a Law Director on staff, so there are a lot of experts within the City. It would be a complete waste of time for him to read them which is why Council depends on them, and why they depend on the City Auditor to put together all the numbers. Council looks at them and understands them, but that there is a trust there based on the position they hold and that it does not make any sense to table this.

Mayor Muryn noted that she will work to get a letter from the County Commissioners stating that they will continue to manage the project and assume the liability, and will put the reports on the website as part of the agenda and then move it over to attach as minutes just like what has been done with committee reports. She will work to obtain a summary letter from Stantec with their stamp of expertise.

Mayor Muryn gave a shout out to now retired Police Chief Ring as his last official day was last Saturday. While he is missed, he has left the City with a great team that is working through the interview process in the coming weeks to name a new Chief.

Mayor Muryn thanked the City's Public Works teams (Street Department, Water Distribution, Utility Billing) who worked together this past week in installing four thousand (4,000) transmitters in one week. They were out working in teams. As more transmitters are put into the inventory, they are able to address the project.

Mayor Muryn notified Council that the score of the Van Buren girls high school softball team that is current playing in the district tournament is still 0-0. She wished them luck.

Councilman Greeno: **WATER AND SEWER COMMITTEE** meeting on Wednesday, May 31, 2023 at 4:30pm in the first floor Council Office (CO).
agenda: review of the progress on the internal control evaluation for the City Utility Billing Department

Councilman Wobser pointed out that the City Income Tax Department generates a monthly report referred to as the monthly collections report that is submitted to City Council. The report was born out of a problem with income tax, but was solved quite some time ago. The report has been the same for awhile now and that it will most likely never change because the problem that was trying to be defined is no longer there. This report was added in because City Council asked it to be there. He made a motion to remove the report to save Income Tax Administrator Price the extra time each month that it takes her to produce the report and the paper it takes to print it out. It no longer serves a purpose. He asked City Auditor Staschiak if he has any comments on removing the report. City Auditor Staschiak replied that he does not see any issues with doing so and can make it part of the Income Tax Board record or minutes so that Council still receives an update through the Board because they cover it as regular business. Councilman Niemeyer seconded the motion to remove the report. All were in favor.

Mayor Muryn requested an Executive Session meeting to discuss infrastructure related to economic development. Councilman Russel moved to adjourn into Executive Session at 7:25pm in support of an economic development project with no Council business to be taken after the Executive Session, seconded by Councilman Bauman. Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. Councilman Russel moved to adjourn out of Executive Session at 8:02pm, seconded by Councilman Palmer. All were in favor. Councilman Palmer moved to adjourn City Council at 8:04pm, seconded by Councilman Russel. All were in favor.

CLERK OF COUNCIL

COUNCIL PRESIDENT