

The regular meeting of the Board of Directors of The Miami Conservancy District (MCD) sitting as the Board of Directors of The River Corridor Improvement Subdistrict (RCIS) was called to order at 10:10 a.m. by Mark G. Rentschler, President, with Beth G. Whelley, Vice President and Michael H. van Haaren, member, present. The meeting was held at MCD headquarters.

Members of the staff in attendance: MaryLynn Lodor, General Manager; James B. Casper, Manager, Operations and Maintenance; Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis; Daniel K. Foley, Great Miami Riverway Director; Sarah Hippensteel Hall, Manager, Watershed Partnerships; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Shannon E. Phelps, Manager of Administration; Barry M. Puskas, Chief of Technical and Engineering Services; and Rhonda K. Snyder, Secretary.

Legal counsel in attendance: John M. Hoopingarner, McMahon DeGulis LLP, and Lee A. Slone, McMahon DeGulis LLP.

Guests in attendance: None

**COMPLIANCE WITH
SUNSHINE LAW AND BYLAWS**

The meeting was held in compliance with the Sunshine Law and MCD and Subdistrict Bylaws. The meeting information was posted on MCD's website. Miami Valley news media and individuals requesting such notification were notified of the meeting by electronic mail dated March 14, 2023.

MINUTES

The Minutes of the Board of Directors meeting held on December 13, 2022, were provided to members of the Board for review and comment.

M 2023-209

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the Minutes for December 13, 2022.

ASSESSMENT RATE FOR 2024 COLLECTION

Section 6101.53 of the Ohio Revised Code provides that the Board of Directors of a conservancy district, on or before the thirtieth of September of each year, may levy an assessment upon each tract or parcel of land and upon each political corporation for the purpose of maintaining, operating, and preserving the works of the district. Such assessment is to be known as a conservancy maintenance assessment. Said assessment shall not exceed one percent of the benefits without prior authorization of the Conservancy Court.

The following rate was recommended for the 2024 assessments collection.

| Levy No. | Purpose | Rate* |
|----------|--|-------|
| 23 | River Corridor Improvement Subdistrict | .0040 |

*The rate is the same as the 2023 assessments collection.

M 2023-210

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Harren, unanimously approved the recommended rate for the 2024 collection of assessments for The River Corridor Improvement Subdistrict and directed the Secretary to prepare the necessary assessment duplicates.

The RCIS is responsible for 35 miles of recreational trail maintenance and improvements to segments in need of repair and enhancement. MCD is actively assisting its community partners to close the trail gaps and market the Great Miami Riverway. MCD also conducts outreach and education to help the public understand the value and opportunity of the Great Miami River.

The maintenance activities performed this last quarter for the 35 miles of bike trails maintained by MCD included brush and tree clearing projects, monitoring and/or addressing cracks or hazards in the trail or along bridges, and installing or repairing safety features such as fencing, signage, or gates.

Below is the status of trail capital improvement projects.

- **Webster Station Ramp Connector** *Construction expected this July*
 - The Ohio Department of Transportation (ODOT) District 7 has approved the final plans and specifications. ODOT will bid, award, and manage construction of the project. Bid opening is scheduled for May with construction expected to begin in July. A Final Resolution is required by ODOT and will be presented for the consideration of the Board.

- **South River Walk Improvements** *Survey required, may impact schedule*
 - ODOT District 7 staff had multiple questions about locations of project work compared to property boundaries of MCD-controlled parcels. It was determined that MCD will have to hire a licensed surveyor to complete a boundary survey of the project area to determine if MCD does have the necessary property rights. If property acquisition is required then the scheduled construction start of 2024 may be in jeopardy.

- **Old North Dayton Trail, Segment 2** *Design underway*
 - Staff reviewed and ranked Statements of Qualifications (SOQs) from ten consultants. Choice One Engineering from Sidney, Ohio was selected to perform design services for this project. MCD, Choice One, and ODOT District 7 staff met for a design kick-off meeting and site visit on February 15. Design work has begun. Construction is currently scheduled to begin in 2025.

Safe Recreation Plan

This will be the first recreation season with the Safety Locator Signs on the Great Miami River Recreation Trail. The 66 individual 911 markers located along the trail help trail managers and users in emergency response situations. MCD has also initiated discussion among first responders and as part of our 2023 outreach plan, MCD plans to help coordinate water safety messaging.

Great Miami Riverway

The Great Miami Riverway Coalition met on December 15, 2022, and January 26, 2023, to discuss progress toward the goals and provide input on Riverway activities. The coalition will kick off the 16th annual summit in Sidney on April 14, 2023.

GREAT MIAMI RIVERWAY–2023 SUMMIT CONTRIBUTIONS

The following donors have contributed sponsorship dollars for the 2023 Great Miami Riverway Summit to be held Friday, April 14, 2023, in Sidney, Ohio. The following sponsorship commitments have been received by MCD prior to the March 22, 2023, Board of Directors meeting. Additional contributions are anticipated and will be reported at the next Board meeting.

| <u>Sponsor</u> | <u>Amount</u> |
|--|-----------------|
| Barrett Paving Materials, Inc. | \$ 1,000 |
| CareSource | \$ 1,000 |
| DLZ Engineering | \$ 2,500 |
| Human Nature | \$ 500 |
| Sidney-Shelby County Chamber of Commerce | \$ 1,000 |
| TOTAL | \$ 6,000 |

M 2023-211

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously accepted receipt of the \$6,000 collected through March 10, 2023, from the above sponsors for the 2023 Great Miami Riverway Summit.

GRANT FUNDING UPDATES

The following are status updates regarding grant applications previously approved by the Board of Directors:

Project Title: *GMRRT Reconstruction – East River Road to Stewart Street*

Description: This project includes reconstructing a 1.37-mile-long section of the Great Miami River Recreational Trail (GMRRT) between East River Road and Stewart Street. Work includes full-depth reconstruction and widening of the trail, improved drainage, improved trail access, parking improvements, new trail lighting, and trail amenities.

Total Project Cost: \$2,642,495

Grant Amount Requested: \$1,711,123

Source: Transportation Improvement Program (TIP) through Miami Valley Regional Planning Commission (MVRPC). Applied for Congestion Mitigation/Air Quality (CMAQ) funds; application approved for Carbon Reduction (CR) funds.

The Miami Conservancy District Match: \$931,372 (River Corridor Improvement Fund 200). This amount includes design, construction local match, and inspection costs.

Other Participants: None

Status: Application was submitted on October 6, 2022. On January 18, 2023, MCD received notice from MVRPC that this project was recommended to receive the requested grant funding. The grant award was approved by the MVRPC Board of Directors at their meeting on March 2, 2023.

Project Title: *Stillwater Trail Resurfacing – Gayle B. Price Bridge to Wegerzyn Road*

Description: This project includes resurfacing a 1.46-mile-long section of the Stillwater River Trail between the Gayle B. Price Bridge near Island Metro Park and Wegerzyn Road. Work includes milling and resurfacing of the existing asphalt, full-depth pavement repairs, installation of amenities (swings, benches, trash cans, and dog waste stations), installation of native prairie planting, and installation of historical and cultural signage.

Total Project Cost: \$979,499

Grant Amount Requested: \$629,109

Source: Transportation Improvement Program (TIP) through Miami Valley Regional Planning Commission (MVRPC). Transportation Alternatives (TA) funds.

The Miami Conservancy District Match: \$350,390 (River Corridor Improvement Fund 200). This amount includes design, construction local match, and inspection costs.

Other Participants: None

Status: Application was submitted on October 6, 2022. On January 18, 2023 MCD received notice from MVRPC that this project was recommended to receive the requested grant funding. The grant award was approved by the MVRPC Board of Directors at their meeting on March 2, 2023.

Project Title: *GMRRT ADA & Safety Improvements*

Description: This project includes improvements to five locations where the regional Great Miami River Recreation Trail (GMRRT) crosses busy city streets. Improvements include installing pedestrian actuated flashing LED warning signs (possibly Rectangular Rapid Flashing Beacons), installing ADA-compliant curb ramps, installing pavement striping including highly visible crosswalks, and installing additional highly visible signage.

Total Project Cost: \$355,596

Grant Amount Requested: \$228,391

Source: Transportation Improvement Program (TIP) through Miami Valley Regional Planning Commission (MVRPC). Applied for Transportation Alternatives (TA) funds; application approved for Carbon Reduction (CR) funds.

The Miami Conservancy District Match: \$127,205 (River Corridor Improvement Fund 200). This amount includes design, construction local match, and inspection costs.

Other Participants: None

Status: Application was submitted on October 6, 2022. On January 18, 2023, MCD received notice from MVRPC that this project was recommended to receive the requested grant funding. The grant award was approved by the MVRPC Board of Directors at their meeting on March 2, 2023.

Project Title: *Old North Dayton Trail, Segment 3*

Description: This project includes constructing a new 0.80-mile-long extension to the regional Great Miami River Recreational Trail along the left bank of the Great Miami River from Old North Dayton Trail, Segment 2 near Heid Avenue to Old Troy Pike. A proposed trail connection to the City Of Riverside's Eintracht Singing Society will be made. Work includes installing a new 14-foot-wide asphalt path, underdrains, benches, trash receptacles, and dog waste stations.

Total Project Cost: \$1,182,265

Grant Amount Requested: \$583,991

Source: Transportation Improvement Program (TIP) through Miami Valley Regional Planning Commission (MVRPC). Congestion Mitigation/Air Quality (CMAQ) funds.

The Miami Conservancy District Match: \$598,274 (River Corridor Improvement Fund 200). This amount includes design, construction local match, and inspection costs.

Other Participants: None.

Status: Application was submitted on October 6, 2022. On January 18, 2023, MCD received notice from MVRPC that this project was recommended to receive the requested grant funding. The grant award was approved by the MVRPC Board of Directors at their meeting on March 2, 2023.

Next, Mr. O'Connor requested various approvals for the following projects: U.S. Bike Route 25 signage, Webster Station Ramp Connector, and Gayle B. Price Bridge painting.

U.S. BIKE ROUTE 25 SIGNAGE AGREEMENT

ODOT is leading an effort to install signage for U.S. Bike Route (USBR) 25 throughout the state. USBR 25 runs on many miles of the Great Miami River Recreation Trail that are maintained by MCD. ODOT is offering to pay for the initial purchase of signs, posts, and pavement markings that will be installed by local trail managers like MCD. After the signage is installed it will be the responsibility of MCD to maintain it in the future.

MCD has communicated with ODOT and other local trail partners over the last few months to determine the proper sign types for the proper locations. As part of those discussions, MCD staff requested and ODOT approved the purchase of preformed thermoplastic pavement

markings in place of vertical signs on levees and in frequent high water areas. These pavement markings will last much longer than traditional paint, reducing the future maintenance burden of MCD staff.

If MCD wants to participate in this program, ODOT requires that MCD enter into an agreement committing to installing and maintaining the signage.

M 2023-212

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously authorized the General Manager to enter into an agreement with the Ohio Department of Transportation to accept the U.S. Bike Route 25 signage, install the signage, and maintain the signage in the future.

**WEBSTER STATION RAMP CONNECTOR
FINAL RESOLUTION**

In March 2021, MCD received notification that a grant had been approved for the Webster Station Ramp Connector project. ODOT has agreed to manage the bidding and construction of the project scheduled for construction in 2023.

ODOT requires that the Board of Directors approve a resolution committing to the following:

- MCD will serve as the Local Public Agency (LPA) partner for the project.
- MCD agrees to provide the local cost share of the project.
- MCD requests the Director of Transportation to proceed with the project.
- MCD authorizes the General Manager to execute a contract with ODOT.
- MCD executes a Fiscal Officer's Certificate that must be recorded with the record of proceedings of the Board of Directors.

ODOT has approved the final plans and specifications. ODOT has sent the final legislation language, the Fiscal Officer's Certificate, the Contract, and an invoice for MCD's portion of the cost share. ODOT staff has completed a final estimate considering the most recent bid results around the state. MCD must pay the local cost share up front based on that most recent estimate. MCD's up-front amount is \$73,260, which is below the 2023 approved budget amount of \$110,000.

M 2023-213

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously approved the following Final Resolution with the Ohio Department of Transportation (ODOT) for the Webster Station Ramp Connector project.

R 2023-75

**FINAL RESOLUTION
MOT-WEBSTER STATION RAMP CONNECTOR
PID NO. 115157**

The following Final Resolution enacted by the Board of Directors, The Miami Conservancy District, River Corridor Improvement Subdistrict, Ohio, hereinafter referred to as the Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, the LPA shall cooperate with the Director of Transportation in the below-described project:

The project consists of constructing the Webster Station Ramp Connector Multi-Use Path starting at Webster Street across from Water Street and proceeding South to the Mad River Recreational Trail, including pavement, sidewalk widening, and pavement markings along with the installation of benches and trash cans, lying within the Miami Conservancy District; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The LPA agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **Seventy-Three Thousand Two Hundred Sixty and - -00/100 Dollars, (73,260.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described project and has transmitted copies of the same to the LPA; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid improvement.

NOW, THEREFORE, BE IT RESOLVED:

- I. That the estimated sum of **Seventy-Three Thousand Two Hundred Sixty and - -00/100 Dollars, (73,260.00)**, is hereby appropriated for the improvement described above and the Treasurer is hereby authorized and directed for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. The Miami Conservancy District hereby agrees to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid improvement.
- III. That the LPA enter into a contract with the State, and that the General Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this resolution.

The remainder of this page intentionally left blank to include the Fiscal Officer's Certificate on the next page.



PID No. 115157

FISCAL OFFICER'S CERTIFICATE

(Chapter 5221 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$73,260.00** required for the payment of the cost other than that thereof assumed by the Federal Government, for the improvement of that portion of the Webster Station Ramp Connector, more particularly described as follows:

The project consists of constructing the Webster Station Ramp Connector Multi-Use Path starting at Webster Street across from Water Street and proceeding South to the Mad River Recreational Trail, including pavement, sidewalk widening, and pavement markings along with the installation of benches and trash cans, lying within the Miami Conservancy District; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied, placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by the sale of bonds issued on the account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made and filed with the Board of Directors, the legislative authority, of **The Miami Conservancy District**, after said Board of Directors passed the Final Resolution in connection with the within described project, and that this certificate will be forthwith recorded with the record of proceedings of said Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as fiscal officer, this 22nd day of March, 2023.

A handwritten signature in blue ink that reads "Kenneth P. Moyer".

Kenneth P. Moyer, Treasurer
Fiscal Officer of the Board of Directors
The Miami Conservancy District

CONTRACT AUTHORIZATION

Contract: *Gayle B. Price Bridge Painting*

Background: The Gayle B. Price Bridge is a 288-foot-long cable-stay bridge carrying bicycle and pedestrian traffic over the Great Miami River between Triangle Park and Island Park in Dayton. The bridge is a critical part of the Great Miami River Recreation Trail. Original construction of the bridge was completed in 1982.

The bridge is inspected regularly, and in recent years those inspections determined that the bridge would need to be repainted to prevent the structural steel from deteriorating.

Description:

The project will include:

- Installing trail detour signage
- Site preparation
- Removing the existing paint from the bridge steel
- Placing three coats of new paint on the bridge steel

Engineer's Estimate: \$259,094.26

Source: River Corridor Improvement Subdistrict (Fund 200) 100%

Status: MCD staff has performed planning and design work over the last two years which is over 90% complete. Staff is requesting this authorization now in anticipation of this project being ready to be bid and awarded prior to the next Board of Directors meeting. Construction is expected to be completed in 2023.

M 2023-214

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously authorized the President to execute a contract with the lowest responsive and most responsible bidder for the *Gayle B. Price Bridge Painting Project* provided the bid is submitted by a qualified contractor, the Performance Bond and other contract forms are approved by The Miami Conservancy District Legal Counsel, and the actual contract amount does not exceed the Engineer's Estimate by more than 10%. In addition, the Board of Directors authorized the General Manager to approve any change orders not to exceed cumulatively 10% of the actual contract amount and the Board of Directors authorized the President to execute change orders that exceed cumulatively 10% of the actual contract amount.

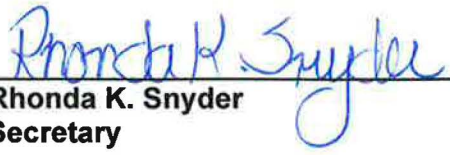
FUTURE BOARD MEETING

At the December 2022 meeting, the Board members set the following dates for the 2023 regular meetings of the Board of Directors of The Miami Conservancy District sitting as the Board of Directors of The River Corridor Improvement Subdistrict: March 8 (rescheduled to March 22), June 21, September 20, and December 13.

ADJOURN

There being no further business, the meeting was adjourned by unanimous consent.

ATTEST:


Rhonda K. Snyder
Secretary

APPROVED:


Mark G. Rentschler
President