

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 12:25 p.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 located at 38 East Monument Avenue in Dayton.

Members of the staff in attendance at the regular meeting: MaryLynn Lodor, General Manager/Board Secretary; James B. Casper, Manager, Operations and Maintenance; Ginger Clark, Manager of the Great Miami Riverway; Michael P. Ekberg, Manager of Monitoring and Analysis; Sarah Hippensteel Hall, Manager of Communications, Outreach, and Stewardship; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Christina M. Pfeiffer, Executive Assistant; Shannon E. Phelps, Manager of Administration; and Barry M. Puskas, Chief of Technical and Engineering Services.

Legal counsel in attendance at the regular meeting: Lee A. Slone, McMahon DeGulis LLP. MCD lobbyist, Lori Kershner of LMK Advocacy, was also in attendance.

Guests in attendance at the regular meeting: 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 meetings by electronic mail dated December 10, 2024.

MINUTES

The Minutes of the Board of Directors meeting of September 18, 2024, were provided to members of the Board for review and comment.

M 2024-232

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the meeting minutes for September 18, 2024.

Next, Mr. O'Connor presented information regarding the Great Miami River Trail Improvements Project. In March 2023, MCD received notification that a grant had been approved for the Great Miami River Trail Improvements project. The Ohio Department of Transportation (ODOT) has agreed to manage the bidding and construction of the project scheduled for construction in 2026.

ODOT notified MCD that the Board of Directors needs to pass a resolution agreeing that MCD will serve as the Local Public Agency partner for the project. The resolution gives consent to the Director of Transportation to complete the project and agrees that MCD will provide the local cost share of the project.

M 2024-233

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously approved the following Resolution of Participation with ODOT for the Great Miami River Trail Improvements Project.

R 2024-79

**RESOLUTION OF PARTICIPATION
MOT – GMR IMP CR22A
PID NO. 119384**

The following is a Resolution enacted by The Miami Conservancy District, of Montgomery County, Ohio, hereinafter referred to as The Miami Conservancy District (Local Public Agency – LPA).

SECTION I – Project Description

WHEREAS, The Miami Conservancy District has determined the need for the described project: This project will conduct trail safety improvements and enhancements along the Great Miami River. Said project is further identified as MOT GMR Trail Imp CR22A (PID 119384).

NOW THEREFORE, be it resolved by The Miami Conservancy District of Montgomery County, Ohio.

SECTION II – Consent Statement

Being in the public interest, The Miami Conservancy District gives consent to the Director of Transportation to complete the above-described project as detailed in the LPA-ODOT-Let Agreement entered between the parties, if applicable.

SECTION III – Cooperation Statement

The Miami Conservancy District shall cooperate with the Director of Transportation in the above-described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

- A. The Miami Conservancy District agrees to participate in the cost of the project.
- B. The Miami Conservancy District further agrees to pay 100% of the cost of those features requested by The Miami Conservancy District which are determined by the State and Federal Highway Administration to be unnecessary for the Project.
- C. The Miami Conservancy District further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to The Miami Conservancy District. The Miami Conservancy District shall contribute its share of the cost of these items in accordance with other sections herein.

- D. The Miami Conservancy District further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION IV – Utilities and Right-of-Way Statement

The Miami Conservancy District agrees to acquire and/or make available to Ohio Department of Transportation (ODOT), in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The Miami Conservancy District also understands that right-of-way includes eligible utility costs.

The Miami Conservancy District agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, The Miami Conservancy District shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI – Authority to Sign

That MaryLynn Lodor, General Manager of The Miami Conservancy District, is hereby empowered on behalf of The Miami Conservancy District to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation which is necessary to complete the above-described project.

Upon request of ODOT, MaryLynn Lodor, General Manager of said The Miami Conservancy District, is also empowered to assign all rights, title, and interests of The Miami Conservancy District to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

This Resolution shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

FUTURE BOARD MEETINGS

The Board members set the following dates for the 2025 regular meetings of the Board of Directors of The Miami Conservancy District:

Wednesday, March 12, 2025

Wednesday, June 25, 2025

Wednesday, September 10, 2025

Wednesday, December 17, 2025

In addition, the Board members set the following dates in 2025 for two special meetings of the Board of Directors of The Miami Conservancy District:

Thursday, January 23, 2025

Thursday, May 22, 2025

ADJOURN

There being no further business, the meeting was adjourned on motion by Mr. Rentschler and seconded by Mr. van Haaren at 1:41 p.m.

ATTEST:


MaryLynn Lodor
General Manager/Board Secretary

APPROVED:


Mark G. Rentschler
President