

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 5:25 p.m. by Michael H. van Haaren, President, with Beth G. Whelley, Vice President, and Mark G. Rentschler, 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 of 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; Donald P. O'Connor, Chief Engineer; Kenneth P. Moyer, Treasurer; 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.

Guests in attendance at the regular meeting: Lori Kershner, LMK Advocacy.

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 9, 2025.

MINUTES

The Minutes of the Board of Directors regular meeting of September 16, 2025, were provided to members of the Board for review and comment.

M 2025-239

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously approved the meeting minutes for September 16, 2025.

First, Mr. O'Connor provided information regarding a grant for a project along the Great Miami River Trail.

RESOLUTION OF PARTICIPATION MOT- GMR Trail IMP CR22B

In March 2023, MCD received notification that a grant had been approved for the Great Miami River Recreation Trail Improvement Project. The Ohio Department of Transportation (ODOT) has agreed to manage the bidding and construction of the project scheduled for construction in 2027.

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. This is the first of two resolutions that ODOT requires for this project. The second resolution will be requested from the Board of Directors just before the project is advertised for bids.

M 2025-240

The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously approved the following Resolution of Participation with the Ohio Department of Transportation (ODOT) for the Great Miami River Trail Improvement Project.

R 2025-82

**RESOLUTION OF PARTICIPATION
MOT- GMR Trail IMP CR22B
PID NO. 119379**

The following is a Resolution enacted by The Miami Conservancy District, River Corridor Improvement Subdistrict, 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: Perform safety improvements and enhancements at the left bank of the Great Miami River from East River Road to Stewart Street on the Great Miami Trail in Dayton, Ohio. Said project is further identified as MOT- GMR Trail IMP CR22B (PID 119379).

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 Project Agreement entered into 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 an 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.

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 said 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.

Next, Mr. O'Connor presented information regarding an additional grant for a project along the Great Miami River Trail.

RIVER CORRIDOR IMPROVEMENT SUBDISTRICT MOT - GMR Trail IMP CR22A Final Resolution

In March 2023, MCD received notification that a grant had been approved for the MOT - GMR Trail IMP CR22A project, also known as the ADA & Safety 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 requires that the Board of Directors pass 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.

M 2025-241

The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously approved the following Final Resolution with the Ohio Department of Transportation (ODOT) for the Great Miami River Trail Improvement Project.

R 2025-83

**FINAL RESOLUTION
MOT GMR Trail IMP CR22A
PID NO. 119384**

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 trail safety improvements and enhancements of five multi-use trail crossings for the Great Miami River Trail including asphalt concrete surfacing, combination curb and gutter, ADA curb ramps, signage, solar powered rectangular rapid flashing beacon (RRFB) sign assembly, and pavement markings, 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 One Hundred Twelve Thousand Six Hundred Nine and - - - 00/100 Dollars, (\$112,609.00), 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 One Hundred Twelve Thousand Six Hundred Nine and - - - 00/100 Dollars, (\$112,609.00) 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.

Next, Ms. Lodor provided an update to the Board of Directors regarding the Hamilton Low Dam.

FYI TO THE BOARD OF DIRECTORS HAMILTON LOW DAM, GREAT MIAMI RIVER

Following the completion of the U.S. Army Corps of Engineers (USACE) feasibility study for the MCD-Hamilton Hydraulic Evaluation of Modifications to the Great Miami River, the USACE evaluated four alternative configurations or modifications of the two low dams – known as the “Hamilton Low Dam” and the “Two Mile Low Dam.” MCD has also installed more dam safety signage and buoys to alert boaters of the danger posed by the dams.

Recently, MCD has learned that the Two Mile Low Dam has been prioritized by ODOT as a candidate for mitigation credits and ODOT is awaiting an appropriation to authorize design. Based on updated projections, the Two Mile modification may be in design in 2026-2027, construction in 2028, and MCD will be consulted as a primary partner in the advancement of the Two Mile dam modification.

Additionally, to advance a dam safe solution for the Hamilton Low Dam, staff have been coordinating with the City, Butler County MetroParks, the Community Foundation, and Miami University-Hamilton Branch Campus, to develop a consensus concept plan with the following goals:

- Safety, and removal of the hazard of the low dam turbulence
- Maintain the rowing pool (not full removal)
- Recreational and fish passage.

Given the ongoing danger and continued risk, we are working on a consensus solution among key partners. Staff is working to update cost estimates and renderings to enable partners to seek funding through multiple sources. The Hamilton Community Foundation has agreed to assist the City and MCD in securing funding to expedite grant funding to complete the dam safety and recreational enhancement project.

FUTURE BOARD MEETINGS

The Board members set the following dates for the 2026 regular meetings of the Board of Directors of The Miami Conservancy District:

Tuesday, March 17, 2026

Wednesday, June 10, 2026

Wednesday, August 26, 2026

Thursday, December 17, 2026

ADJOURN

There being no further business, the meeting was adjourned on motion by Mr. Rentschler and seconded by Ms. Whelley at 6:35 p.m.

ATTEST:



MaryLynn Loder
General Manager/Board Secretary

APPROVED:



Michael H. van Haaren
President