

**CITY OF INDEPENDENCE
SPECIAL COUNCIL MEETING MINUTES
APRIL 15, 2008 5:45 P.M.
COUNCIL CONFERENCE ROOM**

Mayor Kurtz called the meeting to order at 6:13 p.m. Present were Mayor Kurtz, Council Members Blaze, Crooks, Grendel, Klepacz, Narduzzi, Riley and Togliatti. Also present were Finance Director Veres, Law Director O'Brien, Service Director Snyderburn, Engineering Coordinator Don Ramm and Economic Development Director Ron White.

SECOND READING

RESOLUTION 2008-56 A RESOLUTION AUTHORIZING THE HIRING OF THE DEPARTMENT OF THE ARMY FOR PROFESSIONAL SERVICES TO PERFORM A FLOOD DAMAGE REDUCTION STUDY AND DECLARING AN EMERGENCY

Moved by Blaze, seconded by Riley, to read by title only. Council polled: 7 yes/0 no; motion carried.

Moved by Blaze, seconded by Grendel, to adopt.

Discussion: Mayor Kurtz stated, originally it was \$300,000. The county says that they will contribute up to \$150,000. Ron can explain this better.

Ron White stated, the deal is the same. It is the same program. We're all together. We sent in a letter a year or two ago that was a joint letter. All the mayors that were involved signed it. Now we're down to getting something established to get this study up and running. It is a feasibility study. It's something that helps to determine whether there are options to correcting the flooding situation in these areas.

As simple as that being said, it is a very difficult, complicated and convoluted process. This is a 3-year process which the Corps has estimated it will take to do the study. In order to solve this long-term, we believe that this is the way to approach it. It is actually the only way because there is no other authority that can touch that river. If the river is to be altered or in some way controlled, if that's the option, then the Corps is the only people that can help us do it.

Mayor Kurtz added, our congressman has paid special attention to this. He has been very diligent to make sure that we have meetings. He is very supportive of this.

Councilman Narduzzi asked, so this ties in with all your meetings?

Mayor Kurtz replied right.

Councilman Narduzzi stated so if we show enthusiasm to accomplishing a goal, then we could be better off.

Mayor Kurtz responded, there are two things. There is the 205 Study, which is the big picture long-term. I think that Ron has done a nice job of communicating with the Army Corps. They come here every couple of weeks. One of the things I'd like to do is a two prong approach. One, is to go through the 205

Study, but at the same time let's talk about the exit emergency ramp, and we'll also talk about the barrier behind Frank & Frick that Dave has talked about. So we're not going to wait and wait for this study. The study will only give us additional information, but I think we're going to try and get permission or information from the Army Corps between now and then. If we could ever get them to authorize us to do that section of barrier wall along Frank & Frick, and we get that emergency ramp and we check on fill so it will make it a lot cheaper, we can do those. And by the way, there may be a \$50,000 opportunity that was presented to us for that ramp by a different funding source. Anyway, the point being is that this shows good faith on this 205 study with the congressman, but we use the same leverage to try and come up with some other kind of opportunity to mitigate our situation sooner rather than later.

Councilman Grendel commented, will we be able to do some of those things while the study is ongoing with the Army Corps. or will they say we might alter something?

Mayor Kurtz replied, the ramp is not an issue. They're not going to give us permission without cooperating because they're the authorizing authority.

Vice Mayor Blaze commented, we'll try to present it to them that business is at risk because everytime that river floods it's getting closer and closer to their building, and they need to take some protective measures and we just so happen to be a partner with them.

Mayor Kurtz stated so we're going to try and do a two pronged approach to this.

Councilman Grendel stated, I've read that they're worried about the affects downstream. Are Valley View and Independence the only two communities involved with this?

Mayor Kurtz replied, in this study. The study incorporates the whole watershed doesn't it?

Ron White replied, the West Creek watershed. As far as looking downstream, yes, we are the only communities involved in this feasibility study. They are working with Eastlake and Walton Hills.

Councilman Grendel asked, we couldn't bring any other communities in? It's not benefitting any others?

Mayor Kurtz replied no. The National Park is involved for anybody south. We're the only two communities of record on this project.

Vice Mayor Blaze added, if other communities were involved, it would only serve to expand the scope of that cost. It wouldn't make sense to bring more in.

Several people speaking at once.

Mayor Kurtz stated Brooklyn Heights' impact is nothing like ours.

Ron White added, they're quite a ways above.

Mayor Kurtz added and their business community is really not affected. The thrust behind this is the business community and the residents of Valley View.

Ron White stated there is one step we're pursuing that is outside of this legislation – a pre-disaster mitigation grant. That is something that we have to get in place by the end of this year. We're going to begin rather soon and put this all together. What that allows are some tools for the businesses. We have

to apply for it as a community, but the businesses down there can then retrofit their buildings, do flood proofing, do different things and there will be a grant to help them do that. So that is another tool outside of this legislation. But that's more short-term.

Councilman Riley asked does this have any affect on lower Brookside?

Ron White replied no. Again, back to what the Corps' mission is and what they can impact, they are only concerned about what the Cuyahoga River does, the flooding that occurs as a result of it coming over its banks. That's all they're concerned about.

Councilman Riley responded but part of what we're waiting on regarding lower Brookside is the Army Corps of Engineers.

Ron White replied that's a different issue but it is part of the Army Corps and the Ohio EPA agreeing to provide that permit. Yes, we're working with the Corps to do it. It's two separate issues.

Councilman Klepacz asked, are any of the same Army Corps people involved with both of those issues, or is it two separate groups?

Ron White replied I think it's separate people. It's the same office, the Buffalo office, but different people from that office.

Councilman Klepacz stated I thought we were originally talking about \$150,000 and now we can be exposed for \$216,000. What are these in-kind services that are mentioned here?

Ron White replied, what the provision for the 205 allows for is to use services that might be or products or tools that might be used throughout the study that are either donated or could be the City's resources or some other resource donated that's non-federal, non-federally funded, then we can use that to count toward out contribution - engineering services, historical data, economic development information, which they need to perform the overall impact of economically how this solution and what the damages are that have been going on over these years. There are a lot of things that replace the dollar with a service. What Ortiz has projected is the \$159,000 figure. I've put that in that our upward range is \$216,000 but we're bound to find something that we can do that will take away from that \$216,000. I believe, not over optimistically, that we can erode that \$216,000 down to maybe \$150,000 or maybe less.

Councilman Riley commented, so the \$216,000 is the worst case scenario.

Ron White responded, absolutely. I covered this with Laura Ortiz. I told her I wanted to be sure because if I represent this, I want to be sure it's the upward limit. I want the Council to understand that this is an upward limit, and anything we can do in-kind - \$159,000 worth of in-kind that she's projected, that she feels we could come up with, then it could be down to \$56,000.

Councilman Klepacz asked, Valley View has already passed that they're going to do this same study – they have exposed themselves to this same amount of money that we have?

Ron White replied, they've agreed to do it.

Mayor Kurtz added, at the last meeting we had with the 32 people their mayor said that their council has authorized them to move forward.

Councilman Riley asked, say Valley View passes it and we don't, the study doesn't happen?

Ron White replied, no. They can study.

Mayor Kurtz added, they can do their side.

Ron White added but that doesn't help us. Whatever we come up with is going to be something that has to be worked through and coordinated with Valley View. We can't do something on our side of the river and not do something on their side of the river. It won't solve anything.

Finance Director Veres asked, you said over three years?

Ron White replied, that's what they project.

Councilman Grendel asked, do we need all the money in place this year?

Ron White replied no. But in the legislation and what I did in my memo was try to condense the summary, the scope of work agreement. They will work through and ask for the money. They're not going to ask for it all at once. As they need it, they will ask for it. It will be stretched out. I can't say that it's going to be stretched out evenly, but it will be stretched out.

Mayor Kurtz asked, so we can encumber so much per year?

Finance Director Veres replied yes.

Vice Mayor Blaze commented, Laura Ortiz had in the breakdown where she estimated the cost and had different line items. Maybe we could go through that and see which ones could be done (inaudible).

Ron White responded that's exactly what we have to do. That is what she has instructed us to do – go through that and figure out where can we come up with in-kind services.

Mayor Kurtz added, so we know how much for this year, or every year.

Ron White responded, she may even be able to break it down on the range of work over time, put a timeline to it so we know which one is going to be done first and can sort of budget out how much it is going to be spent in each year. Again, there's always that catch phrase of unforeseen conditions or whatever else, of course.

Councilman Crooks commented, the issue I have with this is, and the question is this, am I the only one who thinks that 36 months is a long time to have the results from a study?

Mayor Kurtz asked, from the Army Corps? That's the problem.

Councilman Crooks responded I understand that. Is there a better way? Is there a better plan? I understand that the Mayor has spent a lot of time in these meetings, and I understand there's another meeting on the 28th at the fire station, and I haven't attended the meetings, but it just seems like three years is a long time to have the results from a study. And if I'm reading Ron's memo correctly, we might have the option to fix the problem. That's what I'm understanding this to be.

Mayor Kurtz responded this isn't an answer. This is an opportunity for an answer. That's why we're talking about that dual prong approach. We do this, but we also look and see if we can still look at our exit road ramp, still look at the barrier wall. Those are the issues we brought up and exposed to everyone at that meeting to try and show them that we need immediate relief too.

Councilman Crooks asked, one is contingent on the other?

Mayor Kurtz replied no.

Ron White added, they can work together.

Mayor Kurtz added, every agency is represented – state, federal, county. Originally it was \$300,000 and I don't know that there was a lot of energy being generated around this table at \$300,000, but when they cut it in half and then there are in-kind services, now all of a sudden everybody else is cooperating. It seems to be getting some attention from Washington, as well as the State of Ohio.

Councilman Crooks stated, the point I'm getting to is we've got residents here who, no doubt, are scared everytime it rains, and to have to tell them that we're spending this money or encumbering this money for another study that's going to take three years, that's a tough pill for me to swallow.

Mayor Kurtz responded, sitting in all those meetings is not easy for anyone to swallow, but it's the best the federal government is going to do. They still control the Cuyahoga River. That's still the bulk of our business community's problem. Valley View has a different situation, They have residents there that are affected. But, that being said, without it I don't think there will be any federal cooperation. It's not a problem we can fix by ourselves.

Ron White added, absolutely not. And it's not a choice we're making. We don't have a choice either to fix residential flooding issues or to fix commercial. We're not making a choice here. We're taking advantage of an opportunity to fix something where there is no other way to do it, other than to work through the US Army Corps.

And, we're also protecting the financial stability of the community, and that is the income stream from these 26 businesses. It's probably more because I haven't added in Granger. They impact our ability to do our work and to provide for our residents.

Mayor Kurtz added, it's a commitment to our business community that we are investing. They come to the meetings. The business community attends these meetings. It would be pretty disingenuous on our part at this point to let Valley View do something and we're not doing it. We're at risk in our business community because of this business situation.

Councilman Crooks asked, can't we go back to the Army Corps and say look, three years is unacceptable. We need it done in a year.

Ron White replied, that was the same reaction we had.

Mayor Kurtz added, the question came up and Ortiz basically opens her hands and says, this is how we operate.

Ron White commented, now we may improve on that.

Mayor Kurtz stated, by the way, she did say that they may do better, but this is what she's outlining.

Councilman Riley commented, maybe we're looking at that it's going to take three years but it could be that they get approval and maybe prioritize their projects. Let's work on Independence now.

Mayor Kurtz stated, by way of information, we went from a moratorium on these types of studies. There was a moratorium across the country. Congressman Kucinich got the moratorium lifted for us to get this project in the pipeline.

Ron White added, just by comparison, they brought up Findley. We're all aware of the flooding that occurs in Findley. The Corps is out there doing the same thing. Their feasibility study might take up to five years.

Mayor Kurtz commented, and if our business community feels that we're not taking aggressive steps right now it's most likely going to get worse. It won't get better unless the Army Corps helps us. Are there any other questions?

Finance Director Veres replied, could you point out that it's over \$1 million in revenue per year from those businesses.

Ron White replied yes, collectively – Granger Road and Old Rockside.

Vice Mayor Blaze added, I think All Erection is usually in the top 25.

Ron White replied, right.

Vice Mayor Blaze stated, so that one right there is critical. We know that they're going to move their headquarters here, but their operations are still here. They have a significant presence here.

Finance Director Veres stated, we'll wait and encumber a certain amount. We'll do it through the drain water fund through an amendment. We can pass it.

Mayor Kurtz stated we can pass it but we may have to come back and amend the appropriation once we know the number if there are no objections.

Vice Mayor Blaze added, we'll have to amend it soon with the union contracts.

Council polled: 6 yes/1 no (Crooks); motion carried.

FIRST READING

RESOLUTION 2008-57 A RESOLUTION ACCEPTING THE BID OF GEOTECH SERVICES, INC. FOR THE CITY'S 2008 CREEK MAINTENANCE CONTRACT AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Riley, to read by title only. Council polled: 7 yes/0 no; motion carried.

Moved by Riley, seconded by Grendel, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Riley, seconded by Narduzzi, to adopt.

Discussion: Finance Director Veres asked, did you want to amend this?

Mayor Kurtz replied, the Finance Director pointed out that this bid is in the amount of \$89,780. We have \$150,000 plus or minus encumbered for creek maintenance. If you subtract the \$45,000 out that we're talking about earmarking for Forestwood, it leaves a little room to where we can amend this and make it \$105,000 so that we have that \$150,000 totally encumbered then.

Vice Mayor Blaze asked how does it work when we ask companies to bid on our 2008 Creek Maintenance when we're just sitting here tonight trying to figure out what projects we're going to do.

Mayor Kurtz replied it's all by line item. It's not project specific. It's line items that you can apply to a project. We have line items in there, for example, for replacing gabions, different size pipes we may need to use. You combine different line items to come up with that number, and then you apply that number to our contract.

If we amend this now to \$105,000, then we don't need a change order later on.

Moved by Riley, seconded by Grendel, to amend Resolution 2008-57 to read, in an amount not to exceed \$105,000. Council polled: 7 yes/0 no; motion carried.

Council polled on the adoption: 7 yes/0 no; motion carried.

RESOLUTION 2008-58 A RESOLUTION AUTHORIZING THE PURCHASE OF A 2008
41 PASSENGER COACH FOR THE COMMUNITY SERVICES
DEPARTMENT AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Riley, to read by title only. Council polled: 7 yes/0 no; motion carried.

Moved by Riley, seconded by Grendel, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Riley, seconded by Grendel, to adopt.

Discussion: Mayor Kurtz stated, by way of discussion, this has been thoroughly vetted by the Finance Department and Community Services Department. They actually traveled to Columbus as a group. They rode in and observed. The Service Department personnel and driver also had input. They came back and the Finance Director then requested certain modifications. They agreed to those modifications – upgrades to the interior. There may be some minor tweaking. That's why this is not to exceed \$300,000. It's actually \$288,000 right now. Everyone seems to

be excited about it. We may even take delivery of this vehicle later this summer if we act quickly.

Councilman Riley asked, what happens to the old bus? Do we trade it in or sell it?

Mayor Kurtz replied, we'll probably sell it.

Councilman Narduzzi commented, Bob Williams said it's only worth about \$12,000.

Councilman Klepacz asked, am I reading correctly that there won't be any restroom?

Mayor Kurtz replied, the logic was that our trips are two hours or less. We plan our trips hour by hour. They would build in time for a rest stop area, rather than potentially put two people off the bus. And the other problem is not just that, but it became an issue that the odor – it's a glorified port-a-potty that nobody wants to sit by. So, the thought was that we can accommodate that by scheduling trips to be longer and taking more stops.

The program is designed for long trips around a chartered coach. You saw last year where Brecksville participated to get the number of people to fill the bus. They understand fully that this bus will not be the long haul bus.

Councilman Klepacz asked about Therabault, MN.

Mayor Kurtz replied, it's actually built in Michigan.

Councilman Grendel asked, did Mr. James from the Brecksville bus company go along?

Director Snyderburn replied yes.

Councilman Grendel commented, so we had a professional there.

Mayor Kurtz responded, Councilman Cichocki had asked for that in the past and Mr. James was willing to contribute his time.

Councilman Riley asked, did any representatives from the Senior Organization participate in this?

Mayor Kurtz replied the leadership of the Community Services Department. They are the ones that directly relate to the Senior Organization.

Councilman Riley responded, I just don't want to purchase this and have every senior calling because there is no bathroom.

Councilman Grendel added, Marilyn Senick was there.

Several people speaking at once.

Mayor Kurtz stated we can add the bathroom and take out two seats. Remember, this is not a long haul bus. The theory was that we would lease a bus. It costs us so much per mile to run our bus or to lease a bus. The difference is that our people like our drivers. They have a very good relationship with them. They're more homey. That's usually when they're driving within an hour or two radius. What we lose by rental is our driver, but what we pick up is more comfort during a longer haul and a bathroom. Remember, this bus is not for over the road. This is for a one or two hour trip.

Finance Director Veres commented, this will free up \$30,000 of encumbered funds.

Vice Mayor Blaze replied, I suggest we allocate it for this project outside City Hall. We had talked about doing this parking lot and the one across the road. The one across the road was bad but now that all the equipment is parked there it's worse.

Mayor Kurtz replied, I thought they were putting together some pricing on that.

Vice Mayor Blaze replied, I think Don Ramm is working on that with Allega right now.

Mayor Kurtz stated, we have unit prices for it so it should be an easy exercise to put that together. The only thing time sensitive is that one would have to be done in concert with the paving. With the City Hall lot, we can always exit the emergency road.

Councilman Riley commented I think we should do that. Let's finish this project and walk away and everyone say it's done.

Mayor Kurtz stated well there is \$30,000 that we can apply to that parking lot.

Councilman Togliatti asked what about the dredging of Elmwood Lake? Can we complete that after the roadway and parking lots?

Mayor Kurtz replied yes. That's not an impact on the roadway. We can use our trucks.

Councilman Togliatti asked, what sort of excavator would you use?

Mayor Kurtz replied, we'd drain the lake, take a bulldozer and go in there and push up to try and dry up the muck in the fall. Then we would get in there with rubber tire loader or a track loader and load up our trucks and get approval to take it to the back. We'll get down to the shale. This would be a fall project when it's the driest time of the year.

Councilman Togliatti stated I just didn't want it to tear up the road.

Mayor Kurtz replied, we'll only carve into the pond in one area. This pavement would handle the weights that we're putting on it.

Councilman Togliatti asked, and we do it with a rubber tires?

Several people speaking at once.

Vice Mayor Blaze commented Kathy Lynn going from Selig north is bad. We could almost run those dump trucks across the grass west of the pool to keep them off the road. I'd rather spend a few dollar to redo some grass than run the big trucks over the new concrete in the park..

Mayor Kurtz replied we have options, especially if we do it in the fall when it's the driest. We're looking at all of our options.

Councilman Riley stated I don't know what the parking lot would cost but if we could get that done, it would be nice and walk away with it 100% complete.

Councilman Klepacz asked, do we want to make that lot bigger?

Mayor Kurtz replied we are taking out the islands where the curbs are always broken. We'll dig those out, base them out and pave them. We'll stripe it. At the next Streets meeting we should walk it. We'll have the numbers by then too.

Council polled: 7 yes/0 no; motion carried.

MISCELLANEOUS BUSINESS:

Moved by Riley, seconded by Grendel, to accept the resignation of Vice Mayor Vern Blaze effective April 15, 2008. Council polled: 4 yes/2 no (Klepacz, Togliatti); motion carried.

Mayor Kurtz stated to Vern Blaze that means you have officially resigned. I thank you very much for your years of service to the community as Councilman and Vice Mayor and look forward to your increased exposure in terms of being part of the administration. Thank you.

EXECUTIVE SESSION:

Moved by Grendel, seconded by Narduzzi, to recess the Special Council meeting for an Executive Session to discuss litigation and personnel. Council polled: 6 yes/0 no; motion carried.

The Special Council meeting was recessed at 6:47 p.m.

The Executive Session was convened at 6:48 p.m. Present were Mayor Gregory Kurtz, Council Members Crooks, Grendel, Klepacz, Narduzzi, Riley and Togliatti. Also present were Law Director O'Brien, Finance Director Veres (left at 7:45 p.m.) and Economic Development Director Ron White (left at 7:02 p.m.).

Moved by Klepacz, seconded by Riley, to adjourn the Executive Session and reconvene the Special Council meeting. Council polled: 6 yes/0 no; motion carried.

The Executive Session was adjourned at 8:05 p.m.

Moved by Riley, seconded by Klepacz, to adjourn the Special Council Meeting. Council polled: 6 yes/0 no; motion carried.

There being no further business to discuss, the Special Council Meeting was adjourned at 8:06 p.m.

Susan E. Kurshuk, Clerk of Council
