

Maumee Watershed Conservancy District
Board of Directors Meeting
August 9, 2016

The Board of Directors of the Maumee Watershed Conservancy District met in regular session at the Maumee Watershed Conservancy District in Defiance, Ohio, on August 9, 2016. In attendance were Richard Ricker, George Ropp and Mark Moats, Directors; Clark L. Army, General Manager; Wendy Yunker, Sec/Treas; Steve Wilson, Engineer and Project Manager; Vaughn Hoblet, Legal Counsel with Marshall & Melhorn, LLC; Tom McWatters, Legal Counsel with Barber, Kaper, Stamm, Robinson & McWatters; Doug Jenkins, WFIN; Scott Peyton and Adam Hoff, Stantec; and Jim Weaner, Legal Counsel

Chairman Richard Ricker called the meeting to order at 9:00 a.m.

Approval of Minutes: The minutes of the June meeting were approved as mailed. Motion was made by George and seconded by Mark. Yeas 3.

Financial Reports: The financial reports for June and July along with the CD tracking were approved as mailed. Motion was made by Mark and seconded by George. Yeas 3.

Adoption of Resolution: Motion was made by George to approve the following resolution:

**Resolution No. 2171
To Determine, Order and Levy the
Annual Levy for the Year 2016**

BE IT RESOLVED, that the Board of Directors determine, order and levy the Annual Levy for 2016 upon all property and public corporations in said District, benefited under Section II of the Official Plan, known as Little Auglaize and tributaries, and Section III of the Official Plan, known as Grassy Creek, and Section X of the Official Plan, known as St. Joseph Stream Enhancement Project for the annual installments of assessments and interest, and maintenance assessments for the tax year 2016 and,

BE IT FURTHER RESOLVED, that said amount of said Annual Levy and said maintenance assessment shall be collected and payable in the year 2017 in the sums specified at the time that county taxes are due and collectible.

Mark seconded the motion. Yeas 3.

Adoption of Resolution: Motion was made by Mark to approve the following resolution:

**Resolution No. 2172
To Amend 2011 Receipts/Appropriations**

<u>Acct#</u>	<u>Description</u>	<u>Current</u>	<u>Add'l Approp</u>	<u>Total Approp</u>
10-20-01	Collection Cost – MFLA	6,300	160.00	6,460
10-20-02	Collection Cost-MFGC	1,100	5.00	1,105
30-01-01	Labor & Equip – MFLA	80,000	20,000	100,000
30-01-04	Labor & Equip – MFSJ	40,000	8,000	48,000

George seconded the motion. Yeas 3.

Insurance Update: Lynn informed Directors the he had a meeting with Wendy and a Risk Management Representative from the Ohio Plan who reviewed our business activities and found no issues and had no recommendations at this time. Lynn presented a proposal from Beck Insurance Representing the Ohio Plan with a Liability Insurance Quote for 2017. George moved to accept the insurance quote of \$16,470.00. Dick seconded. Yeas 3.

Pesticide Inspection Meeting: Lynn stated he met with a State of Ohio Pesticide Inspector regarding a complaint and filed a statement stating that we have not treated the stream banks in the area in question for 2 years and our spray logs will reflect this.

Lower Blanchard River Update: Lynn presented the final invoice from Bockrath Associates for \$17,960.66 concerning the I-9 Inspection duties. The invoice came in at \$13,000 over budgeted amount due to extra meetings and longer time frame for the project.

Adoption of Resolution: After review and discussion, Motion was made by George to approve the following resolution:

**Resolution No. 2173
To Accept Final invoice from Bockrath & Associates**

BE IT RESOLVED, that the Board of Directors determine the amount charged for the final invoice of Bockrath & Associates to be of fair value and approve payment to be released.

Mark seconded the motion. Yeas 3.

Steve Wilson informed Directors that the final construction invoice for the I-9 for contractor Anderzack-Pitzen came in at \$121,547.38 for a total of \$573,317.47 which was about \$3,000 under bid. He also presented the 100% plans for the Diversion Channel noting that the final detailed cost estimate will be done on Friday but Steve expects the price is less than the 90% plan. Wilson stated that he and AECOM have coordinated with Dominion Gas to relocate the gas lines. Dominion will relocate the lines and assess the cost to MWCD.

Vaughn Hoblet stated he has sent notices to the owners of the Buescher property affected by the Diversion Channel and Tom McWatters has sent notices to the owners of the T & A Properties affected by the Diversion Channel and neither has heard a response back regarding negotiations. Vaughn stated that negotiations can still take place but the next step is to file a complaint to acquire the necessary land needed for the diversion channel by eminent domain.

Adoption of Resolution: After discussion, Motion was made by George to approve the following resolution:

**Resolution No. 2174
RESOLUTION DECLARING NECESSITY TO APPROPRIATE LAND; AND
AUTHORIZING APPROPRIATION OF LAND FOR THE REDUCTION OF FLOOD
RISK, REGULATING THE FLOW OF THE BLANCHARD RIVER, CONSERVING
THE WATERS THEREOF, CREATION OF RECREATIONAL FACILITIES, THE
CONSTRUCTION OF A NEW CHANNEL FOR THE DIVERSION OF THE WATERS
OF THE BLANCHARD RIVER, AND RELATED FACILITIES AND
IMPROVEMENTS; AND AUTHORIZING LEGAL COUNSEL TO FILE SUIT TO
APPROPRIATE LAND
(R.C. 6101.18)**

WHEREAS, the Board of Directors of the Maumee Watershed Conservancy District (the “**Board**”), after extensive deliberation, has determined that to reduce the risk of the Lower Blanchard River flooding the Village of Ottawa (the “**Village**”) and surrounding areas, to alleviate the resulting damage to the inhabitants of the Village and the destruction of their property by constructing a new diversion channel and related facilities and improvements, to provide open space for the conservation of natural floodplain functions, and to provide recreational facilities for the inhabitants of the Village, it is necessary that the Board acquire at least the fee simple interest in certain property owned by Rosaline A. Buescher and her children, (the “**Bueschers**”), specifically, 19.004 acres located at 319 N. Glandorf Road, Ottawa, Ohio, in Ottawa Township, Putnam County, Ohio, being part of East Pt Lot 6 - Sec. 21 PN 30-036180.0000, part of Lot 7 – Sec. 21 PN 30-036190.0000, part of Lot 8 – Sec. 21 PN 30-036200.0000, and part of PN 31-080013.0000 as described in the legal description attached as Exhibits A and B (collectively the “**Buescher Property**”) and certain property owned by T & A Properties, LLC, specifically, 16.115 acres located at 10979 Road I-9, Ottawa, Ohio, in Ottawa Township, Putnam County, Ohio, being part of Parcel 1, East Pt Lot 5 - Sec. 21 PN 30-036160.0000, and part of Parcel 2, West Pt Lot 6 – Sec. 21 PN 30-036170.0000, and as described in the legal description attached as Exhibit C, (the “**T & A Property**”), (Exhibits A, B, and C collectively referred to as the “**Properties**”); and

WHEREAS, both the Buescher Property and the T & A Property have been appraised by Larry E. McCormick of Midwest Appraisal, Inc., a qualified, independent appraiser who has prepared written reports stating the total fair market value for each of the Properties; and

WHEREAS, the General Manager and the Project Manager have established an amount that they believe to be “just compensation” for each of the Properties, being an amount not less than the appraised value; have engaged in extensive negotiations with the Bueschers and T & A for the purchase of the Properties; have provided the Bueschers and T & A with a Notice of Intent to Appropriate and Good Faith Offer, including a written statement and summary of the basis for the amount that is determined to be just compensation for the Properties and the full appraisals; and neither the Bueschers nor T & A have, within ten (10) days of receipt of the Good Faith Offers, accepted or rejected the offers; and

WHEREAS, while the General Manager and the Project Manager may continue to attempt negotiations with the Bueschers and T & A in an effort to agree on a purchase price for the Properties subject to the final approval of the purchase by this Board, the Board must exercise its eminent domain authority to appropriate the Properties through court proceedings, despite extended negotiations between the Board and the Bueschers and T & A, the parties have been unable to reach an agreement on the sale of the Properties.

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The Board now authorizes and/or ratifies the actions of the General Manager and the Project Manager in obtaining appraisals of the Properties, establishing an amount to be “just compensation” for the Properties being an amount not less than the appraised value, providing the Bueschers and T & A with written Notices of Intent to Acquire and Good Faith Offers stating and summarizing the basis for said amount, and attempting negotiations with the the Bueschers and T & A to agree on a purchahse price for the Properties subject to the Board’s final approval.

SECTION 2. The Board now autohrizes the appropriation of the Properties in fee simple, as described on the attached Exhibits A, B, and C.

SECTION 3. The Board now declares that appropriation of the Properties is necessary for the construction of a new diversion channel for the Blanchard River, the regulation of the flow of the Blanchard River, the maintenance of open space for the conservation of natural floodplain functions, creation of recreational facilities, and related improvements, and maintaining, operating, altering, replacing and repairing the diversion channel and recreational facilities, the abatement of the risk of the flooding of the Lower Blanchard River, and that the Board has been unable to agree with the Bueschers and T & A as to the just compensation to be paid by the Board.

SECTION 4. The Board now declares that the fair market value of the Buescher Property is One Hundred Forty-six Thousand Two Hundred Eighty-four Dollars (\$146,234.00) and the fair market value of the T & A Property is One HundredTwenty Thousand Nine Hundred Forty-three Dollars (\$120,943.08).

SECTION 5. The Board now authorizes the law firm of Marshall & Melhorn, LLC to file a petition for appropriation of the Buescher Property in a court of competent jurisdiction, and to have a jury impaneled to make inquiry into and assess the just compensation to be paid for the Buescher Property.

SECTION 6. The Board now authorizes the law firm of Barber, Kaper, Stamm, Robinson & McWatters to file a petition for appropriation of the T & A Property in a court of competent jurisdiction, and to have a jury impaneled to make inquiry into and assess the just compensation to be paid for the T & A Property.

SECTION 7. All formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Mark Moats seconded the motion and, after discussion, a roll call vote was taken and the results were:

Voting Aye: R. RICKER, G. ROPP, and M. MOATS

Voting Nay: NONE

Lynn informed the Directors that since Phase I (I-9 Road Alteration Project) is now complete, we are planning a completion and recognition ceremony for Sept 21st at 2p.m. at the Education Service Center in Ottawa.

Upper Blanchard River Update: Steve Wilson introduced Adam Hoff and Scott Peyton from Stantec to the Directors. Stantec was awarded the contract with Hancock County Commissioners and MWCD to refine the USACOE Corp general study into a work plan for the proposed Upper Blanchard River Flood Reduction Project. Scott specializes in water resources and will work through the contracts and financial aspects of the proposed Diversion Channel. Adam stated they are in the process of the gap analysis study and the next step will be the Proof of Concepts and advancement to Stage 1 plans. In order to accomplish this, they would like to do eleven more soil borings for further study.

Adoption of Resolution: Motion was made by George to approve the following resolution:

Resolution No. 2175
Authority to Send out Right of Entry's to complete Soil Borings

BE IT RESOLVED, that the Board of Directors hereby authorizes legal counsel to send out Right of Entry letters as necessary for Stantec to obtain field information needed to complete the gap analysis.

Mark seconded the motion. Yeas 3.

Office Interior Renovation Update: Wendy stated that the Office interior renovation is now complete. The flooring price came in under the quoted amount and the total cost of project came in at \$6,431 which is under budget by about \$3,500.

Cows & Plows Support Request: After discussion, Mark moved to support this Van Wert County Schools educational effort with a \$100 donation. George seconded. Yeas 3.

Little Auglaize River, St Joe and Grassy Creek Update: Lynn stated that D&R Demolition dispersed 67 log jams out of the 50 miles of the St Joe River that we maintain at a cost of \$38,900. Herbicide application for the Little Auglaize Watershed is complete for this season, 180.9 of stream banks were treated. We have applied 1326.03 tons of stone for erosion control to date this year. \$10,599 were spent on tile, pipe and culvert repair to date.

Legal Counsel Update: Jim Weaner stated he is going to update the title searches regarding the Lower Blanchard Flood Reduction project. Vaughn and Tom stated they will prepare the complaint file to submit to court as discussed previously.

General Manager and Maintenance report: Lynn reported that he has been attending the Lower Blanchard meetings and following the I-9 completion. He has also been assisting Wendy with the finances and investments, supervising staff, serving as the office remodel ringmaster and has been reviewing the Upper Blanchard work items. The Maintenance report is as follows:

- 2016 Herbicide Spot Spraying Completed in Paulding and Van Wert-180.9 miles
- Show Contractors work sites and check progress
- City of Van Wert stream banks mowed
- Concrete Channel wall sites and pipes repaired
- Built Hitch for Truck for towing by tractor for mow areas outside of Van Wert
- Weed-eating done along Town Creek stream bank in Van Wert
- Spray Rigs removed from both trucks, winterized and put in storage
- Help in District Office with renovations, Trim District Office Bushes and Mow yard
- Removed fallen trees from waterways and 15' Easement
- Inspected Contractor work on log-jam removal on St. Joseph River
- Clean and service chainsaw
- North and South Concrete Channels cleared with back blade and District Tractor

- Fence along North and South Channels inspected and repaired
- Contacted Landowner concerned about repair being done in his area, explained what was being done, Landowner satisfied

Executive Session: A motion was made by George to go into Executive Session at 10:00 a.m. to consider employment options for Upper Blanchard studies. The Motion was Seconded by Dick, Yeas 3.

The Board of Directors returned to open session at 10:35 a.m.

Meeting dates 2016: September 21 (tour), October 11, and December 13.

Adjournment: Dick moved for adjournment at 10:40 a.m. Mark seconded. Yeas 3.

Richard Ricker, Chairman

Wendy J. Yunker, Sec/Treas

Maumee Watershed Conservancy District
Audit Committee Meeting
August 9, 2016

The Maumee Watershed Conservancy District Audit Committee met in regular session at the District Office at 1464 Pinehurst Dr., Defiance, Ohio, on August 9, 2016. In attendance were Richard Ricker, George Ropp and Mark Moats, Directors; Clark L. Army, General Manager; Wendy J. Yunker, Secretary/Treasurer, and Jim Weaner, Legal Counsel

Dick called the meeting to order at 10:45 a.m.

Wendy explained the financial procedures, while the committee reviewed the vouchers, bank reconciliation and financial statements to be in accordance with, and to satisfy the State Auditors checks and balances of an accounting system.

Dick moved to adjourn the Audit Committee meeting at 11:00 a.m.

Richard Ricker, Director

Wendy J Yunker, Sec/Treas