

## AGENDA

City Commission Meeting  
City Hall, 222 Meigs Street  
5:00 p.m.

---

---

MONDAY, JANUARY 12, 2009

---

---

Invocation	<b><u>CHARTER OFFICERS</u></b>
Pledge of Allegiance	Matthew Kline, City Manager
Meeting Called to Order	Don Icsman, Law Director
Roll Call – DW, DK, PB, CS, BF, JF, BW	Edward Widman, Finance Director
Minutes – December 22 <sup>nd</sup>	B. Joyce Brown, Clerk of the City Commission

---

---

**Audience Participation** – Agenda Items Listed Below Only (3-minute limit)

---

---

**ITEM #1 - Communication** – Edward Widman, Finance Director

**BUDGETARY INFORMATION:** The submerged lands lease is payable by the City of Sandusky as the lease holder. Sandusky Bay Investment (SBI) reimburses the City for the cost of the lease pursuant to their agreement with the City. Since the amount is over \$10,000.00 it should be approved by the City Commission. This lease is subject to be reviewed every five years and this review would next occur for the 2010-2011 lease payment.

**ORDINANCE NO.**\_\_\_\_\_ Make payment to the Ohio Department of Natural Resources (ODNR), Office of Coastal Management for Rental Payment on Submerged Lands Lease File No. SUB-0385-ER. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

---

---

**ITEM #2 - Communication** – Kathryn K. McKillips, Director of Engineering Services

**BUDGETARY INFORMATION:** The fee for the engineering study for the Source Water Intake Study is \$137,100.00 to be paid with Water Funds.

**ORDINANCE NO.**\_\_\_\_\_ Enter into an agreement for Professional Design Services with MWH, Americas, Inc. for the Big Island Water Works (BIWW) Source Water Intake Study. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

---

---

City Manager's Report

Old Business

New Business

Audience Participation – open discussion on any item (5-minute limit)

Press Question/Answers

Executive Session

Adjournment

## MEMO

TO: City Commission  
FROM: Ed Widman, Finance Director  
DATE: January 2, 2009  
RE: Commission Agenda Item

### ITEM FOR CONSIDERATION:

City Commission approval of an ordinance authorizing payment to Ohio Department of Natural Resources (ODNR) for submerged lands lease for 2009-10.

### BUDGETARY INFORMATION:

This submerged lands lease is payable by the City of Sandusky as the lease holder. Sandusky Bay Investment (SBI) reimburses the city for the cost of the lease pursuant to their agreement with the city. Since the amount is over \$10,000 it should be approved by the City Commission. This lease is subject to be reviewed every five years and this review would next occur for the 2010-11 lease payment.

### ACTION REQUESTED:

It is requested the City Commission approve the ordinance in accordance with Section 14 of the City Charter under suspension of the rules in order to make payment by the March 1, 2009, deadline set by the ODNR.

If there are any questions, please contact the Finance Director.

Attachments

CC01012009

cc: City Manager  
Law Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO MAKE PAYMENT TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), OFFICE OF COASTAL MANAGEMENT FOR RENTAL PAYMENT ON SUBMERGED LANDS LEASE FILE NO. SUB-0385-ER; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City of Sandusky is the Lessee of a Submerged Lands Lease, File No. SUB-0385-ER, for the submerged land which is part of the Battery Park Marina and as the Lessee, is responsible for all terms and conditions contained in the Submerged Lands Lease, including any annual rent; and

**WHEREAS**, as part of the agreement with Sandusky Bay Investment (SBI), the cost for the for any annual Submerged Lands Lease rental payment is to be reimbursed by Sandusky Bay Investment to the City; and

**WHEREAS**, the total cost for Submerged Lands Lease File No. SUB-0385-ER, as reflected on the current unpaid invoice is \$13,068.00 and will initially be paid by the City and then reimbursed by Sandusky Bay Investment in accordance with their Lease Agreement with the City; and

**WHEREAS**, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to make payment in a timely manner before the due date of March 1, 2009; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager and/or Finance Director is authorized and directed to make payment to the Ohio Department of Natural Resources (ODNR), Office of Coastal Management, Sandusky, Ohio, for the 2009-2010 annual rental payment for Submerged Lands Lease File No. SUB-0385-ER, in an amount **not to exceed** Thirteen Thousand Sixty Eight and 00/100 Dollars (\$13,068.00), consistent with the invoice submitted to the City.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were

taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
CRAIG H. STAHL  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

Passed:

**To:** Matthew D. Kline City Manager  
**From:** Kathryn K. McKillips, P.E., Director of Engineering Services  
**Date:** January 5, 2009  
**Subject:** Commission Agenda Item

**ITEM FOR CONSIDERATION:** Agreement for Professional Services with MWH, Americas, Inc., for the Big Island Water Works Source-Water Intake Study. This agreement will authorize MWH to proceed with an engineering study for the raw water intake and water quality study for the City's Water Treatment Plant.

The City of Sandusky's Big Island Water Works (BIWW) currently experiences source water quantity and quality issues with the present Lake intake and emergency Sandusky Bay intake. These issues are caused by frazil ice formation on the intakes, mussel infestation, poor source-water quality in the Sandusky Bay, and physical size of the existing intake. The goal of the study is to develop an intake improvement plan that provides a reliable source water capacity with the best available water quality. The study will be based on providing a reliable source capacity of 24 mgd. The tasks involved include the following:

- Gathering Data
- Existing System Condition/Capacity Assessment
- Frazil Ice and Mussel Investigation
- Intake Location Effects on Water Quality
- Alternative Development and Analysis
- Analysis of the Source Water and Pre-Sed. Process to Deliver 24 MGD

This project was advertised pursuant to Chapter 141, three firms were sent the Request for Qualifications, two firms requested more information on the project and two firms responded to the Request for Qualifications: MWH and Arcadis U.S., Inc. Interviews were not held with the two firms as described in Chapter 141 of the Codified Ordinances because after reviewing and discussing the submittals with the selection committee, it was determined that MWH has a specialized knowledge of the City's Water Treatment Plant and chemical processes which ties into the current Chemical Improvement Project. Therefore, it is requested that the Commission approve the deviation of the Chapter 141 process as described above and the selection of MWH as the professional firm for this project.

MWH designed the Filter & Clearwell Project and the Electrical Improvement Project. They performed the Chemical Improvement Study and are currently in

the design phase for the project. Their involvement with these past projects has given them the expertise on our plant that we would not have with another design firm without a lengthy learning curve.

**BUGETARY INFORMATION:** The fee for the engineering study for the Source-Water Intake Study is \$137,100.00, to be paid with Water Funds.

**ACTION REQUESTED:** It is recommended that an agreement for Professional Services with MWH, Americas, Inc., be executed and that the necessary legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order for MWH to begin the engineering study without delay. The frazil ice issue will need to be studied in the winter months.

---

Kathryn K. McKillips, P.E.  
Director of Engineering Services

I concur with this recommendation:

---

Matthew D. Kline  
City Manager

cc: Don Icsman, Law Director  
Joyce Brown, Clerk of City Commission  
Ed Widman, Finance Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL DESIGN SERVICES WITH MWH, AMERICAS, INC., FOR THE BIG ISLAND WATER WORKS (BIWW) SOURCE-WATER INTAKE STUDY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City of Sandusky's BIWW facility currently experiences source water quantity and quality issues with the present Lake intake and emergency Sandusky Bay intake caused by frazil ice formation on the intakes, mussel infestation, poor source-water quality in the Sandusky Bay and physical size of the existing intake; and

**WHEREAS**, the goal of the BIWW Source-Water Intake Study is to develop an intake improvement plan that provides a reliable source water capacity with the best available water quality and would be based on providing a reliable source capacity of 24 MGD and would include the following tasks: Data Gathering, Existing System Condition/Capacity Assessment, Frazil Ice and Mussel Investigations, Intake Location Effects on Water Quality, Alternative Development and Analysis and Analysis of the Source Water and Pre-Sedimentation process to Deliver 24 MGD; and

**WHEREAS**, pursuant to Chapter 141 of the Codified Ordinances, this project was advertised and in addition, Request for Qualifications were sent to three (3) firms with MWH, Americas, Inc., and Arcadis U.S., Inc. responding; and

**WHEREAS**, a selection committee reviewed and discussed the submittals and determined MWH, Americas, Inc., has developed a professional expertise and specialized knowledge of the City's Water Treatment Plant and chemical processes, most recently by having designed the Filter and Clearwell Improvement Project, Electrical Improvements Project and the current Chemical Improvement Project, which has resulted in a unique knowledge and understanding of the BIWW Plant's conditions and operating procedures; and

**WHEREAS**, based upon this determination, interviews were not held with the two (2) responding firms, and approval is requested for the deviation of the Chapter 141 process with the selection of MWH, Americas, Inc.'s for professional services for the BIWW Source-Water Intake Study ; and

**WHEREAS**, this Ordinance should be approved as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow MWH Americas, Inc., to begin the engineering study without delay as the frazil ice issue needs to be studied during the winter months; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Department of Engineering Services of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a Professional Design Services agreement with MWH Americas, Inc., for Professional Design Services for the BIWW Source-Water Intake Study, substantially in the same form as attached to this

Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, at an amount **not to exceed** One Hundred Thirty Seven Thousand One Hundred and 00/100 Dollars (\$137,100.00).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof;

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements;

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
CRAIG H. STAHL  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

Passed: