

THE CITY OF FREMONT, OHIO

Journal of Council

November 6, 2014

The regular meeting of Fremont City Council was called to order at 7:30 p.m. in the form prescribed by the General Rules of Council. President of Council Dallas Leake called the meeting to order.

The following members answered roll call: Ruiz, Stout, Gross, Knisely, Koebel, Kreilick, and Michles.

The minutes for council meeting held on October 16th were approved.

Mr. Gross made a motion to remove item number 3, moved and seconded by Mrs. Stout. President Leake asked Mr. Gross to explain the reason he wanted the item removed. His concern was that the item placement on the agenda had been switched. President Leake said that both items were still included on the agenda. Mr. Melle stated that the item could not be removed because it had already gone through a first reading. He stated that it could be tabled but not removed. Mr. Michles made a motion to lie on the table items number 3 and 5 on the agenda stating the city did not have enough money to do either item and that it would put an undue burden on the City of Fremont, seconded by Koebel. Motion failed 4 no votes to 3 yea votes.

Third reading of a resolution Fremont City Council finds it is in the best interest of the city to conduct an auction on May 2, 2015 and declaring an emergency. On a motion to adopt by Kreilick, seconded by Ruiz. A question was raised by an audience member why the auction could not be held before Christmas. The Mayor explained that there was a loss of advertisement time when the auction was delayed and they believed the spring would be the best time to have it. Motion carried 7 – 0. (Res. 2014-1944)

Third reading of an ordinance to authorize the expenditure and direct the Safety Service Director to enter into a contract with Baker Bonnigson Realty & Auctioneers, Inc. for the city auction on May 2, 2015 and declaring an emergency. On a motion to adopt by Ruiz, seconded by Stout. Motion carried 7-0. (Ord. 2014-3739)

Second reading of an ordinance authorizing the Mayor to proceed with the process of repairing the Ballville Dam and declaring an emergency. Mr. Michles made a motion to table this item indefinitely, seconded by Koebel. Motion carried 4 yea votes to 3 no votes. The item will be tabled.

Second reading of an ordinance to authorize the expenditure and direct the Safety Service Director to enter into a contract with Toledo Design Center for planning services, conducting a Charrette, and developing design proposals for Historic Downtown Fremont and declaring an emergency.

Second reading of an ordinance authorizing the Mayor to proceed with the process of removing the Ballville Dam and declaring an emergency. Mr. Michles made a motion to table this item indefinitely, seconded by Kreilick. Motion failed to table 4 no votes to 3 yea votes.

First reading of an ordinance amending appropriations within Sewer Operating Fund 570, and declaring an emergency. Mr. Grahl explained is to increase the budget for the Water Pollution Control Center Project. The present budget is insufficient for the removal of the sludge. An additional increase of \$85,000 is needed will get the city through the rest of the year. On a motion to suspend rule 4 by Knisely, seconded by Ruiz. Motion carried 6 yea votes to 1 no vote. On a motion to adopt by Knisely, seconded by Ruiz. Motion carried 6 yea votes to 1 no vote. (Ord. 2014- 3740)

President Leake addressed council and wanted to discuss the erased hard drives at this meeting so it could possibly get some answers and move on to other items. Mr. Michles wanted to know why individuals were not charged with removing information. Mr. Michles stated that 3 hard drives were sent for retrieval of information and questioned why only one was erased. He wanted to know why all three were not put on new hard drives and the information made available to the citizens. Mayor Ellis believes that there was no criminal violation and is awaiting a response from the Attorney General. The Mayor state that the three hard drives were sent because of the litigation that the city is involved in. The best practice he believed would have been to save the hard drive but it was not done. Mrs. Ruiz stated she believed anyone found guilty of these accusations would receive a \$10,000 fine. Mrs. Kreilick stated regarding sunshine law that any email correspondence, text message, phone call, or letter pertaining to city business is public record and destroying it is against the law. The Mayor said that in the future any hard drives removed or replaced should have the information retained for a period of time as stated in the city policy. Mr. Gross questioned whether it was valid to be holding the discussion since it was in the hands of the Ohio Attorney General. President Leake said it was an information gathering session. President Leake stated that the council would wait until there was information from the Attorney General. Mr. Dukeshire stated that the previous Mayor Overmyer erased items he was allowed to erase. Mr. Dukeshire believed that discussing this matter was a waste of time. President Leake stated that again stated it was a gathering of information and thanked everyone for their input.

Committee Reports

Citizens Service Committee – Chairman Ruiz complimented the police department on a job well done on the drug raids. Mrs. Ruiz reported on the Beautification Commission that she attended the freshman class of the Tree Commission Academy on November 1st. She thanked Mayor Ellis, Safety Service Director Bob Ward, and instructor Stephanie Miller for a job well done. During the 10 hour session she learned that trees help discourage crimes and domestic violence. She announced the winners of the Halloween Decorating Contest and thanked everyone who participated. The Beautification Committee will be decorating the downtown area on the Sunday before Thanksgiving and that applications for Christmas decoration contest are now being accepted.

Community Partnership Committee - Chairman Knisely reported that Tim Cullen, Superintendent of St. Joseph Central Catholic would be at the December 4th meeting to give a report. Dr. McCaudy, Superintendent of Fremont City Schools would be in attendance on December 18th. The superintendent of Vanguard would be in attendance after the first of the year.

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Finance and Labor Committee – Chairman Michles asked Mr. Grahl what was the time frame of the budget that needed to be approved before the first of the year. Mr. Grahl stated that the temporary budget needed to be approved by council before the first of the year. The permanent budget must be approved before April 1st.

Government and Economic Development Committee – Chairman Stout reported the first Community Economic Development Council meet and that it was very enlightening. She reported that the committee had received a Hometown Competiveness Grant that stresses leadership and the youth of the committee.

Laws, Rules, and Ordinances Committee – Chairman Gross nothing for this evening.

Parks and Recreation Committee – Chairman Koebel reported that the skating rink is now open. Boys and Girls intramural volleyball and basketball start on November 15th. Anyone interested please call the Rec. Department. He also stated the Rec. Department received a letter from the Sandusky County Health Department concerning the Ebola crisis.

Utilities and Traffic Committee – Chairman Kreilick reported that a utility meeting before the regular meeting which included a presentation by Mr. Randall Tucker concerning sediment extraction. The utility meeting included a statement from Ann Keefe from the Sierra Club.

Council Comments

Mr. Michles apologized to the mayor for his misinformation of the mayor's involvement with the law firm. He shared an email to the Mayor asking for public records. The email requested that all information be sent to him regarding all funding sources for the repair of the Ballville dam. His reply was there are no documents that are responsive to your request. His question to the Mayor was how he could state these items were looked into if there was never any correspondence reported. The Mayor stated that he was unaware of any grant money available for repair of the dam. He stated that funding sources were investigated and there were no funding available. The Mayor stated there was a \$20 million in grant money to construct the reservoir and remove the dam. The Mayor stated that ODNR believed we are bound by the agreement that was previously made and that \$5 million would need to be repaid if the city does not proceed with the removal of the dam.

Mrs. Kreilick nothing this evening.

Mr. Knisley nothing this evening.

Mr. Gross nothing this evening.

Mrs. Ruiz stated she did not believe the city had the time or the money to go into a lawsuit over \$5 million with ODNR. She believed that the previous mayor agreed to have the dam removed. She stated the original design of the dam was never built for flood control or ice jams; its purpose was for electricity. Dams were popular years ago, but with the information that we have now the government realizes what damage could be caused and is trying to correct that now. There is a movement to remove dams throughout the country and has been underway for quite a while. She believes it is time to take action on the removal of the dam and that the cost of repairing the dam would be a greater burden to Fremont. She believes her vote for the removal of the dam is for a better future for Fremont and not a mistake.

Mrs. Stout stated she has received a lot of positive comments on the Alger and Stilwell Ave. parking. Residents are using the parking in the back and she asked that the city be mindful of the keeping the alleys clean for them this winter. She thanked the safety committee.

Mr. Koebel congratulated Judge Smith and Charlie Schwochow on their reelection victories. He stated it was nice to see the work being done on State Street. He asked that citizens remember to drive safe since it gets darker earlier. It also stated that it was nice to see the chambers full at the council meetings. He stated that although he appreciated the Mayor's comments, he believed the ODNR had put us in the position that we are in now and the citizens need to realize that.

Elected Officials' Comments

Mr. Melle wished the Fremont Ross Little Giants good luck in their playoff games and congratulates the coach on the great job he has done with the program.

Mr. Grahl stated that there were some updates to the computer system and that there had been some issues with the Purchase Order system and accounting. He wanted to let the council know that there may be some resolutions issued to get some of the po's paid for in a timely fashion. He commended the police department on the drug raids. He wanted to thank the several downtown businesses on their efforts to improve the look of Downtown. He congratulated all the winners in Tuesdays. His last statement concerned the Ballville Dam issue. He stated that the concerns had been studied and debated by professional engineers, governmental agencies, city officials and member of the public. As City Auditor, his focus has been on estimated the cost associated with both options of repair or removal of the dam. He stated that according to the alternatives Evaluation Report prepared by MWH Constructors, the cost estimated with the repair option is approximately \$27 million. That estimate is our best estimate for the least expensive repair option. There is no grant money available for the repairing of the dam. The water rate payers would have to bare the burden of the full cost of the repair whether that is the current \$27 million estimate or more. The cost estimated for the removal option was reported at \$11.5 million dollars. As reported by Mayor Ellis, the cost associated with the wetlands mitigation will reduce the removal of the dam to approximately \$10.5 million. Unlike the repair option where the city has no grant money available, the city has approximately \$6.9 million in grant money available for removing the Ballville Dam. After taking into account these grant monies, the net cost of the dam removal to be financed by our water rate payers comes down to \$3.6 million. Mr. Grahl's recommendation to the City Council is to vote for the ordinance authorizing the removal of the Ballville Dam.

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Mayor Ellis congratulated Mr. Grahl in the birth of his child as well as congratulating Judge Smith and Mr. Schwochow on their election victories. He thanks Mrs. Ruiz and others for attending the 10 hour Tree Academy Committee Meeting. The Mayor reported that the city has hired a new IT supervisor, J.C. Welch. On Friday, November 28th the city will have its tree lighting ceremony. The tree lighting at the central fire station will adorn purple lights that will create awareness for Domestic Violence.

Mr. Ward nothing to report.

Mr. Frederickson nothing to report.

Mr. Smith nothing to report.

Mr. Snyder nothing to report.

Chief Wiersma stated he was disappointed that Mr. Michles said the windshield wiper incident was not an issue. It sounded like a petty crime but the same person assaulted one of our citizens at the Marathon station. He stated that the police, fire, and sheriff offices would be escorting the Fremont Ross Little Giant Football Team to the edge of town for their playoff game.

Mr. Lamalie nothing to report.

Mr. Sanchez nothing to report.

Public Comments

Mark Montgomery 4153 Shannon Road. He stated that he purchased Whitman Grove then later his current residence. He stated that 5 years ago the Whitman Grove Conservative District and he is on the board of Trustees. His concern was about the removal of the dam without removal of the silt. His second concern was the lack of scrutiny with professionals and experts and their data. Please be careful with your decision and he stated that he will legally go after the city of Fremont and those council member that believe they are above immunity from in a bad light with the State.

David Mosser commented about the sediment level stating that it will not go anywhere. He suggested that we get on with the voting concerning the dam.

Don Miller 2716 Whittaker Drive. Mr. Miller stated he is concerned about the decision on the dam. He suggests that the city holds off on the decision.

Ann Keefe from the Sierra Club stated that there is a 3rd option with the silt, sediment and sand removal. They have no option to the removal, but you need to consider the impact on the wetlands and Lake Erie.

President Leake congratulated all the elected officials on their victories and wished them well with their civic responsibilities. He thanked all that participated by voting. Voting is one of the greatest assets we have in this country. He commented on the dam removal and repair. He stated that the council had gotten to this point because it was one sided from the beginning of the discussion. He felt most of the resources and time was spent on removal of the dam which he felt evident because the city was 60 – 70% ready for the removal, but if the city wanted to repair it would have to start from scratch. His position was that he wished we could do nothing, but he didn't think the city could afford to do either option presented. He was happy that the city had gotten to the point where both sides could state their opinions and everyone could weigh in on the important decision the council has to make. He does not want any more financial burden on our community. President Leake also congratulated Mr. Grahl on the addition to his family.

There being nothing further to come before council, on motion to adjourn by Knisely seconded by Ruiz, motion carried 7 yea votes. Meeting adjourned at 8:52 p.m.