

ORDINANCE NO. 2013- 3655

AN ORDINANCE TO AUTHORIZE THE EXPENDITURE AND DIRECT THE SAFETY SERVICE DIRECTOR TO ENTER INTO A CHANGE ORDER WITH THE ENGINEERING FIRM STANTEC CONSULTING SERVICES, INC. FOR AN INCREASE IN THE PROJECT BUDGET AMOUNT NOT TO EXCEED \$74,000.00, FOR THE BALLVILLE DAM PROJECT NEPA COMPLIANCE IN FREMONT, STATE OF OHIO AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL, CITY OF FREMONT, STATE OF OHIO:

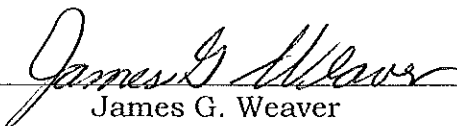
SECTION 1. The Fremont City Council hereby authorizes the expenditure and directs the Safety Service Director to enter into a Change Order, attached as Exhibit A, with the engineering firm Stantec Consulting Services, Inc., in an amount not to exceed \$74,000.00 for the Ballville Dam Project NEPA Compliance.

SECTION 2. The \$74,000.00 allocated by Fremont City Council is to be appropriated from Fund No. 541 the Water Replace/Improvement Fund.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and 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 Revised Code of Ohio.


SECTION 4. The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to comply with regulations of the US Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR).

This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.


James G. Weaver
President of Council

PASSED: 9-19-13
Effective Date: 9-19-13

YEAS: 7 NAYS: 0


Elaine J. Huntley, Clerk of Council


James H. Ellis III, Mayor

Approved as to form:



James F. Melle, Director of Law
City of Fremont, Ohio



Stantec

Stantec Consulting Services Inc.
 11687 Lebanon Road
 Cincinnati OH 45241-2012
 Tel: (513) 842-8200
 Fax: (513) 842-8250

April 2, 2013
 File: 175631016

Honorable Jim Ellis, Mayor
 City of Fremont
 323 South Front Street
 Fremont, Ohio 43420

Reference: Ballville Dam Project NEPA Compliance

Dear Mayor Ellis,

Stantec Consulting Services Inc. (Stantec) appreciates the opportunity to work on the Ballville Dam project preparing the National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS). Since award of this project in December 2011, Stantec has been working with the Lead Federal Agency, the U.S. Fish and Wildlife Service (USFWS), to prepare a draft EIS that can be used by not only the USFWS but other agencies providing funding and approvals such as Ohio Department of Natural Resources (ODNR), Ohio Environmental Protection Agency (OEPA), and U.S. Army Corps of Engineers (USACE). This is in an effort to streamline the project review and approval by these resource authorities.

Several assumptions from the December 5, 2011 proposal have been inadequate as the NEPA process has moved forward. While this document is being paid for by the City of Fremont, the content is primarily controlled and directed by the USFWS. In order to create a document that multiple agencies could adopt as their own and to ensure relevant stakeholders are involved the USFWS developed a Memorandum of Understanding (MOU) with several Cooperating Agencies: City of Fremont, Ballville Township, ODNR, and USACE. This involvement has necessarily required additional unanticipated coordination and commenting resulting in an increased use of time and budget for revisions by Stantec. While comments and document changes will help to make the EIS a more inclusive and exhaustive document, the data and budgetary gaps are now more evident.

The Ice control structure (ICS) has also added unanticipated costs to the original proposal as many of the Cooperating Agencies are unfamiliar with this type of structure. Challenges included time of year coordination due to bald eagle nests in the area, presence of freshwater mussels, walleye spawning, and the Sandusky's scenic river designation.

Other assumptions that have been inadequate were the inclusion of a fourth alternative to be assessed in the document. Our original proposal assumed that three alternatives would be carried through full analysis. Additionally, several technical memoranda were prepared in order to demonstrate why other alternatives were not feasible; the development of these memoranda was not anticipated in the original proposal. The addition of the fourth alternative requires additional time and budget in order to assess it fully. While it is similar to the dam removal alternative, it does have some elements that are unique and different.

Lastly, the project duration has extended further than originally expected or proposed. There are a variety of reasons for this that include reassessment of water supply and the new reservoir, delay in getting the MOU

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Reference: Ballville Dam Project NEPA Compliance

with cooperating agencies, additional review time of chapters of the EIS by the additional cooperating agencies, consultations and coordination such as Section 106, as well as ongoing meetings, conference calls, and project management.

Below is a list existing tasks for the NEPA document and the requested increase in budget. This budget increase for each task cover some already expended budget for out of scope items as well as anticipated adjustments to the level of effort necessary to complete the EIS.

Task	Description	Requested Change
1	Agency consultation, planning, and scoping	\$10,000
1.1	Purpose and Need	0
1.2	Alternative Descriptions	\$16,000
1.3	Affected Environment	\$20,000
1.4	Environmental Consequences	\$20,000
1.5	List of Preparers	0
1.6	Consultation and Coordination	\$6,000
1.7	Public Comment and Response	\$0
1.8	References, Glossary, List of Acronyms, and Appendices	\$0
1.9	Compliance with Environmental Protection Statues and other Environmental Regulations	\$4,000
2	Administrative Record	\$0
3	Final EIS Processing and Review	\$0
	Total Estimated Cost	\$74,000

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Reference: Balivillo Dam Project NEPA Compliance

We appreciate the opportunity to assist you with this important project. If you have questions or need additional information, please call me at your convenience.

Respectfully,

STANTEC CONSULTING SERVICES INC.



Scott Peyton, P.E.
Senior Principal
Tel: (513) 842-8200
Fax: (513) 842-8250
Scott.Peyton@Stantec.com

c. Cody Fleece, Jeff Brown

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