

ORDINANCE NO. 2013- 3656

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 \$127,800.00, FOR TASKS 14B, 14C, 14D AND 24 OF THE BALLVILLE DAM REMOVAL - PHASE III IN FREMONT, STATE OF OHIO AND DECLARING AN EMERGENCY.

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

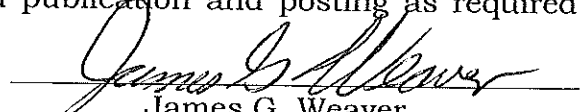
SECTION 1. The Fremont City Council hereby authorizes the expenditure and directs the Safety Service Director to enter into a Change Order, attached as Exhibit A, with the engineering firm Stantec Consulting Services, Inc., in an amount not to exceed \$127,800.00 for Tasks 14B, 14C, 14D and 24 of the Ballville Dam Removal - Phase III.

SECTION 2. The \$127,800.00 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.

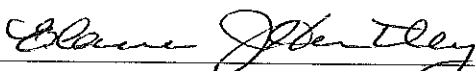
SECTION 4. The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to comply with regulations of the US Fish and Wildlife Service (USFWS)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

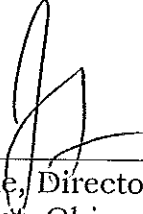
YEAS: 7 NAYS: 0


Elaine J. Huntley, Clerk of Council


James H. Ellis III, Mayor

ORDI809

Approved as to form:

A handwritten signature in black ink, appearing to be 'J. Melle', written over a horizontal line.

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



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Stantec

April 1, 2012
File: 175630015

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

Reference: Ballville Dam Removal – Phase III Request for Additional Funds

Dear Mr. Ellis:

Stantec Consulting Services Inc. (Stantec) is seeking authorization for additional services related to Phase III of the Ballville Dam Removal Project. Additional scope and fees are required to complete unanticipated work resulting from ongoing discussions with the US Army Corps of Engineers (USACE), the Ohio Historic Preservation Office (OHPO), and the US Fish and Wildlife Service (USFWS) to answer questions related to regulatory permitting.

The detailed scope of work and justification for the additional services is provided below and follows the same task breakdown as the Phase III proposal submitted on December 5, 2011. Stantec proposes adding the scope and fees to the original Phase III tasks and providing these services on a lump sum basis.

SCOPE OF WORK PHASE III – ENGINEERING DESIGN AND FINAL PERMIT SUBMITTALS

TASK 13 – SURVEYING

No scope or fee change needed at this time.

TASK 14A – FINAL PERMIT SUBMITTAL AND AGENCY COORDINATION (SECTION 106 CONSULTATION)

The USACE, OHPO, and USFWS require additional work associated with Section 106 National Historic Preservation Act including additional report preparation documenting the historic hydropower dams in Northern Ohio and coordination between Stantec's sub-consultant and their staff. This work is required to obtain 404/401 permits for the dam removal.

The regulatory agencies seek to investigate historic hydropower dams in Northern Ohio, Southeastern Michigan, Northeastern Indiana, and in other areas as appropriate. The purpose of the project is to create a thematic context (TC) or possibly a multiple property listing (MPL) of known properties in the region constructed for hydropower power production between 1850 and 1930. This will help to develop a framework for evaluating their historical significance, and to relate those identified to the Ballville Dam in Ballville Township, Ohio. These efforts should assist public and private agencies with identifying and managing historically significant dams.

Within the hydropower dam type, additional components may make each dam unique and may include the raw materials used in their construction, their architectural type, importance to the development of hydropower technology in the time period, or their history since construction and current condition. Dams

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Reference: Ballville Dam Removal – Phase III

categorized by principal construction material may be wooden, earthen, masonry, or concrete. Dams categorized by architectural type can be arch, gravity (solid or hollow), piling, barrage (gated), or embankment (earthen or rock-filled).

Management of historic dams is complicated by the fact that these dams are often controversial. In many instances, they provide important functions for society and must be maintained, however, in others they can disrupt the natural ecology of rivers as well as present a safety hazard for those downstream. Thus there are pressures from many interests in regard the disposition of historic dams, and many factors must be weighed, including historical and cultural significance when analyzing the impacts of any proposed modifications or removals.

Database Development and Report Preparation

The purpose of this task is to create a comprehensive inventory of historic hydroelectric dams in Northern Ohio and nearby regions, then use examples from this inventory to develop a TC or MPL (as appropriate) of these types of structures and the historical significance for the region. The resulting document should assist public agencies and private entities with documenting and evaluating these structures, as well as registering, preserving, and managing significant examples of historic resources and promoting tourism and public education as appropriate.

The first task will be to construct a database and typology of hydroelectric dams by reviewing documentation available from the National Inventory of Dams, the Ohio Department of Natural Resources – Dam Safety, the USACE, USDA-Forest Service and other agencies with regulatory authority over water control structures. The "Geographic Names Information System" maintained by the U.S. Geological Survey could also be used as a source for identifying dam locations and common names. Ohio, Indiana and Michigan OHPO files should be consulted to identify potential NRHP-eligible as well as listed dams, including structures which have been evaluated and found to not meet NRHP criteria for eligibility. Additional information may be available in studies of Federal relief program activities, in WPA and CCC archives preserved at the Ohio Historical Society, or from county or local historical societies.

Primarily, the database developed during this task should include the following data fields relating to hydroelectric structures in the temporal and spatial context provided above: County, City/Township, Site Name, Archaeological Site Number (if assigned), OHPO Structure Inventory Number (if assigned), Date of Construction, Date of Destruction (if applicable), Property Type, Dam Type, Material, Dimensions of Structure, Period of Power Generation, Drainage Area, Generating Capacity at time of construction, Current Condition, Interpretive Potential (based on condition, visual appeal, ownership, proximity to current parks and trails, etc.), Current Owner, National Register status, and Location (multiple fields utilizing legal description, Latitude and Longitude in decimal degrees, and property number). Other fields may be added as deemed appropriate by the contractor or the Team.

In addition to hydroelectric structures, the database should also include summary information for all known dams within the same temporal and spatial context greater than 6 ft tall. This will allow further analysis and comparison of dams within the research area during the second task. The data fields for these structures should include: County, City/Township, Site Name, Archaeological Site Number (if assigned), OHPO Structure Inventory Number (if assigned), Date of Construction, Property Type, Dam Type, Material, Dimensions of Structure, Drainage Area, Current Condition, Current Owner, National Register status, and Location (multiple fields utilizing legal description, Latitude and Longitude in decimal degrees, and property number).

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The second task will be to complete an analytical and descriptive report that summarizes the findings of the literature search and fieldwork as well as suggesting strategies for dam documentation and evaluation, as well as preservation, management, and interpretation as appropriate. The evaluation strategy should use the format of a National Register of Historic Places Multiple Property Documentation Form (MPDF), which includes discussion of associated historic contexts, property types, and registration requirements. The contractor may include a draft MPDF for Historic Dams in the region. If available, images of the hydroelectric dams should be included as a visual reference of these structures (current images should be high quality, a minimum of 300 pixels per inch). The report must directly address the research objectives posed. The report must meet the reporting standards of the Ohio OHPO.

Upon project completion, a digital file containing the database will be transferred to the City of Fremont. In addition, a digital copy of a draft report for our comment and review will be submitted. Once finalized, ten hardcopies of the final report, as well as a digital copy of the final report, will be provided. We also anticipate, in addition to routine project management meetings, up to two stakeholder or agency meetings where we would be asked to discuss methods and results.

This scope of work does not include necessary mitigation under Criterion C of the National Historic Preservation Act.

TASK 14B - FINAL PERMIT SUBMITTAL AND AGENCY COORDINATION (WETLANDS)

The USACE has indicated that additional work is needed for wetland mitigation planning. The following scope is based on the premise that the USACE will agree that the removal of the Ballville Dam will be a partially "self-mitigating" project along with ecosystem enhancements such as native flora seeding and planting (plugs) and continued vegetation management. No other mitigation will need to be performed on any other property not directly associated with the Dam removal or resulting modifications to the Sandusky River.

The mitigation for this project will consist of elements that improve terrestrial and aquatic community habitat, return the river to a natural flow condition, restoring exposed sediment surfaces to a native flora beneficial to terrestrial fauna, and water quality benefits achieved by the Dam removal. It is Stantec's goal to achieve this result by focusing on the overall functions of wetlands located near and upstream of the Ballville Dam. The greatest potential impact to these wetland systems is through change of their current hydrologic regime by the resulting impoundment pool elevation.

It is Stantec's opinion that the predicted functions of the newly formed river, achieved by restoration techniques employed to stabilize the newly exposed sediment and water quality benefits achieved through the Dam removal, will provide benefit to both terrestrial and aquatic communities. These functional improvements should off-set the loss in functions of wetlands that have formed behind the Dam. However, the decision regarding this action remains in USACE's jurisdiction.

Stantec understands that the wetland mitigation plan must meet the requirements set forth in the USACE Federal Register, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule April 10, 2008.

Baseline Data Collection

Stantec will complete the following tasks to further assess restoration feasibility and identify major components of the concept plan.

- Review of formal wetland determination and delineation previously completed by USACE personnel;
- Review of functional analyses previously completed by USACE personnel using the Ohio Rapid Assessment Method (ORAM);

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- Hydrology/hydraulics engineering assessment and analysis to support hydrology restoration feasibility, estimate restored hydrologic conditions, and assess lateral impact to hydrology in exposed sediments;
- Estimate of mitigation credits that may result from the project;
- Predictive functional analysis of restored system following dam removal; and
- Summary report and preliminary design recommendations.

Conceptual Mitigation Design and Regulatory Agency Coordination

Gaining approval of the mitigation concept requires coordination and approval from USACE personnel assigned to the project. Stantec will coordinate directly with the appropriate regulatory agencies early in the process to obtain preliminary approval of the conceptual design approach. Once a preliminary, informal consultation and approval is complete, Stantec will move forward with development of conceptual mitigation site design plans.

Final Mitigation Design

Stantec will complete a final design plan and report to include:

- Identification of environmental permitting requirements;
- Description of mitigation objectives;
- Baseline site information;
- Mitigation credit determination;
- Mitigation work plan, construction specifications, and final mitigation design plans;
- Post construction maintenance plan;
- Ecological performance standards;
- Monitoring requirements; and
- Long-term and adaptive management plan.

Assumptions

- Stantec assumes that on-site shallow groundwater monitoring and analysis will not be necessary.
- Stantec assumes that the City of Fremont will assist with certain aspects of the planning, specifically identification of financial assurances, coordination and completion of any land acquisition required, and assistance with long-term site protection instruments.
- Stantec representatives will attend up four (4) project team meetings.

At this time Stantec does not anticipate the need for off-site wetland site mitigation. Scope and fees for off-site mitigation is not included in this proposal. If USACE personnel determine that the project is not "self-mitigating" and additional mitigation will be required, the following additional work will be necessary. The associated costs for completing the below Wetland Mitigation Site Search that may be required by the USACE are not included in our fee proposal.

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Wetland Mitigation Site Search

If the USACE determines that additional mitigation needs to be performed on property not directly adjacent to the Sandusky River in order to meet permit conditions, then:

- Stantec will complete a GIS-based mapping review to identify potentially suitable wetland restoration opportunities within a 6 mile radius of the project site based on:
 - USGS topographic maps;
 - NRCS soil survey;
 - National wetland inventory;
 - NRCS wetland inventory; and
 - Available parcel data
- Stantec will complete drive-by assessments of up to 5 potential mitigation sites selected based on the mapping review.
- A maximum of two potentially suitable wetland mitigation sites will be further evaluated in the field up to a maximum of 40 acres each to include the following:
 - *Preliminary Wetland Determination:*
 - Note that the preliminary wetland determination does not include field staking of wetland boundaries or the level of documentation required to obtain regulatory concurrence of the determination. The determination will be based on existing conditions at the time of assessment and based on professional judgment in the context of site suitability
 - *Hydric Soil Evaluation*
 - Stantec will complete a field soil evaluation to determine the presence and approximate extent of hydric soil within each of the two sites to assist in evaluating restoration potential.
 - Up to 5 soil test pits will be evaluated to a depth up to 24 inches at each site.
 - Stantec will complete soil log sheets and provide a field sketch of soil pit locations and approximate hydric soil boundaries.
- Stantec will provide a written memo and associated maps and figures summarizing the mitigation site search methods, site conditions, constraints and opportunities, and recommendations.

TASK 14B - FINAL PERMIT SUBMITTAL AND AGENCY COORDINATION (PHASE II ESA)

The following is scope of services to conduct a Limited Phase II Subsurface Investigation at the former steam power plant site adjacent to the Ballville Dam. As identified in Stantec's Phase I ESA of the subject property, the proposed work is intended to investigate potential environmental contaminants and mitigation costs associated with historic uses of the subject property and north adjacent property. Information collected during the subsurface investigation will be used to evaluate site environmental conditions. The following scope of services will be conducted:

- Provide a minimum of 48-hour notice of subsurface work to the Ohio Call 811, Before You Dig utility protection service.

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- Advance six (6) soil borings at the subject property using direct push, dual tube sampling equipment to a maximum depth of 25 feet below ground surface (bgs). Groundwater has been identified in the subject property ranging to a maximum depth of 17 feet bgs while bedrock has been identified to depths of 20 feet bgs. Advancement of the borings will stop should bedrock or groundwater be encountered before the 25-foot depth is achieved. Should access for drilling equipment not be available due to field conditions, Stantec personnel will utilize a manual hand auger to advance the boring(s) to the necessary depths.
- Log soil cores collected in four-foot intervals and field screen soil cores with photo-ionization detector (PID) to assess for the presence of volatile organic compounds.
- Two (2) soil samples will be collected from each soil boring for laboratory analysis. One (1) soil sample will be collected near the surface of the soil column (0-2 feet) while the second soil sample will be collected at the interval depth with the highest PID reading, and significant odor and visual characteristics, as determined by on-site personnel.
- Three (3) of the six (6) soil borings will be converted to temporary monitoring wells utilizing 1-inch PVC casing/screening so that groundwater samples can be collected. The depth to groundwater will be measured and one (1) sample will be collected at each location by low-flow methods utilizing a peristaltic pump.
- After the collection of the groundwater sample, the casing will be removed and the penetration will be closed in accordance with State regulations.
- The near-surface soil samples will be analyzed for RCRA eight heavy metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver) by Method 6010B/7470 and polychlorinated biphenyls (PCBs) by Method 8082.
- The at-depth soil samples will be analyzed for RCRA eight heavy metals by Method 6010B/7470, volatile organic compounds (VOCs) by Method 8260, polynuclear aromatic hydrocarbons (PAHs) by Method 8270, and PCBs by Method 8082.
- The collected groundwater samples will be analyzed for VOCs by Method 8260, PAHs by Method 8270, and PCBs by Method 8082.
- Collected samples will be prepared and shipped to a certified environmental laboratory for analyses under a standard turnaround-time of five (5) to seven (7) business days. Properly qualified personnel will conduct all work in accordance with applicable federal, state, and local regulations. The analytical results will be analyzed in accordance with State protocols and quality control data packages. Two (2) aqueous blank samples will be collected during the on-site investigation.
- Stantec will prepare a Limited Phase II Subsurface Investigation Report that will include the soil boring log, soil boring location map, laboratory analyses, and investigation conclusions and recommendations.

Additional Conditions

The following additional conditions shall be read in conjunction with and constitute part of this proposal:

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- Subsurface conditions requiring no greater than Level C personal protective equipment (PPE) has been assumed for this scope of services.
- Boring locations will be surveyed and incorporated as needed into existing mapping.
- The work under this scope of services does not include land clearing or refurbishment activities.
- Stantec will prepare one draft for review and final documents. Up to six hard copies and one electronic copy on CD will be provided.
- The client will process and respond to requests for information in a timely manner.

TASK 14D - FINAL PERMIT SUBMITTAL AND AGENCY COORDINATION (SECTION 7)

The USFWS recently requested a survey for the Federally Threatened eastern prairie fringed orchid (*Patanthera leucophaea*). Initial correspondence with the agencies indicated that such a survey would not be necessary and therefore this effort was not included in prior scopes of work. USFWS personnel agreed to assist with the surveys as a cost savings measure. Elements of this task include coordination with USFWS on survey methods, field preparation and surveys, and reporting. Surveys will target the flowering period for the plant which typically occurs during the last two weeks of June. Surveyors will conduct wandering searches in emergent and grassy wetlands and adjacent forested areas. We assume that the City of Fremont will arrange for access to private property if necessary.

Tasks 15 – 23

No scope or fee change needed at this time

TASK 24 – PROJECT COORDINATION

The project implementation timeline has extended significantly beyond the original deadlines anticipated when this task was prepared. Consequently funds associated with routine agency coordination, responding to public inquiries, etc. are depleted. We assume that continued project coordination will be necessary until at least June of 2014. We estimate this level of effort to be approximately 2 hours per week for 64 weeks.

COST ESTIMATE

The work described above has been determined necessary in the course of consultations with various resource agencies and was not anticipated in the original Phase III scope of work. This work is necessary for satisfying the requirements of relevant regulatory authorities. Information developed in these tasks will help the City of Fremont to better determine potential future mitigation and construction costs. Stantec will provide the described additional Phase III services for the lump sum fee of \$217,800. Below is a breakdown by task for our services:

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Task	Description	Lump Sum Fee
13	Surveying	-
14A	Final Permit Submittal and Agency Coordination (Section 106)	\$90,000
14B	Final Permit Submittal and Agency Coordination (Wetlands)	\$74,000
14C	Final Permit Submittal and Agency Coordination (Phase II ESA)	\$23,800
14D	Final Permit Submittal and Agency Coordination (Section 7)	\$13,000
15	ICS Geotechnical Exploration	-
16	ICS Design and Modeling	-
17	Dam Removal Design	-
18	River Restoration Design	-
19	30% Design Submittal	-
20	60% Design Submittal	-
21	90% Design Submittal	-
22	Final Design	-
23	Floodplain Mapping	-
24	Project Coordination and Outreach	\$17,000
	Phase III Additional Services Subtotal	\$217,800

SCHEDULE

Stantec understands that the project schedule is very important because of the Memorandum of Understanding with ODNR and the timelines associated with various funding sources, specifically the \$2,000,000 grant from USFWS. We will continue to work on the other scoped elements with the ultimate goal of removing a portion of the Dam by November 2014.

We appreciate the opportunity to assist you with this project. If you have any questions or need additional information please call.

Respectfully,

STANTEC CONSULTING SERVICES INC.



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