



William Biddlecombe **Joe Dike** **Sam Artino** **Monty Tapp** **Mark Claus** **Matt Grieves** **Joel Hagy**
Councilmember Councilmember Councilmember Mayor Vice-Mayor Councilmember Councilmember

CITY COUNCIL — REGULAR COUNCIL MEETING

Tuesday, September 24, 2024 @ 6:30 PM

City Council Chambers
417 Main Street
Huron, Ohio 44839

LIVESTREAM MEETING INFORMATION

This regular meeting of Council will be conducted in person in Council Chambers at Huron City Hall and live streamed on the City of Huron's YouTube channel. The public is free to observe and hear the discussions and deliberations of all members of City Council via the following link: <https://www.youtube.com/channel/UCpRAV-AnmlA6lfukQzKakQg>

I. Call To Order Moment of Silence followed by the Pledge of Allegiance to the Flag

II. Roll Call of City Council

III. Approval of Minutes

III.a Minutes of the August 27, 2024 regular Council meeting.

IV. Audience Comments Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)

V. Tabled Legislation

V.a Ordinance No. 2024-24 (**TABLED 6/25/24**) (submitted by Ed Widman)

An ordinance amending Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, to provide for the levy of an additional 0.75% income tax and up to a 1.75% credit for taxes paid to another municipality beginning January 1, 2025.

VI. Old Business

VI.a Ordinance No. 2024-42 (**second reading**) (submitted by Todd Schrader)

An ordinance repealing, amending and restating Section 541.04 (Criminal Mischief) under Chapter 541 (Property Offenses) of the Huron Codified Ordinances to add new language relating to light trespass.

VII. New Business

VII.a Resolution No. 73-2024 (submitted by Stuart Hamilton)

A resolution authorizing an agreement with KS Associates for engineering, surveying, bidding services and construction inspection services to reconstruct the revetment along the north and east seawalls at the former ConAgra property in the amount of \$418,500.

VII.b Resolution No. 74-2024 (submitted by Matt Lasko)

A resolution authorizing participation in various cooperative purchasing programs.

VII.c Resolution No. 76-2024 (*submitted by Jack Evans*)

A resolution authorizing acceptance of a proposal with Northcoast Process Controls, Inc. for the purchase of six (6) new Rotork actuators for the Water Filtration Plant in the amount of \$33,875.00.

VII.d Resolution No. 50-2024 Adopted 06/11/2024, Amend (*Submitted by Stuart Hamilton*)

A resolution authorizing an amendment to Resolution No. 50-2024 adopted on June 11, 2024, with TransSystems for field surveying and mapping relating to the US 6 Phase II Project (ERI US 00006 16.07) in an amount not to exceed \$13,455.00 for an aggregate total of \$382,924.00.

VIII. City Manager's Discussion

IX. Mayor's Discussion

X. For the Good of the Order

XI. Executive Session(s)

XII. Adjournment

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday, August 27, 2024 at 6:30pm

Call to Order

The Mayor called to order the regular Council meeting of August 27, 2024 to order at 6:30pm. The Mayor called for a moment of silence. After the moment of silence, the Mayor led in saying the Pledge of Allegiance to the Flag.

Roll Call

The Mayor directed the Clerk to call the roll for the regular meeting of Council. The following members of Council answered present: William Biddlecombe, Sam Artino, Mark Claus, Monty Tapp, Joe Dike and Matt Grieves. Member absent: Joel Hagy.

Motion by Mr. Claus to excuse Mr. Hagy's absence from the meeting.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Claus, Tapp, Dike, Grieves, Biddlecombe, Artino (6)

NAYS: None (0)

There being a majority in favor, the motion passed and Mr. Hagy was excused from the meeting.

Staff in attendance: City Manager Matt Lasko, Law Director Todd Schrader, Service Director Stuart Hamilton, Police Chief Terry Graham, Parks & Recreation Operations Manager Doug Steinwart, Finance Director Ed Widman and Terri Welkener, Clerk of Council.

Approval of Minutes

Motion by Mr. Dike to approve the minutes of the November 28, 2023 Council work session, as written.

The Mayor asked if there were any questions on the motion. There being none, the Mayor asked the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Dike, Grieves, Biddlecombe, Artino, Claus, Tapp (6)

NAYS: None (0)

There being a majority in favor, the motion passed and the minutes of the November 28, 2023 Council work session were adopted.

Motion by Mr. Dike to approve the minutes of the February 27, 2024 Council work session, as written.

The Mayor asked if there were any questions on the motion. There being none, the Mayor asked the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Dike, Grieves, Biddlecombe, Artino, Claus, Tapp (6)

NAYS: None (0)

There being a majority in favor, the motion passed and the minutes of the February 27, 2024 Council work session were adopted.

Motion by Mr. Dike to approve the minutes of the July 9, 2024 Council work session, as written.

The Mayor asked if there were any questions on the motion. There being none, the Mayor asked the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Dike, Grievess, Biddlecombe, Artino, Claus, Tapp (6)

NAYS: None (0)

There being a majority in favor, the motion passed and the minutes of the July 9, 2024 Council work session were adopted.

Motion by Mr. Dike to approve the minutes of the August 13, 2024 regular meeting of Council, as written.

The Mayor asked if there were any questions on the motion. There being none, the Mayor asked the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Dike, Grievess, Biddlecombe, Artino, Claus (5)

ABSTAIN: Tapp (1)

NAYS: None (0)

There being a majority in favor, the motion passed and the minutes of the August 13, 2024 regular Council meeting were adopted.

Audience Comments

The Mayor directed members of the audience having comments to approach the podium, state their name and address Council, and advised that they would have 3 minutes to make their comments.

Mike Stutzman, 1127 Mudbrook Rd., Huron, OH – My concern is the construction going on Mudbrook Road. Yesterday, as I was heading home there was an officer sitting off to the side and he was busy talking to somebody and I was almost right behind him. I waited 3-4 minutes for some kind of recognition from him, and I got no recognition from him. So, there was no traffic coming and I went out and around and got through. When I got up to the condos, I look in my rearview mirror and I have a police officer on my bumper. He pulled me over and he asked me if I have a driver's license and I said, yes and I gave it to him. And then he looked at me in my car, which has a little rust on it, and he said, "You got insurance?" It was not a professional way to approach somebody when you pull them over because I pulled right over when he flashed the lights at me, and I said, yeah, and I gave him my proof of insurance. He should have said, "Do you have proof of insurance?" So he wrote me a friendly warning for going through a closed road, which those signs that are all along Mudbrook Rd. say "Road Closed Except For Local Traffic" and I am local traffic. I have been in this town for over 20 years. I have decided to make this my home and I raised my children here. Both of my sons are educators now, one here in town and one in Sandusky, and I don't

feel it was addressed properly. What I don't understand is it was such a push to have those traffic lights up when they were doing the water replacement, and now we have a police officer sitting there where there's 1 or 2 policemen, and that officer that I talked to said it was going to be 3 weeks before that construction was done to repave. So even at a week or 3 weeks, we are paying 1-2 officers to be there 24 hours a day. That makes no sense to me being a taxpayer of Huron. Put the traffic lights back. Make it accessible to go out of town and come into town. It worked when they were doing the water replacement, why can't they do it now?

Mayor Tapp said they will address the officer situation with the Police Chief – that will be taken care of. There has been a lot of issues from the road stuff. There have been issues with people not paying attention to the signs, and that comes back to the safety issue. In his opinion, if there is one safety issue, he would say close down the road completely. As soon as something, the City is the one that is going to be blamed. He believes the lights will be reinstalled on Friday to allow southbound traffic.

Tabled Legislation

Ordinance No. 2024-24 (TABLED)

Motion by Mr. Claus that the three-reading rule be waived, and Ordinance No. 2024-24 (AN ORDINANCE AMENDING SECTIONS 185.01, 185.03, 185.04 AND 185.06 OF THE CODIFIED ORDINANCES OF THE CITY OF HURON, OHIO, TO PROVIDE FOR THE LEVY OF AN ADDITIONAL SEVENTY-FIVE ONE-HUNDREDTHS PERCENT (0.75%) INCOME TAX BEGINNING JANUARY 1, 2025, AND PROVIDING A CREDIT UP TO 1.75% FOR INCOME TAX PAID TO OTHER MUNICIPALITIES; AND DECLARING AN EMERGENCY) be placed on its first reading.

Old Business

Ordinance No. 2024-38 (second reading)

Motion by Mr. Biddlecombe that Ordinance No. 2024-38 (AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 305.01, TRAFFIC CONTROL MAP, AND CODIFIED ORDINANCE SECTION 305.02, TRAFFIC CONTROL FILE, REGARDING REMOVAL OF THE 3-WAY FLASHING TRAFFIC LIGHT AT THE INTERSECTION OF MUDBROOK ROAD (ROUTE 13) AND RIVERSIDE DRIVE WITHIN THE CITY OF HURON, OHIO) be placed on its second reading.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Biddlecombe, Artino, Claus, Tapp, Dike, Grieves (6)

NAYS: None (0)

There being a majority in favor, the motion passed and Ordinance No. 2024-38 was placed upon its second reading. The Law Director read the Ordinance by its title only.

Mr. Hamilton explained that the Safety Committee met on August 7th on a couple of topics, and most people didn't even realize the flashing amber light was there. We spend a lot of money maintaining this light and nobody really knows why it was ever put there. It is located within a 35mph zone, and there are no other junctions in the City that have flashing amber lights to warn people of a junction. Staff is asking to take it down to save maintenance costs. The new crosswalks being installed at Valley View and Forest

Hills will be the new traffic calming areas on Route 13 as it comes out of town. There is a sign in front of the golf course prior to Riverside indicating that the speed limit slows to 35mph. The Safety Committee agree removal of the signal is warranted.

Mr. Biddlecombe said he is on the Safety Committee and voted to put this legislation through. He lives in that neighborhood and agrees that it is not really warranted. The comments he has see is that a lot of people feel that with the removal of the flashing light, people won't know to slow down when they are approaching where the speed limit drops to 35mph. A lot of people view that light as their signal to slow down. He just wanted to make that point as he has seen that online a couple of times. Mr. Hamilton explained that the flashing light is past the 35mph sign, so he would like to think that people would use that a their indicator to slow down. He understands what Mr. Biddlecombe is saying – people have gotten in the habit of using that as a sign, but it would be nice to get them back to using the speed signs.

The Mayor asked if there were further questions. There were none.

New Business

Resolution No. 69-2024

Motion by Mr. Artino that the three-reading rule be waived, and Resolution No. 69-2024 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY THE OHIO DEPARTMENT OF TRANSPORTATION AN AMOUNT NOT TO EXCEED SIXTY THOUSAND NINE HUNDRED TWENTY-NINE AND 71/100 DOLLARS (\$60,929.71) IN ACCORDANCE WITH THE TERMS OF THE ANNUAL MAINTENANCE AGREEMENT AUTHORIZED BY RESOLUTION NO. 67-2022, ADOPTED ON JULY 26, 2022, FOR FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024) be placed on its first reading.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion waiving the three-reading rule. Members of Council voted as follows:

YEAS: Artino, Claus, Tapp, Dike, Grieves, Biddlecombe (6)
NAYS: None (0)

There being more than five votes in favor, the motion suspending the three-reading rule passed, and Resolution 69-2024 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Hamilton stated that this is our yearly "pay the piper" legislation. ODOT does work on Route 2 and they use a standard calculation to determine the cost to the City. They do repaving, they will keep the edges trimmed and they will clean the culverts under the roadway. This year they did a lot of resurfacing work, which pushed our yearly bill up. The City gets billed on the road's mileage within the City limits, and that is divided out by the total work they did on the road. In this legislation's subject matter, you can see since 2018 the City paid \$63,000, and last year was \$39,000. This year will be just over \$60,000. It will always go up and down. ODOT keeps trying to find ways to stop these highs and lows so it is easier to budget this stuff, but unfortunately, this invoice is a high one, and not optional. ODOT does a lot of good work on the roadway, and a standard calculation is used to determine what the City pays for. They do share that calculation with the City and it is justified based on their numbers.

Mr. Claus asked how the City has been budgeting that number. Have we been putting it in pretty high to make sure we are covered? Mr. Hamilton answered that they will usually try to budget around \$40,000-\$45,000, depending on how the budget looks for that year. They have never been over \$63,000 and it is usually right around \$40,000. This year, they will hopefully just back down a couple of line items or may have to add a little bit to that line item toward the end of the year if they start running low.

Mr. Biddlecombe asked if they are charging specifically for work done within our jurisdiction, or is it a part of the whole? Did they do \$60,000 worth of work in Huron proper, or is it a portion of the overall cost. Mr. Hamilton answered that ODOT takes the total investment for that roadway, divide it down for our area, and then divide it down by the lane miles the City has on that road. Luckily, Huron has very few lane miles in the City limits. \$60,000 doesn't sound very little, but compared to a lot of other places, there is a small portion of Route 2.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 69-2024. Members of Council voted as follows:

YEAS: Artino, Claus, Tapp, Dike, Grievess, Biddlecombe (6)
NAYS: None (0)

There being a majority in favor of adoption, Resolution No. 69-2024 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance No. 2024-40

Motion by Mr. Grievess that the three-reading rule be waived and Ordinance No. 2024-40 (AN ORDINANCE REPEALING AND AMENDING AND RESTATING SECTION 385.01(a)(1) RULES; PERMIT AND FEES OF CHAPTER 385 SMALL BOAT MOORING HARBOR OF THE HURON CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY) be placed on its first reading.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Grievess, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being five or more votes in favor, the motion waiving the three-reading rule passed, and Ordinance No. 2024-40 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Motion by Mr. Grievess to place Ordinance No. 2024-40 as an emergency measure.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Grievess, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being five or more votes in favor, the motion passed and Ordinance No. 2024-40 was placed as an emergency measure.

Mr. Steinwart explained that they are seeking approval for increasing mooring charges at the Huron Boat Basin for seasonal dockage for 2025. They define seasonal dockage from mid-April until mid-October. Historically, they have asked for an increase every 5 years. 2 years ago, they discussed changing this to every 2-3 years. They do their due diligence in looking at fees in the river around the surrounding areas. It is, however, very difficult to compare apples-to-apples with dockage, but they do the best they can. These are increases for 2025, and they would like to get their contracts out within a week or so.

The increases are:

20' docks are a minor increase because they do not generally sell out of these docks. For 24' and 30' docks it is a \$2/ft increase. For 32' docks, it is \$3/ft increase. They are typically running about 5-7% in 5 years, and these are running at 2-3% increases.

Mayor Tapp asked where these charges fall with regard to surrounding areas. Mr. Steinwart answered that they are middle of the road. There's drive-up dockage versus floating dockage versus what amenities are available, etc., so they try to take all of those things into account.

The Mayor asked if there were further questions. There being none, the Mayor directed the Clerk to call the roll on final adoption of Ordinance No. 2024-40. Members of Council voted as follows:

YEAS: Grieves, Biddlecombe, Artino, Claus, Tapp, Dike (6)

NAYS: None (0)

There being more than a majority in favor of adoption, Ordinance No. 2024-40 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance No. 2024-41

Motion by Mr. Artino that the three-reading rule be waived and Ordinance No. 2024-41 (AN ORDINANCE AMENDING ORDINANCE NO. 2023-49, ADOPTED ON DECEMBER 12, 2023, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDING SOURCES) be placed on its first reading.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Artino, Claus, Tapp, Dike, Grieves, Biddlecombe (6)

NAYS: None (0)

There being five or more votes in favor, the motion waiving the three-reading rule passed, and Ordinance No. 2024-41 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Mr. Widman explained that they have two budget requests. The larger item is for the chemicals for water treatment. The Water Superintendent advised that they have produced 60 Million more gallons of water this year compared to last year, and that doesn't come without a cost. There is an increase of revenue of \$72,000 from Erie County. The materials need to be ordered now because it takes some time for them to arrive.

Mr. Lasko explained that they do a consortium with Sandusky and other local governments, and with the significant growth in water sales, there is an obvious greater chemical need. As Mr. Widman mentioned, as much as it is an increase in appropriations for the water pumping of just over \$47,000 the City has brought in significantly more revenue to offset that. Erie County alone has paid us \$70,000 over anticipated budget, so it is more than offset with water sales.

Mr. Claus wanted to clarify that the rate paid for the chemicals is that negotiated rate through consortium, we just need more than originally purchased. Mr. Lasko confirmed that these purchases will be made under that initial negotiated rate.

The Mayor asked if there were further questions. There being none, the Mayor directed the Clerk to call the roll on final adoption of Ordinance No. 2024-40. Members of Council voted as follows:

YEAS: Artino, Claus, Tapp, Dike, Grieves, Biddlecombe (6)
NAYS: None (0)

There being a majority in favor of adoption, Ordinance No. 2024-40 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Discussion Pertaining to Development of ConAgra Property

Mayor Tapp explained that this portion of the meeting will be a discussion regarding proposals submitted by Prephan Enterprises and Knez Homes/K Hovnanian Homes relating to development of the former ConAgra parcel.

Mr. Lasko said that as Council and the public are aware, this is a follow-up to the two previous public presentations from both Prephan Enterprises and a partnership between Knez Homes and K Hovnanian Homes. We started off with three initial proposals, which were whittled down to two based on initial concepts and potential feasibility, coupled with request levels of those developers of City regarding infrastructure needed. We wanted to continue the conversation with Council, who has seen the presentations. Council is high-level aware of what the requests, financially, are from the City in terms of the level of infrastructure needed to be invested. Ultimately, whether it's tonight in the near future, staff is looking for direction from Council based on what they have seen thus far in terms of who to begin negotiations with in terms of everything from a purchase agreement to a development agreement, etc.

Mr. Artino thinks they should get going here and make a decision. To him, it is simple – the finances. One is a much better situation for our citizens/taxpayers, and the other one is not. He thinks he has already made his decision on who we should work with to finalize and get more detail on a contract – Knez/K Hovnanian.

Mr. Grieves wanted to say thanks to staff for getting all of the information before Council. Going into it, he thinks it could have been very easy for Council to just be given the two presentations. Seeing the numbers makes the decision, as Mr. Artino, pretty easy going forward. He appreciates both of the companies coming in and giving them presentations. They both did a great job, but K Hovnanian did a better job.

Mayor Tapp said he was on the committee reviewing the proposals. It is not a quick process by any means whatsoever, and he is the one that always says he wishes things could go faster, but he has learned they don't. We listened, and as Mr. Artino and Mr. Grieves both said, he has nothing against any company – they both have great products – but they have to look at the finances. He was not at the last meeting, but he had discussions with Mr. Lasko to find out how Council felt. He would agree with Mr. Artino, he would like to keep this moving. This has been a 12-year ordeal. Everything is not going to be perfect, and we are going to make changes, and the Planning Commission is going to be working with these guys. He would really like to move forward as quickly as possible.

Mr. Claus stated that on the financial side of things, as Mr. Artino and Mr. Grieves mentioned, that's certainly a huge factor for us in terms of the request for infrastructure investment, how they would want to pay for the property, what they would pay – these are all things that need to be negotiated (the fine details of it) – but at least what the initial asks were appear to be heavily weighted toward to the one group. Although in different ways he likes both products, he doesn't dislike either of them, he thinks that the product that Prephan was suggesting or wanting to build on this site that works great over in Marblehead for “almost 100% seasonal residents” with no garages, which is a bit of a concern for him, he thinks that he strongly feels there is going to be a demand for more long-term residents (people that want to live there year-round). There will certainly be seasonal residents as it is waterfront with dockage, but he is really concerned about not having garages and not having that type of a product available for people who would be interested in the site. For both of those reasons, he would recommend proceeding with the Knez/K Hovnanian group.

Motion by Mr. Artino directing Mr. Lasko and his staff to begin negotiations and contract talks with with Knez Homes/K Hovnanian Homes for the property considered as ConAgra.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Artino, Claus, Tapp, Dike, Grieves, Biddlecombe (6)
NAYS: None (0)

There being a majority in favor, the motion passed.

City Manager's Discussion

The City Manager spoke on several topics:

US Senator Sherrod Brown Staff Visit – On Thursday, August 22nd, staff and Vice-Mayor Claus welcomed Erica Kraus to town. She is the northwest Ohio regional representative for US Senator Sherrod Brown. During the visit, she was able to gain a deeper understanding of the proposed secondary intake project and Boat Basin reconstruction project, and to understand the needs and importance of both of those projects. This was a very beneficial visit for not only herself, but for us as well, as she was also able to discuss with us other potential federal funding sources beyond just Congressional-directed spending. It was a beneficial 2 hours with Senator Sherrod Brown's representation.

Route 6 Phase II – We haven't given an update on this project in a while, but I am sure folks have seen the surveyors out there the last couple of weeks. Surveying has commenced, and once that has been completed, design can start for the layouts and ultimately, limits of the projects. We will continue to keep Council and the public apprised as that project is starting finally starting to move forward.

2023 Street Resurfacing – The contractor has remobilized in Chaska Beach, Old Homestead I and Old Homestead II. Concrete work is in process to be followed by crack sealing and striping work. Lawns will be tackled after Labor Day in totality. The intent is to remove the topsoil, replace it and then seed in those areas that need additional information. Other items will be tackled throughout the process. They hope to wrap that up 100% in September.

South Main Street Water Main Replacement- The final water taps are being completed on Huron and Mill Streets. Restoration work began this week. The paving contractor has started on the southern boundary of the project and will work northward, ultimately through Valley View, Forest Hills and Hickory. As we know, the paving will result in a single lane, as we are experiencing at the moment, but it sounds to eradicate the issues we will have the lights back up on Friday so that we can get 2-way traffic on the east side northbound lane.

Budget – We have begun the budgetary process for 2025. Mr. Widman has completed initial meetings with every department at this point. We will continue to have regular meetings throughout the early fall so that, ultimately, we can be prepared for those budget meetings with the Finance Committee in October.

Electronic Summer/Fall Newsletter – The electronic summer/fall newsletter is complete, has been sent out and is available for public consumption. Many great projects and upcoming events were highlighted in the latest edition, as well as updates related to Huron City Schools. Thank you to all of our departments for assistance, and as always, a special thank you to Jen Kilbury for putting the latest edition together.

Upcoming Meetings for September- HJRD on Tuesday, September 3rd at 6:30pm in Council Chambers; Utilities Committee on Wednesday, September 4th at 5pm in the main conference room; Board of Zoning Appeals on Monday, September 9th at 5:30pm in Council Chambers; City Council meeting on Tuesday, September 10th at 6:30pm in Council Chambers; Planning Commission on Wednesday, September 18th at 5pm in Council Chambers; City Council meeting on Tuesday, September 24th at 6:30pm in Council Chambers. We anticipate one, if not two, work sessions, as well, in September. We are trying to finalize those in the next day or two to make sure that those work for Council. As soon as we think we may want to schedule those, we will make sure that works for Council and publicize that. We should know by the end of the week.

Mr. Claus asked Mr. Lasko for an update on outreach for the proposed income tax increase. Mr. Lasko answered that he met with Ms. Kilbury last week, and this is one of those things where you don't necessarily want to start too early, but want to make sure there is enough time to have enough sessions with the public. He anticipates that they would hold a series of meetings probably starting in the third week of September, and they would carry those out through October. He noted that, related to that and which they will make available to the public, there were questions from Council about potential uses of funds as well – Mr. Artino had requested that. He anticipates them using one of the work sessions in September to further that conversation. They won't be getting into every line item, but than go to a

deeper level than what was presented to the public in terms of how staff would recommend some of the uses of those funds to the Finance Committee and Council. That work session will be followed by, minimally, four public meetings in various locations. Those were very well-attended except for the last one. They will have the calendar well know in the first week of September, and then they will get it out to everyone.

Mr. Claus asked about the status of the new website – will it be up by year-end? Mr. Hamilton answered that they have access to the new website now. The team are starting to go through it now to make sure everything works, find design flaws, update the images, etc. Once they get through that, they will pick a migration date and will migrate through. It's in the final stages. Mr. Hamilton said it should be up and running by year-end, and hopefully before then.

Mayor's Discussion

Mayor Tapp said:

I first want to thank Mr. Stutzman for showing up. We will take complaints and criticism and problems and issues as well as we do anything else. I enjoy when people come up and let us know what's going on. We will get that taken care of. With that said, there are going to be issues with construction, there always are. We are doing our best. We are not perfect and will make mistakes. We will try to fix those mistakes when we can, but safety is our first and utmost priority. When I talked to Mr. Hamilton, who has more patience... I get it, it's a process, we will get them done. We just want everybody to work together, and we are trying to do our best. We do not want things to go wrong, and we don't try to make things go wrong. We try to do everything correctly, but there are going to be some hiccups. With that said, we are getting close, and it will get finished.

I want to thank Jen on the newsletter – that's great. You are a great asset and you are doing a great job. I can't take credit for any of that. I was not here at the last meeting, but I do want to welcome Mr. Widman. Thank you for all of your hard work. It's tough to take some of these guys – I am the easiest one to take. I know you came in at a busy time and you are going to stay busy throughout the year here. Thank you very much.

For the Good of the Order

Sam Artino – Nothing, except that we have had discussions about the streets, and I know that the City staff, our police department – there was a lot of discussion about maintaining traffic through this area as much as possible and as safely as possible. I can understand some frustrations, but I think people need to know that the decisions around these road closures or partial closures are not made in a vacuum, there is a lot of thought behind them. I apologize for the inconvenience, but we live in Ohio and the summer is when we do all of the construction. Things needed to get done. Thank you.

Joe Dike – Nothing.

Matt Grieves – I have nothing.

Mark Claus – Nothing further today.

William Biddlecombe – To continue with what Mr. Artino said, it won't last forever. Thanks, staff, for your hard work. Takeaways from the last School Board meeting: They did vote to retire the policy that would have allowed the Lifewise Program in the district. School board members Beth Laffay and Chris Rager will now be the two heading up the Community Facilities Committee. Home games coming up:

Volleyball – August 29, 31 and September 3 and 10

Girls Tennis – August 29, September 3, 9 and 10

Boys Soccer – September 9

Girls Soccer – September 9

Girls Golf – August 29, September 3, 5 and 9

Boys Golf – August 28, September 5 and 13

After a fun 38-0 win in the final meeting with St. Paul to open our season, Huron Football travels to Brookside High School, which is in Sheffield, this week before traveling to Genoa on September 6th. Both of those games will begin at 7pm.

Boat Basin games coming up:

Reschedule Rotary Festival – Saturday, September 7th with Jerry Ziggo from 5-7pm and Monica Robbins and the Whisky Kings from 7-10pm.

Please come out and support our local events, program and student athletes, and GO TIGERS!

Executive Session

None.

Adjournment

Motion by Mr. Biddlecombe to adjourn the regular meeting of Council.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Biddlecombe, Artino, Claus, Tapp, Dike, Grieves (6)

NAYS: None (0)

There being a majority in favor of the motion, the regular Council meeting of August 27, 2024 was adjourned at 7:12pm.

Terri S. Welkener, Clerk of Council

Adopted: _____



TO: Mayor Tapp and City Council
FROM: Edward Widman
RE: Ordinance No. 2024-24 (**TABLED 6/25/24**) (*submitted by Ed Widman*)
DATE: September 24, 2024

Subject Matter/Background

This ordinance amends the City's tax code in sections 185.01, 185.03, 185.04 and 185.06 of the codified ordinances. The ordinance provides for the levy of an additional income tax of 0.75% beginning January 1, 2025. This legislation also provides for a credit on income earned in other income tax paying jurisdiction, up to 1.75%.

The administration was tasked with researching additional revenue sources following approval of the 2024 budget in December of 2023. The administration is recommending an income tax increase from 1% to 1.75%, allowing for a credit up to 1.75% for residents that work in another income tax paying jurisdiction. Currently, the City does not offer a credit. Over the last few months, the administration has held multiple public meetings to educate residents on the potential income tax increase. Following those meetings, the administrative still feels confident this income tax increase is the best long-term solution for the City's forecasted budget deficits.

This ordinance is expected to go three readings and tabled until after the election on November 5, 2024, if Council puts the income tax increase on the ballot. Resolution 57-2024 is a resolution of necessity to put a City income tax increase on the November ballot.

Financial Review

There is no financial impact to the City for this legislation. If the income tax increase is passed by the voters, the City is expected to receive an additional \$1.8M in income tax revenue per year. The increase is expected to provide long-term budget stabilization for essential services and continue quality of life improvements for City residents. Resolution 57-2024 would put the increase on the November ballot if passed by Council prior to August 7, 2024.

Legal Review

The matter has been reviewed, follows normal legislative procedure and is properly before you.

Recommendation

This matter has been tabled.

[Ordinance No. 2024-24 Amending Sections 185.01 .03 and .04 of the Codified Ordinances to Increase the Income Tax Rate.docx](#)

ORDINANCE NO. 2024-24
Introduced by Mark Claus

AN ORDINANCE AMENDING SECTIONS 185.01, 185.03, 185.04 AND 185.06 OF THE CODIFIED ORDINANCES OF THE CITY OF HURON, OHIO, TO PROVIDE FOR THE LEVY OF AN ADDITIONAL SEVENTY-FIVE ONE-HUNDREDTHS PERCENT (0.75%) INCOME TAX BEGINNING JANUARY 1, 2025, AND PROVIDING A CREDIT UP TO 1.75% FOR INCOME TAX PAID TO OTHER MUNICIPALITIES; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, Ohio, that:

Section 1. Section 185.01 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

“185.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide funds for the purposes of general municipal operations and services, maintenance, new equipment, extension and enlargement of municipal services and facilities, permanent improvements, and capital improvements, the Municipality hereby levies an annual tax on the income of every person residing in or earning or receiving income in the Municipality as measured by each such person's municipal taxable income, all as hereinafter provided.

(B) (1) The annual tax is levied at a rate of 1.75% (one and seventy-five one-hundredths percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the Municipality. The tax is levied on municipal taxable income as hereinafter provided in Section 185.03 of this Chapter and other sections as they may apply.

(2) The funds collected under the provisions of this Chapter 185 shall be applied for the following purposes and in the following order: (i) such part thereof as is necessary to defray all costs of collecting the taxes levied by this Chapter and the cost of administering and enforcing the provisions hereof; (ii) after providing for the allocation of funds set forth in division (B)(2)(i) of this Section, funds shall be set aside, appropriated and paid into the General Bond Retirement Fund or another fund specified by ordinance of the Council, in an amount equal to the annual principal and interest payments due (within that year) on all bonds, notes or other obligations for which income tax revenues have been pledged; (iii) after providing for the allocation of funds set forth in division (B)(2)(i) and (ii) of this Section, not less than seven percent (7%) of the remaining funds shall be set aside, appropriated and paid into the Capital Improvement Fund; and (iv) after providing for the allocation of funds set forth in division (B)(2)(i), (ii), and (iii) of this Section, the balance of the funds remaining shall be used for any purpose as may be determined by ordinance of the Council.

(C) The taxes levied under this Chapter 185 shall be levied in accordance with the provisions and limitations set forth in Chapter 718 of the Ohio Revised Code to the fullest extent required for the Municipality to continue to levy those taxes. The required provisions and limitations of Chapter 718 of the Ohio Revised Code are hereby incorporated into this Chapter 185, and those required provisions or limitations of Chapter 718 of the Ohio Revised Code shall control to the extent there is a conflict between a provision or limitation of this Chapter 185 and an express provision or limitation of Chapter 718 of the Ohio Revised Code.

(D) As used herein, all references in this Chapter 185 to provisions or limitations of Chapter 718 of the Ohio Revised Code and to any Section of that Chapter 718 shall include those provisions or limitations of that Chapter or Section as in effect on January 1, 2016, of any successor statute, and of any

subsequent amendment to that Chapter or Section or a successor statute in effect from time to time to the fullest possible extent required for the Municipality to continue to levy the taxes specified under this Chapter 185. All references in this Chapter 185 to "ORC" are to the Ohio Revised Code."

Section 2. Section 185.03 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, as amended by Ordinance No. 2024-4, passed on February 13, 2024, is hereby further amended to read as follows:

"185.03 IMPOSITION OF TAX.

The income tax levied by the Municipality at a rate of one and seventy-five one-hundredths percent (1.75%) is levied on the municipal taxable income of every person who resides in or who earns or receives income in the Municipality.

Individuals.

(A) For residents, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(ii)(a).

(B) For nonresidents, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(ii)(b).

(C) For a person other than an individual, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(i).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D) (1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c) (i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the Municipality with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the Municipality each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of the Municipality's income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the income tax levied by the Municipality, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income

tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this Section exceed the cumulative income tax that a taxpayer has paid to the Municipality for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

Domicile.

(E) (1) (a) An individual is presumed to be domiciled in the Municipality for all or part of a taxable year if the individual was domiciled in the Municipality on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the Municipality for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this Section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the Municipality for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the Municipality for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

(a) The individual's domicile in other taxable years;

(b) The location at which the individual is registered to vote;

(c) The address on the individual's driver's license;

(d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;

(e) The location and value of abodes owned or leased by the individual;

(f) Declarations, written or oral, made by the individual regarding the individual's residency;

(g) The primary location at which the individual is employed.

(h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;

(i) The number of contact periods the individual has with the Municipality. For the purposes of this division, an individual has one "contact period" with the Municipality if the individual is away overnight from the individual's abode located outside of the Municipality and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the Municipality.

(3) All additional applicable factors are provided in the Rules and Regulations.

Businesses.

(F) This division applies to any taxpayer engaged in a business or profession in the Municipality, unless the taxpayer is an individual who is a resident or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in divisions (F)(2) and (G) of this Section, net profit from a business or profession conducted both within and without the boundaries of the Municipality shall be considered as having a taxable situs in the Municipality for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the Municipality during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Municipality to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 185.04(C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the Municipality to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2) (a) If the apportionment factors described in division (F)(1) of this Section do not fairly represent the extent of a taxpayer's business activity in the Municipality, the taxpayer may request, or the Tax Administrator of the Municipality may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(i) Separate accounting;

(ii) The exclusion of one or more of the factors;

(iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 185.12(A).

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this Section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 185.12(A).

(d) Nothing in division (F)(2) of this Section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this Section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(i) The employer;

(ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this Section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F) (3)(a) or (b) of this Section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this Section, and except as provided in division (G) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the Municipality if, regardless of where title passes, the property meets any of the following criteria:

(i) The property is shipped to or delivered within the Municipality from a stock of goods located within the Municipality.

(ii) The property is delivered within the Municipality from a location outside the Municipality, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the Municipality and the sales result from such solicitation or promotion.

(iii) The property is shipped from a place within the Municipality to purchasers outside the Municipality, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(b) Gross receipts from the sale of services shall be situated to the Municipality to the extent that such services are performed in the Municipality.

(c) To the extent included in income, gross receipts from the sale of real property located in the Municipality shall be situated to the Municipality.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the Municipality shall be situated to the Municipality.

(e) Gross receipts from rents and royalties from tangible personal property shall be situated to the Municipality based upon the extent to which the tangible personal property is used in the Municipality.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the Municipality's tax only if the property generating the net profit is located in the Municipality or if the individual taxpayer that receives the net profit is a resident of the Municipality. the Municipality shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(6) (a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the Municipality, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the Municipality to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the Municipality shall report the individual's net profit from all real estate activity on the individual's annual income tax return filed with the Municipality. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under this Chapter.

(7) When calculating the ratios described in division (F)(1) of this Section for the purposes of that division or division (F)(2) of this Section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(8) Intentionally left blank.

(9) Intentionally left blank.

(G) (1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or

controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 185.04 of this Chapter, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

(ii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be

required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):

(a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (F)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1)(c) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 185.04 of this Chapter."

Section 3. Section 185.04 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

"185.04 COLLECTION AT SOURCE.

Withholding provisions.

(A) Each employer, agent of an employer, or other payer located or doing business in the Municipality shall withhold an income tax from the qualifying wages earned and/or received by each employee in the Municipality. Except for qualifying wages for which withholding is not required under Section 185.03 or division (B)(4) or (6) of this Section, the tax shall be withheld at the rate, specified in Section 185.03 of this Chapter, of one and seventy-five one-hundredths percent (1.75%). An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B) (1) Except as provided in division (B)(2) of this Section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the Municipality in the preceding calendar year exceeded \$2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded \$200.

Payment under division (B)(1)(a) of this Section shall be made so that the payment is received by the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this Section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the 15th day of the month following the end of each calendar quarter.

(c) Notwithstanding the provisions of (B)(1)(a) and (b) of this Section, taxes required to be deducted and withheld shall be remitted semimonthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in the preceding calendar year exceeded \$11,999, or if in any month of the preceding calendar year exceeded \$1,000. Payment under division (B)(1)(c) of this Section shall be made so that the payment is received by the Tax Administrator not later than one of the following: (i) if the taxes were deducted and withheld or required to be deducted and withheld during the first fifteen days of a month, the third banking day after the fifteenth day of that month; or (ii) if the taxes were deducted and withheld or required to be deducted and withheld after the fifteenth day of a month and before the first day of the immediately following month, the third banking day after the last day of the month.

(2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the Municipality. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this Section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by the Tax Administrator and the Municipality as the return required of a non-resident employee whose sole income subject to the tax under this Chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the Municipality's income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(5) (a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this Chapter or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the Municipality the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the income tax or income tax withholding requirement imposed by this Chapter to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the Municipality until such time as the withheld amount is remitted to the Tax Administrator.

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages the tax levied by this Chapter was withheld or should have been withheld during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this Section, shall be personally liable for a failure to file a report or pay the tax due as required by this Section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold the Municipality's income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this Chapter, to be tax required to be withheld and remitted for the purposes of this Section.

Occasional Entrant - Withholding.

(C) (1) As used in this division:

(a) "Employer" includes a person that is a related member to or of an employer.

(b) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(c) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this Section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this Section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this Section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2) (a) Subject to divisions (C)(3), (5), (6), and (7) of this Section, an employer is not required to withhold the Municipality's income tax on qualifying wages paid to an employee for the performance of personal services in the Municipality if the employee performed such services in the Municipality on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the Municipality.

(ii) The employee performed services at one or more presumed worksite locations in the Municipality. For the purposes of this division, "presumed worksite location" means a

construction site or other temporary worksite in the Municipality at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services is such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the Municipality and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 185.04.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this Section, an employee shall be considered to have spent a day performing services in the Municipality only if the employee spent more time performing services for or on behalf of the employer in the Municipality than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this Section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this Section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(4) (a) Except as provided in division (C)(4)(b) of this Section, if, during a calendar year, the number of days an employee spends performing personal services in the Municipality exceeds the 20-day threshold, the employer shall withhold and remit tax to the Municipality for any subsequent

days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the Municipality.

(b) An employer required to begin withholding tax for the Municipality under division (C)(4)(a) of this Section may elect to withhold tax for the Municipality for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the Municipality.

(5) If an employer's fixed location is in the Municipality and the employer qualifies as a small employer as defined in Section 185.02, the employer shall withhold the income tax imposed under this Chapter on all of the employee's qualifying wages for a taxable year and remit that tax only to the Municipality, regardless of the number of days which the employee worked outside the corporate boundaries of the Municipality.

To determine whether an employer qualifies as a small employer for a taxable year, the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this Section shall not apply to the extent that the Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 185.04."

Section 4. Section 185.06 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

"185.06 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(A) Every individual taxpayer domiciled in the City who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter may claim a non-refundable credit upon satisfactory evidence of the tax paid to the other municipality. Subject to division (c) of this section, the credit shall not exceed the tax due the City under this chapter. If the tax rate of the other municipality is less than one and seventy-five one-hundredths percent (1.75%), the credit shall be limited to the tax due at the lower rate.

(B) The City shall grant a credit against its tax on income to a resident of the City who works in a joint economic development zone created under Ohio R.C. 715.691 or a joint economic development district created under Ohio R.C. 715.70, 715.71, or 715.72 to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(C) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (a) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality."

Section 5. Effective January 1, 2025, Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this ordinance, including the repeal of Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or

entity, with respect to the one percent municipal income tax assessed by Chapter 185 of the Codified Ordinances of the City of Huron, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2025.

Section 6. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this ordinance is required to be immediately effective in order to enable the City to timely commence collection of the City's income tax at the increased rate provided for in this ordinance commencing January 1, 2025 and thereby to provide services and permanent improvements critical to the safety and well-being of the residents of the City; wherefore, this ordinance shall be in full force and effect immediately upon its passage.

Passed: _____, 2024

Mayor

Attest: _____
Clerk of Council



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-42 (**second reading**) (*submitted by Todd Schrader*)
DATE: September 24, 2024

Subject Matter/Background

The City has received complaints over the past several years from residents having issues with their neighbors relating to light trespass onto their property. Ordinance No. 2024-42 would establish a criminal mischief offense for light trespass that encroaches on neighboring properties based on a reasonableness standard. Council held a work session on this issue on August 27, 2024, which resulted in Council asking the Law Director to draft legislation based on an existing ordinance currently in use by the City of Lakewood.

A related ordinance will come before Council in the near future with recommended changes to the building and planning codes that will include requirements, such as shielding and placement.

There have been no changes made to this ordinance since its first reading.

Financial Review

There is no financial impact relating to this ordinance.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is agreement with the request, a motion placing Ordinance No. 2024-42 on its second reading is in order.

[Ordinance No. 2024-42 REDLINE Section 541.04 Criminal Mischief.pdf](#)

[Ordinance No. 2024-42 Section 541.04 Criminal Mischief Repeal Amend Restate Light Trespass \(1\).docx](#)

[Ordinance No. 2024-42 Exh A Section 541.04 Light Trespass Amendment.docx](#)

[Ordinance No. 2024-42 Exh B Section 541.04 Light Trespass Amendment.docx](#)

541.02

(a)

541.04. CRIMINAL MISCHIEF.

No person shall:

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- (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with either of the following:
 - A. The property of another;
 - B. One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:
 1. The residential real property is subject to a mortgage.
 2. The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this subsection, "pending" includes the time between judgment entry and confirmation of sale.
- (2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;
- (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.
- (4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;
- (5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.
- (6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:
 - A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;
 - B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.

(7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.

~~(7)(8) Without privilege to do so, with purpose to interfere with the use of or enjoyment of the property of another, maintain a light nuisance originating from a residential property by causing light to unreasonably shine, glare, reflect, or direct onto the property of another.~~

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(b)

As used in this section:

- (1) "Critical Infrastructure Facility". Has the same meaning as in Ohio R.C. 2911.21.
- (2) "Improperly Tamper". Means to change the physical location or the physical condition of the property.

- (3) "Safety Device". Means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(c) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c)(2), (c)(3), or (c)(4) of this section.

(1) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), ~~or (a)(5) or (a)(8)~~ of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), ~~or (a)(5), or (a)(8)~~ of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), ~~or (a)(5), or (a)(8)~~ of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars (\$1,000) or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(6) of this section is a felony to be prosecuted under appropriate state law.

(3) Criminal mischief committed in violation of subsection (a)(7) of this section is a felony to be prosecuted under appropriate state law.

(ORC 2909.07)

ORDINANCE NO. 2024-42
Introduced by Matt Grieves

AN ORDINANCE REPEALING AND REPLACING SECTION 541.04 (CRIMINAL MISCHIEF) OF CHAPTER 541 (PROPERTY OFFENSES) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Section 541.04 (Criminal Mischief) of Chapter 541 (Property Offenses) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as set forth on Exhibit A attached hereto and incorporated herein by reference, shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Section 541.04 (Criminal Mischief) of Chapter 541 (Property Offenses) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as set forth on Exhibit B attached hereto and incorporated herein, and shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That 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 O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

541.04 CRIMINAL MISCHIEF.

(a) No person shall:

(1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with either of the following:

A. The property of another;

B. One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:

1. The residential real property is subject to a mortgage.

2. The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this subsection, "pending" includes the time between judgment entry and confirmation of sale.

(2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;

(3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.

(4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;

(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.

(6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:

A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.

(7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.

(b) As used in this section:

(1) "Critical Infrastructure Facility". Has the same meaning as in Ohio R.C. 2911.21.

(2) "Improperly Tamper". Means to change the physical location or the physical condition of the property.

(3) "Safety Device". Means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(c) (1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c) (2), (c) (3), or (c) (4) of this section.

(2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section is a felony to be prosecuted under appropriate state law.

(3) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a) (6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a) (6) of this section or the loss to the victim resulting from the violation is one thousand dollars (\$1,000) or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a) (6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a) (6) of this section is a felony to be prosecuted under appropriate state law.

(4) Criminal mischief committed in violation of subsection (a)(7) of this section is a felony to be prosecuted under appropriate state law.

(ORC 2909.07)

541.04. CRIMINAL MISCHIEF.

- (a) No person shall:
 - (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with either of the following:
 - A. The property of another;
 - B. One’s own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:
 - 1. The residential real property is subject to a mortgage.
 - 2. The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this subsection, “pending” includes the time between judgment entry and confirmation of sale.
 - (2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;
 - (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a benchmark, triangulation station, boundary marker or other survey station, monument or marker.
 - (4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;
 - (5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.
 - (6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:
 - A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;
 - B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.
 - (7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.
 - (8) Without privilege to do so, with purpose to interfere with the use of or enjoyment of the property of another, maintain a light nuisance originating from a residential property by causing light to unreasonably shine, glare, reflect, or direct onto the property of another.
- (b) As used in this section:
 - (1) “Critical Infrastructure Facility”. Has the same meaning as in Ohio R.C. 2911.21.
 - (2) “Improperly Tamper”. Means to change the physical location or the physical condition of the property.

EXHIBIT “B”

- (3) “Safety Device”. Means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

- (c) Whoever violates this section is guilty of criminal mischief and shall be punished as provided in subsection (c)(2), (c)(3), or (c)(4) of this section.

- (1) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) or (a)(8) of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(8) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(8) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a felony to be prosecuted under appropriate state law.

- (2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars (\$1,000) or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(6) of this section is a felony to be prosecuted under appropriate state law.

- (3) Criminal mischief committed in violation of subsection (a)(7) of this section is a felony to be prosecuted under appropriate state law.

(ORC 2909.07)



TO: Mayor Tapp and City Council
FROM: Jen Kilbury
RE: Resolution No. 73-2024 (submitted by Stuart Hamilton)
DATE: September 24, 2024

Subject Matter/Background

In 2022, the City requested RFQ's for partners to manage the design, permitting, bidding services and Construction inspection on the Conagra seawall reconstruction project. We received a single response from KS. KS is a long-standing partner of the City and we are excited to work with them again.

As the City moves ahead with negotiations with the selected development partner, one infrastructure project that the City is required to undertake is the reconstruction of the seawall on the north and east side. This will be reconstructed with armor stone to match the west seawall. The first step is clear permitting with the State which can be time consuming. This is why we are starting now. This proposal is in the amount of \$418,500.

Financial Review

The engineering, surveying, bidding services and construction inspection services in the amount of \$418,500 will be paid out of account #401 Capital Improvement Fund, as an advance until the ConAgra TIF account is established. In addition, notes (one year or less) borrowing/financing will be issued before the end of 2024 to reimburse the City any costs advanced and cover short term expenses until bonds (long term financing) can be issued.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 73-2024 is in order.

[Resolution No. 73-2024 KS & Associates ConAgra Revetment \\$418,500.docx](#)
[21245-1 Former ConAgra Property Proposal 091024.pdf](#)

RESOLUTION NO. 73-2024

Introduced by Sam Artino

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH KS & ASSOCIATES FOR PROFESSIONAL ENGINEERING AND SURVEYING SERVICES RELATING TO SEA WALL REPAIRS AND IMPROVEMENTS AT THE FORMER CONAGRA PROPERTY IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED EIGHTEEN THOUSAND FIVE HUNDRED AND XX/100 DOLLARS (\$418,500.00).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City Manager shall be, and he hereby is, authorized and directed to accept the proposal and enter into an agreement with KS & Associates for professional engineering and surveying services relating to sea wall repairs and improvements at the former ConAgra property in an amount not to exceed Four Hundred Eighteen Thousand Five Hundred and xx/100 Dollars (\$418,500.00), a copy of which agreement is attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



September 10, 2024

Engineers + Surveyors

City of Huron
Stuart Hamilton, Service Director
417 Main Street,
Huron, Ohio 44839

260 Burns Road, Suite 100
Elyria, Ohio 44035
P 440 365 4730
ksassociates.com

**RE: Coastal Design Services for the Former ConAgra Property, Huron, Ohio 44839
KS Project #21245-1**

Dear Mr. Hamilton:

Please accept this proposal for professional engineering and surveying services that may be required to meet your objective.

Project Objective:

We understand that the City of Huron (Client) wishes to rehabilitate the existing waterfront structures at the former ConAgra property in Huron, Ohio. In 2021, the City contracted with KS Associates (Engineer) to perform an assessment of the existing steel sheet pile bulkheads along the perimeter of the peninsula. KS determined that the existing waterfront infrastructure is nearing its useful life and rehabilitation is warranted before developing the site. The KS assessment provided recommendations for rehabilitating and improving the waterfront at the property. The City has chosen to proceed with construction of an armor stone revetment along the shore of the property and has selected KS Associates Inc. to lead the design, permitting, bidding, and construction administration for implementing the recommended improvements. The project will require the construction of approximately 1,320 linear feet of new stone revetment. In order to accomplish this objective, we recommend the following scope of services:

Phase 1 – Site Investigations

1.1 Hydrographic, Topographic and Limited Boundary Survey

KS will engage OHM Advisors as a subconsultant to perform a hydrographic survey of the riverbed adjacent to the project site. The hydrographic surveys will be performed with a GPS enabled single beam echo sounder (Seafloor Systems Hydrolite-TM or similar) from a survey boat to collect data at approximately a 10-foot by 10-foot grid. OHM will use standard survey methods to perform limited topographic and boundary surveys to map the existing structures (steel sheet pile bulkheads and concrete caps) and the property lines for parcels 42-61270.000, 42-61270.001, and 42-61270.002. The survey will only include features that are required for the design or permitting of the proposed stone revetments.

1.2 Metocean Analysis

1.2.1 Design Water Levels: KS will develop the design water levels at the project site based on existing data and reports by National Oceanic and Atmospheric Administration (NOAA), the U.S. Army Corps of Engineers (USACE), and the Federal Emergency Management Agency (FEMA), including Low Water Datum (LWD), average water levels, the Ordinary High Water Mark (OHW), and the 50%, 10%, 2%, and 1% annual chance (2-, 10-, 50-, and 100-year)

extreme water levels.

- 1.2.2 Wave Conditions: Based on the range of design water levels and historical wind data, KS will perform a nearshore wave analysis to select a range of design waves to be considered for the structure. The wave analysis will consider fetch-limited waves, depth-limited waves, and exposure to Lake Erie wave energy. KS will calculate wave run-up and the potential for overtopping at a range of revetment slopes and crest elevations to aid in planning for upland development.
- 1.2.3 Ice Conditions: KS will develop the design ice conditions based on reports by NOAA or the USACE. KS will estimate the ice forces needed for structural design using the applicable methods outlined in the U.S. Army Corps of Engineers (2002) Ice Engineering Manual 1110-2-1612.
- 1.2.4 KS will compile the water level, wave and ice data to prepare a metocean report for the project site. KS will meet with the City and developer to discuss the results of the metocean analysis and recommendations for planning upland development, including elevations for upland structures based on design water levels and wave run-up.

1.3 Geotechnical Investigations

In order to characterize subsurface conditions for the design of the new shore protection, KS will engage a qualified subconsultant to advance soil borings to aid in the design of the proposed revetments. The soil borings will be advanced from marine equipment in order to collect geotechnical data for the riverbed adjacent to the site. The data collected will be used to prepare recommendations regarding the potential for stone settlement on the riverbed.

KS will review the information provided in the geotechnical report and make a determination that the borings were acquired per plan and will serve as the basis of design. If KS determines that the borings indicate unusual conditions, KS may recommend additional services which may include additional geotechnical investigations. Additional services are the financial responsibility of the City and would be authorized only upon the City's written consent. The City is specifically alerted to the fact that boring logs and related information depict subsurface conditions only at the specific location of the soil boring and at the particular time designated on the logs. Soil conditions at other locations may differ from conditions occurring at this boring location.

The design of the subject facility will be based on site conditions as they existed at the time of the drilling and assume that the exploratory borings are representative of the subsurface conditions of the whole site. If, during construction, subsurface conditions are found which are significantly different from those observed in the exploratory boring, KS should be advised at once so that we can review these conditions and reconsider our designs where necessary. If there is a substantial lapse of time between the submission of the design and the start of work at the site, or if conditions have changed due to natural causes or construction operations at or adjacent to the site, KS should be advised at once so that we can review these conditions and reconsider our designs where necessary, considering the changed conditions and/or time lapse.

Unanticipated soil conditions are commonly encountered on construction sites and cannot be fully anticipated by merely taking soil borings. Such unexpected conditions frequently require that additional expenditures be made to attain a properly constructed project. It is recommended that the City consider providing a construction contingency fund in the project budget to accommodate such potential extra costs.

Phase 2: Preliminary Design and Preparation of Permit Applications

2.1 Concept Refinement

KS will develop conceptual alternatives for the new stone revetment, varying the structure slope and associated stone sizes and crest elevations, to select a cost-effective design for the revetment. KS anticipates developing up to three alternatives at the conceptual level and preparing a narrative alternatives analysis to be used for regulatory permitting. Preliminary conceptual design drawings and a preliminary engineer's opinion of probable construction costs will be provided for each alternative.

Please note that the preliminary drawings prepared for the purpose of demonstrating design concepts are not final construction drawings and will be clearly marked "Not for Construction". The City is cautioned and advised not to use preliminary plans for construction.

KS will attend one meeting with The City to review the alternatives and select a preferred alternative.

2.2 Initial Regulatory Coordination

Once a preferred alternative has been selected, KS will initiate coordination with the U.S. Army Corps of Engineers, Ohio Department of Natural Resources (ODNR), and Ohio Environmental Protection Agency (OEPA) to provide background information regarding the project purpose, site conditions, design constraints, verify regulatory requirements and develop permitting strategies for the project.

2.3 Preliminary 30% Design

2.3.1 Upon your approval and acceptance of the conceptual design, KS will develop preliminary (30% level) design drawings for the new stone revetment. The preliminary design drawings are expected to include:

- Title sheet with location map,
- Existing site plans showing the current conditions in the project area,
- Demolition plans identifying existing waterfront structures planned to be demolished (or partially demolished) and anticipated demolition operations,
- Proposed site plans showing the final condition of the project area following the rehabilitation, and
- Preliminary cross sections for the proposed structures.

2.3.2 KS will prepare an updated, 30% level, opinion of probable construction costs.

2.3.3 KS will attend one design review meeting with the City to present and discuss the preliminary design.

2.4 Prepare Permit Applications

The proposed project will require authorization from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The project is also anticipated to require authorization from the Ohio Environmental Protection Agency pursuant to Section 401 of the Clean Water Act. Because the project is within Ohio's Coastal Management Area, the project will require a Federal Consistency Certification from the Ohio Department of Natural Resources pursuant to Ohio Revised Code Section 1506 and 16 USC 1456. However, the project is not anticipated to require a Shore Structure Permit from ODNR. Coordination will also be required with the City of Huron, U.S. Coast Guard, U.S. Fish and Wildlife Service, ODNR Division of Wildlife,

and Ohio History Connection.

- 2.4.1 Upon approval of the preliminary design by the City, KS will prepare applications for authorization from the USACE. The application package will include a USACE Application (Eng Form 4345), ODNR Federal Consistency Statement, application drawings, site photos, design calculations, a narrative alternatives analysis and an engineering memo regarding environmental impacts and restrictions (such as in-water work restrictions). KS will prepare the application packages and provide them to the City for signature. The City will be responsible for providing documentation that the individual signing the applications has the authority to sign on behalf of the property owner. Once the applications are signed, KS will compile the required documents and submit them to the USACE on behalf of the City.

Because the project is located close to the mouth of Lake Erie, water levels at the project site are generally controlled by lake levels. Therefore, it is assumed that the USACE jurisdiction is at the Ordinary High Water Mark of Lake Erie (elevation 573.4 feet IGLD 1985). Individual and cumulative impacts to the human environment are also assumed to be minimal for projects requiring the construction of a stone revetment. Therefore, a Jurisdictional Determination, Categorical Exclusion, Environmental Assessment and Environmental Impact Statement should not be required and are not included in this scope of services. If these documents are required by the USACE or for project funding, KS can prepare them for an additional fee. A qualified subconsultant will be required for environmental services.

KS does not anticipate that the proposed project will have adverse effects to historic properties. If required by the USACE, KS will prepare a project summary form to be submitted to the USACE to assist with their coordination with the Ohio Historic Preservation Office (pursuant to Section 106 of the Historic Preservation Act). This scope of services does not include historical or archeological investigations, coordination, evaluations, or data recovery. If additional historical or archaeological coordination is required, KS can recommend a qualified cultural resources management professional to perform these services under a separate contract.

2.4.2 Prepare OEPA Permit Application

The proposed project is anticipated to require an Individual Water Quality Certification from the OEPA. Once the USACE publishes a public notice or provisional authorizations for the project, KS will prepare the OEPA application. The application will include: an application form; impacts table; statement regarding waters delineation (with site photos); correspondence with the USACE and U.S. Fish and Wildlife Service; a statement regarding jurisdictional determination; a narrative alternatives and antidegradation analysis; project mapping (with application drawings); a proposed mitigation and monitoring plan; and statements regarding wetland characterization and stream use attainability.

OEPA application fees are dependent on the proposed impacts. An initial application fee, up to \$2,600, is due at the time the application is submitted. The remaining fee, up to \$2,400, is due once the permit is issued. Public notice publication fees are anticipated to be approximately \$500. OEPA application and public notice fees are not included in this proposal and are the financial responsibility of the City.

Phase 3 – Design Development, Regulatory Coordination, and Preparation of Construction Documents

3.1 Regulatory Coordination

KS will coordinate with the USACE and OEPA during the review of the permit applications. KS will

answer questions and provide clarifications to the regulatory reviewers, as required. KS will coordinate any requests for design revisions with the City and make any revisions required by the agencies.

3.2 Environmental Study (By Others, If Required)

- 3.2.1 If required by the USACE or OEPA, KS will engage a qualified subconsultant to perform a Level 1 Ecological Survey for the project area. KS will coordinate the results of the Ecological Survey with the regulatory agencies. If required, the ecological survey will be performed as an additional service for an additional fee. Ecological services are not included in this scope of services.
- 3.2.2 The USACE or OEPA may require a mussel survey to preclude impacts to endangered or threatened freshwater mussel species. Due to the location, the type of project, and anticipated impacts, a mussel survey is not anticipated to be required and is not included in the fee for this item. If a mussel survey is required, KS will engage a qualified subconsultant to perform the mussel survey as an additional service for an additional fee. Completion of a mussel survey is not included in this scope of services.

3.3 Material Sampling and Testing (If Required)

KS will coordinate with the USACE and OEPA to determine requirements for sampling and testing of riverbed material that would be disturbed during construction. If required by the USACE or OEPA, KS will collect the required samples and will follow chain of custody requirements for submitting the material for laboratory testing. KS will engage a qualified subconsultant for material or sediment characterization and potential contaminant and nutrient testing.

3.4 Prepare 60% Design Documents

- 3.4.1 KS will develop design details to prepare 60% design documents for the proposed project. The 60% design will incorporate input from the City's review of the 30% design documents. KS will also coordinate with regulatory agencies and incorporate input from environmental review staff as the permit reviews progress. The 60% drawings are expected include:
- Title sheet and location map,
 - General notes,
 - Anticipated permit conditions,
 - Existing site plans,
 - Demolition plans identifying existing structures planned to be demolished,
 - Site plans showing the final condition of the project area following the rehabilitation,
 - Elevations and cross sections, and
 - Construction details
- 3.4.2 KS will prepare a listing of technical specifications to be included in the bid documents.
- 3.4.3 KS will prepare an updated, 60% level, opinion of probable construction costs.
- 3.4.4 KS will attend one design review meeting with the City to present and discuss the 60% design.

3.5 Constructability Review and Marine Operations Planning

- 3.5.1 KS will review the site conditions, access, physical constraints and potential permit conditions to develop a plan for anticipated construction operations for the revetment construction. The purpose of the constructability and marine operations planning will be to ensure that the project is constructable and that potential construction costs related to access, equipment requirements, and production rates are appropriately planned for in the final cost opinions. The constructability review will include planning for anticipated construction operations so that specific requirements, such as permit conditions, can be included in the technical specifications in a manner that does not dictate contractor means and methods. OHM will assist with providing recommendations regarding project delivery methods, constructability reviews, and review of anticipated construction operations.
- 3.5.2 KS will solicit comments from potential contractors regarding constructability or feasibility of specific construction operations, as needed, to support the constructability review.
- 3.5.3 KS will prepare plans for temporary structures or facilities that may be required for efficient in-water construction.
- 3.5.4 KS will coordinate with the regulatory agencies to ensure short term impacts during construction are considered in their review and included in the final permits. KS will request a waiver of in-water work restrictions from ODNR and the USACE if the results of the constructability review suggest a waiver will be required for the contractor to meet the schedule requirements.
- 3.5.5 The deliverable for this item will be a matrix of potential construction operations and will list potential efficiencies or challenges with each alternative.

3.6 Prepare 90% Design Documents

- 3.6.1 KS will perform concept refinement and detailed design to develop 90% design documents for the proposed project. The 90% design will incorporate input from The City's review of the 60% design documents and environmental review staff as the permit reviews near completion. The 90% drawings are expected to include:
 - Title sheet and location map,
 - General notes,
 - Anticipated permit conditions,
 - Existing site plans,
 - Construction access plans,
 - Demolition plans identifying existing structures planned to be demolished,
 - Plans showing material stockpile locations and transport routes for potential construction by land or site access and mooring requirements for potential construction with marine equipment,
 - Site plans showing the final condition of the project area following the rehabilitation,
 - Layout and location plans showing coordinates of proposed structures,
 - Elevation views of proposed structures,
 - Cross sections of proposed structures,
 - Construction details for proposed structures, and
 - Storm Water Pollution Prevention Plans (if required) or Best Management Practices for material stockpile areas.
- 3.6.2 KS will prepare technical specifications to be included in the bid documents.

- 3.6.3 KS will prepare an updated, 90% level, opinion of probable construction costs.
- 3.6.4 KS will attend one design review meeting with The City to present and discuss the 90% design.

3.7 Supplemental Permitting

- 3.7.1 KS will coordinate with the U.S. Coast Guard regarding navigation impacts in the Huron River.
- 3.7.2 KS will prepare an application for a Floodplain Development Permit (if required) for the proposed project.
- 3.7.3 If required KS will prepare a Notice of Intent for submittal to the OEPA.

The Contractor that is hired to construct the project will be responsible for obtaining any local building permits required for the proposed construction.

The final OEPA application fees, up to \$2,400, will be due once permits are issued. OEPA application fees are dependent on the overall project impacts. OEPA application fees are not included in this proposal and are the financial responsibility of the City.

3.8 Final Design and Construction Documents

- 3.8.1 After your notice to proceed or receipt of all regulatory authorizations, KS will prepare 100% construction plans, technical specifications and a final engineer's opinion of probable construction costs for the project.
- 3.8.2 KS will attend one review meeting after delivering the final construction documents.

Phase 4 – Bidding and Construction Phase Services

4.1 Bidding Phase Services

- 4.1.1 KS will coordinate and attend a pre-bid meeting with potential contractors.
- 4.1.2 KS will answer questions from contractors during the bidding period to provide clarifications regarding design intent, permit conditions, bid items, quantities, or other items requiring additional information for submittal of the bids.
- 4.1.3 KS will prepare any addenda required during the bidding period.
- 4.1.4 KS will review the bids, prepare a tabulation of the bid results, and make a recommendation of the lowest responsive and responsible bidder.

4.2 Construction Phase Services

- 4.2.1 KS will provide Engineer of Record services during construction, including submittal review, responding to contractor requests for information (RFIs), and coordinating with regulatory agencies.
- 4.2.2 KS will attend bi-weekly construction status meetings during the construction phase.

- 4.2.3 KS will be available to attend weekly construction observation site visits throughout the construction period. The fee for this item is based on the assumption that on-site construction observation will be limited to one day per week for an eight-month construction period.

4.3 Project Closeout

- 4.3.1 KS will review as-built drawings (to be prepared by the Contractor).
- 4.3.2 KS will prepare and submit project completion notifications to the USACE, ODNR and OEPA upon construction completion.

Clarifications

The engineer's opinion of probable construction cost will be made based on the engineer's experience and qualifications and represent the engineer's best judgment as an experienced and qualified professional generally familiar with the construction industry. However, because the engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, the engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable construction cost prepared by the engineer.

Additional Services

KS has estimated the man-hours necessary to perform this work based on our past experience and our understanding of the prevailing requirements. We have included a modest amount for MINOR revisions that may be requested or required by the reviewing agencies. If extensive revisions are mandated by ODNR, the USACE, the OEPA, or the City after permit drawings and applications are completed, we will seek additional compensation before beginning such out-of-scope work.

The scope of services included above describes all services to be provided by KS under this contract. Any items not specifically listed in this proposal are not included. If the City requests additional surveying or engineering services beyond those included in this proposal, or if KS determines that additional services are required, KS will request a modification to this contract before the services are provided.

Timetable

KS will prepare a detailed schedule upon receipt of a signed contract based on the estimated timelines for the milestones below:

Phase 1 – Site Investigations: 2 Months

Phase 2 – Preliminary Design and Preparation of Permit Applications: 2 Months

Phase 3 – Design Development, Regulatory Coordination and Construction Documents: 12 Months

Phase 4 – Bidding and Construction Phase Services: 10 Months

We will endeavor to meet schedule commitments that are within our control. However, the overall project development schedule will be dependent on the time required to obtain regulatory authorizations, which is beyond the control of the KS or the City.

Please be advised that weather conditions often do not allow for in-water site investigations, such as the hydrographic surveys and geotechnical investigations, to be completed during the winter due to the formation of ice on the river or Lake Erie.

Fee & Standard Conditions

Our fee for the cited scope of services will be a lump sum of \$418,500 and is anticipated to be billed as follows.

<u>Task Description</u>	<u>Fee</u>	
Phase 1 - Site Investigations		
1.1 Hydrographic, Topographic, and Limited Boundary Survey	\$22,000	Lump Sum
1.2 Metocean Analysis	\$8,300	Lump Sum
1.3 Geotechnical Investigations	\$76,100	Allowance
Phase 2 - Preliminary Design and Preparation of Permit Applications		
2.1 Concept Refinement	\$6,500	Lump Sum
2.2 Initial Regulatory Coordination	\$4,200	Lump Sum
2.3 Preliminary 30% Design	\$29,700	Lump Sum
2.4 Prepare USACE Permit Application	\$15,500	Lump Sum
2.5 Prepare OEPA Permit Application	\$18,400	Lump Sum
Phase 3 - Design Development, Coordination and Construction Documents		
3.1 Regulatory Coordination	\$20,700	Lump Sum
3.2 Environmental Study (Assumed not to be required)	\$0	Lump Sum
3.3 Material Sampling and Testing (Assumed not to be required)	\$0	Lump Sum
3.4 Prepare 60% Documents	\$35,000	Lump Sum
3.5 Constructability Review and Marine Operations Planning	\$20,800	Lump Sum
3.6 Prepare 90% Design Documents	\$39,500	Lump Sum
3.7 Supplemental Permitting	\$6,000	Lump Sum
3.8 Final Design and Construction Documents	\$24,500	Lump Sum
Phase 4 - Bidding and Construction Phase Services		
4.1 Bidding Phase Services	\$9,300	Not to Exceed
4.2 Construction Phase Services	\$75,000	Not to Exceed
4.3 Project Closeout	\$7,000	Not to Exceed
Project Total	\$418,500	

KS will bill monthly for services rendered. Phases 1, 2, and 3 will be billed based on percentage completion of the lump sum fees. The allowance for geotechnical investigations will be billed at cost. Phase 4 will be billed at our standard rates at the time services are delivered and will not exceed the contract amounts listed above without prior written consent. Reimbursable expenses are included in the lump sum and not to exceed fees for each Phase. OEPA application and public notice fees are expected to be approximately \$6,000 and are not included in this proposal. OEPA application and public notice fees are the financial responsibility of the City.

By accepting this proposal, you agree to the Standard Conditions which are integral parts of this Agreement. In order to initiate services, please have a properly authorized person sign this page, sign the Standard Conditions, and return the entire Agreement including attachments to KS.

If you have any questions or comments, please call me at 419-239-5935 or email to ccencerm@ksassociates.com. This professional services proposal is valid until December 31, 2024.

Sincerely,

KS ASSOCIATES, INC.



Mark P. Cencer, P.E.
Director of Coastal Engineering

Attachments:
Standard Conditions

c: Lynn S. Miggins, P.E., President, KS Associates, Inc.
Project File / Billing File

This Proposal is hereby accepted by:

City of Huron
417 Main Street,
Huron, Ohio 44839

Authorized Signature

Date

Printed Authorized Signature

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STANDARD CONDITIONS

Fee

The total fee shall be understood to be an estimate, based upon Scope of Services, and shall not be exceeded without written approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those that prevail at the time services are rendered. Reimbursable expenses will be invoiced at cost with no markup.

Billings/Payments

Invoices for services and reimbursable expenses shall be submitted, at KS's option, either upon completion of the services or on a monthly basis. Invoices shall be payable within 30 days after the invoice date. A service charge of 1.5% (or the maximum legal rate) per month will be applied to the unpaid balance after 30 days from the invoice date. KS shall have the right to suspend/terminate services if payment is not received within 60 days after the invoice date and KS shall have no liability for any resultant delays or damages incurred by the Client as a result of such suspension/termination. Retainers shall be credited on the final invoice. The Client agrees to pay all costs of collection, including but not limited to reasonable attorney's fees.

Standard of Care

In providing services under this Agreement, KS will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. KS will perform its services as expeditiously as is consistent with professional skill and care and the orderly progress of KS's part of the Project. Regardless of any other term or condition of this Agreement, KS makes no express or implied warranty of any sort. All warranties, including warranty of merchantability or warranty of fitness for a particular purpose, are expressly disclaimed.

Consequential Damages

Notwithstanding any other provision to the contrary, and to the fullest extent permitted by law, neither the Client nor KS shall be liable to the other for any incidental, indirect or consequential damages arising out of or connected in any way to the Project or this Agreement. This mutual waiver of consequential damages shall include, but not be limited to, loss of use, loss of profit, loss of business or income or any other consequential damages that either party may have incurred from any cause of action whatsoever.

Unforeseeable Conditions

A condition is unforeseeable if concealed or is not capable of investigation by reasonable visual observation. If KS has reason to believe that such a condition may exist, the Client shall authorize and pay for all costs associated with the investigation of such a condition. If (1) the Client fails to authorize such investigation after such due cause of action in favor of a third party notification, or (2) KS has no reason to believe that such a condition exists, KS shall not be responsible for the existing conditions or any resulting damages or losses resulting therefrom.

Hazardous Materials/Mold

KS shall have no responsibility for the discovery, presence, handling, removal, disposal or exposure of persons to hazardous materials of any form including mold. The Client shall inform KS of any potentially hazardous condition prior to KS performing the services.

Indemnifications

~~The Client agrees, to the fullest extent permitted by law, to indemnify and hold KS and its subconsultants harmless from and against any and all damage, losses or cost (including reasonable attorneys' fees and defense costs) caused in whole or in part by its acts, errors or omissions and those of anyone for whom they are legally liable. KS further agrees to indemnify the Client for damages arising from its own negligent errors, acts or omissions.~~

Limitation of Liability

~~In recognition of the relative risks and benefits of the project to both the Client and KS, the Client agrees, to the fullest extent permitted by law, to limit KS's total liability to the Client or anyone making claims through the Client, for any and all damages or claim expenses (including attorney's fees) arising out of this Agreement, from any and all causes, to the amount of KS's actual fee charged to the client, or another amount agreed upon in writing and signed by both parties.~~

Termination of Services for Convenience

This Agreement may be terminated upon written notice by the Client for its convenience. In the event of termination, the Client shall pay KS for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.

Termination of Services for Default

This Agreement may be terminated upon 10 days written notice by either party should the other fail to perform their obligations hereunder. In the event of termination, the Client shall pay KS for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.

Ownership of Documents

All documents produced by KS under this Agreement, including electronic files, shall remain the property of KS and may not be used by this Client for any other purpose without the written consent of KS. Any such use or reuse shall

be at the sole risk of the Client who shall defend, indemnify and hold KS and its subconsultants harmless from any and all claims and/or damages arising therefrom. Electronic files are not contract documents and cannot be relied upon as identical to contract documents because of changes or errors induced by translation, transmission, or alterations while under the control of others. Use of information contained in the electronic files is at the user's sole risk and without liability to KS and its subconsultants.

Defects in Service

The Client shall promptly report to KS any defects or suspected defects in KS's services. The Client further agrees to impose a similar notification requirement on all contractors in its Client/Contractor contract and shall require all subcontracts at any level to contain a like agreement. Failure by the Client and the Client's contractors or subcontractors to notify KS shall relieve KS of the costs of remedying the defects above the sum such remedy would have cost had prompt notification been given when such defects were first discovered.

Construction Activities

KS shall not be responsible for (1) the acts or omissions of any one performing any of the Work, (2) the instructions given by the Client or its representatives to any one performing any of the Work, (3) the means and methods of anyone performing any of the Work, (4) job-site safety.

Dispute Resolution

In the case of a claim or dispute between the Client and KS, at least one principal from each party shall enter into a negotiation to resolve the dispute. If the parties cannot reach resolution, the claim or dispute shall then be submitted to non-binding mediation, subject to the parties agreeing to a mediator(s). If the Parties cannot agree upon a mediator the claim or dispute shall be submitted to the American Arbitration Association (AAA) for mediation in accordance with the Construction Arbitration and Mediation Rules of the AAA then in effect. Unless otherwise specified, the laws of the State of Ohio shall govern this Agreement.

No Third Party Beneficiaries

Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or the Consultant. The Consultant's services under this Agreement are being performed solely for the Client's benefit, and no other party or entity shall have any claim against the Consultant because of this Agreement or the performance or nonperformance of services hereunder. The Client and Consultant agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors and other entities involved in this Project to carry out the intent of this provision.

Standard Conditions Accepted by the City:

Authorized Signature

Title

Date

W:\Contracts\KS Standard Conditions\Signable KS Standard Conditions 9-19-17.doc



TO: Mayor Tapp and City Council
FROM: Jen Kilbury
RE: Resolution No. 74-2024 (*submitted by Matt Lasko*)
DATE: September 24, 2024

Subject Matter/Background

This legislation is requesting permission to participate the many available cooperative purchasing programs. What these programs allow the City to do is to search these programs for pre-bid and pre-approved pricing. Purchasing from these programs removes the requirement to go out to bid if purchased from one of the approved contracts as these programs have already put the items out to bid.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 74-2024 is in order.

[Resolution_No._74-2024_Cooperative_Purchasing_Programs\(1191786.3\).docx](#)

RESOLUTION NO. 74-2024

Introduced by: Joel Hagy

A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN JOINT PURCHASING PROGRAMS FOR THE BALANCE OF 2024, REQUESTING THAT THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES AUTHORIZE THE CITY TO PARTICIPATE IN JOINT PURCHASING AGREEMENTS FOR THE PURCHASE OF SUPPLIES AND SERVICES THROUGH CONTRACTS WITH THE DEPARTMENT AND OTHERS, AND DIRECTING THE FINANCE DIRECTOR AND/OR CITY MANAGER TO EXECUTE SUCH DOCUMENTS AS IS NECESSARY TO PARTICIPATE IN ANY AND ALL AVAILABLE JOINT PURCHASING PROGRAMS FOR THE PURCHASE OF SUPPLIES AND SERVICES OFFERED THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES AND OTHER COOPERATIVE PURCHASING PROGRAMS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

WHEREAS, pursuant to Section 1.02 of the Charter of the City of Huron, the City reserved for itself all powers of local self-governance not in conflict with the general laws of the Ohio and the United States, including the power to enter into contracts for the purchase of supplies and services; and

WHEREAS, pursuant to the authority granted by its Charter, the City desires to participate in all available competitively solicited contracts, known as joint purchasing programs, that are generally available to political subdivisions in Ohio for the purchase of supplies and services in lieu of purchasing such supplies or services directly through separate contracts entered into following competitive bidding processes; and

WHEREAS, the Ohio Department of Administration Services (ODAS), Ohio Department of Transportation (ODOT), General Services Administration (GSA), U.S. Communities Government Purchasing Alliance, Sourcewell, National Institute of Government Purchases (NIGP), and other governmental cooperative programs that are non-profit instruments of the government, assist local and state agencies in reducing costs of purchased goods through competitively solicited contracts; and

WHEREAS, Section 125.04 of the Ohio Revised Code provides that a political subdivision wishing to participate in any and all joint purchasing programs offered through ODAS, must request ODAS to permit it to participate in contracts entered into by ODAS or other organizations for the purchase of supplies and services by providing a certified copy of legislation authorizing the participation in such contracts, agreeing to be bound by such terms and conditions as ODAS shall prescribe, and affirming that it will directly pay the vendor under each purchase contract; and

WHEREAS, Council desires to authorize the Finance Director and/or City Manager to participate in all such joint purchasing programs for the purchase of supplies and services on behalf of the City for the balance of calendar year 2024 under such terms and conditions as prescribed by the offering government agency or third party.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, STATE OF OHIO:

Section 1: That Council requests that the City be permitted to participate in any and all available joint purchasing contracts for the purchase of supplies and services for the balance of calendar year 2024, including but not limited to such contracts entered into by the Ohio Department of Administrative Services ("ODAS"), and made available to the City pursuant to R.C. 125.04.

Section 2: That Council directs the Director of Finance and/or City Manager to participate in ODAS and other governmental or third party cooperative programs for the purchase of supplies and services for the City, by agreeing to be bound by such terms and conditions as ODAS or such other governmental or third party joint purchasing program prescribes and agreeing to directly pay the vendor under any such purchase contract.

Section 3: That Council directs that a certified copy of this Resolution be filed with the ODAS, as required by ORC 125.04(A)(2), and with such other governmental agencies or third parties as necessary for the City to participate in such joint purchasing programs.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Jen Kilbury
RE: Resolution No. 76-2024 (*submitted by Jack Evans*)
DATE: September 24, 2024

Subject Matter/Background

The Water Filtration Plant is needing to purchase 6 new Rotork actuators from Northcoast Process Controls Inc. in the amount of \$33,875.00. The existing Auma Actuators on the filter to waste valves have reached their useful life and are due for replacement. The Water Filtration Plant budgets to replace a set of actuators each year until all have been replaced.

Financial Review

Six (6) new Rotork actuators for Northcoast Process Controls Inc. in the amount of \$33,875.00 will be paid out of account number 603-9501-55976 (Water Capital).

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 76-2024 is in order.

[Resolution No. 76-2024 Rotork IQT Electric Valve Actuators \\$33,875.docx](#)

[Exhibit A Northcoast Process Controls.pdf](#)

[Exhibit B Northcoast Process Controls.pdf](#)

RESOLUTION NO. 76-2024

Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH NORTHCOAST PROCESS CONTROLS FOR THE PURCHASE OF FIVE (5) NEW ROTORK IQT ELECTRIC VALVE ACTUATORS TO REPLACE EXISTING 6" FILTER TO WASTE BUTTERFLY VALVES, AND ONE (1) 6" BUTTERFLY VALVE ASSEMBLY FOR THE FILTER TO WASTE LINE AT THE WATER FILTRATION PLANT IN THE AMOUNT OF THIRTY-THREE THOUSAND EIGHT HUNDRED SEVENTY-FIVE AND XX/100 DOLLARS (\$33,875.00)

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City Manager shall be, and he hereby is, authorized and directed to accept the proposal and enter into an agreement with Northcoast Process Controls for the purchase of five (5) New Rotork IQT Electric Valve Actuators and one (1) 6" Butterfly Valve Assembly for FTW Line for the Water Filtration Plant in the amount of Thirty-Three Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$33,875.00), copies of the proposals are attached hereto as Exhibits A and B and incorporated herein by reference.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

QUOTATION

Northcoast Process Controls

P.O. Box 39071 ■ Cleveland, Oh 44139
Tel: (440) 498-0542 ■ Fax: (440) 498-1257
Email: sales@northcoastprocess.com

TO: City of Huron Water Division
500 Cleveland Road West
Huron, Ohio 44839

Attention: Jack Evans
Phone: 419-433-9502

jack.evans@huronohio.us

Quote Number		NPC-R0921025
Date		September 4, 2024
Your Inquiry		Verbal Request
Shipment	Sched.	Approx 12 Weeks ARO
	VIA	PPD+Add
F.O.B.		Shipping Point
Quote Validity		30 Days
TERMS: Net 30 days. Purchase Order acceptance is contingent upon the approval of our credit department		
Order Placement: All purchase orders resulting from this quote should be addressed to: Northcoast Process Controls Co. P.O. Box 39071, Cleveland, OH 44139		

Itm	Qty	Description	Price	Amount										
1	1	<div>6” Butterfly Valve Assembly for FTW Line</div> <div>(1) Valve Actuator - as outlined below</div> <div>(1) 6” Butterfly Valve</div> <div>(1 Trip) Supervisory Start-Up Assistance</div> <div>➤ Rotork Electric Actuator Model IQT-500 for new 6” Butterfly Valve</div> <table><tr><td>Prime Power</td><td>120VAC. 1PH. 60HZ.</td></tr><tr><td>Enclosure</td><td>NEMA 4,6, Water Tight</td></tr><tr><td>Handwheel Manual Over-Ride</td><td>Standard</td></tr><tr><td>Operating Time</td><td>60 Seconds (Adjustable)</td></tr><tr><td>Wiring Diagram</td><td>310B0000</td></tr></table> <div>FEATURES INCLUDED:</div> <div><ul style="list-style-type: none">Reversing Motor ControllerControl Transformer -120VACLocal/Remote Selector SwitchOpen/Stop/Close PushbuttonsHandwheel w/De-clutch LeverStandard "Intelligent" features per E110EAnti-Hammer ProtectionInstantaneous Reversal ProtectionAutomatic Phase Correction and DetectionSeparate, Sealed Compartment for Electrical Connections (double 'o'ring seals)LCD valve position indicator- % Travel and Open/Close/Intermediate LightsNon-Intrusive Setting W/ "Infra-Red" setting tool.4 Programmable Indication Contacts(1) Trip supervisory start-up assistance, as required.</div>	Prime Power	120VAC. 1PH. 60HZ.	Enclosure	NEMA 4,6, Water Tight	Handwheel Manual Over-Ride	Standard	Operating Time	60 Seconds (Adjustable)	Wiring Diagram	310B0000	\$6,200.00	\$6,200.00
Prime Power	120VAC. 1PH. 60HZ.													
Enclosure	NEMA 4,6, Water Tight													
Handwheel Manual Over-Ride	Standard													
Operating Time	60 Seconds (Adjustable)													
Wiring Diagram	310B0000													

Salesperson: Mike Bais

QUOTATION

Northcoast Process Controls

P.O. Box 39071 ■ Cleveland, Oh 44139
Tel: (440) 498-0542 ■ Fax: (440) 498-1257
Email: sales@northcoastprocess.com

TO: City of Huron Water Division
500 Cleveland Road West
Huron, Ohio 44839

Attention: Jack Evans
Phone: 419-433-9502

jack.evans@huronohio.us

Quote Number		NPC-R0921025
Date		September 4, 2024
Your Inquiry		Verbal Request
Shipment	Sched.	Approx 12 Weeks ARO
	VIA	PPD+Add
F.O.B.		Shipping Point
Quote Validity		30 Days
TERMS: Net 30 days. Purchase Order acceptance is contingent upon the approval of our credit department		
Order Placement: All purchase orders resulting from this quote should be addressed to: Northcoast Process Controls Co. P.O. Box 39071, Cleveland, OH 44139		

Itm	Qty	Description	Price	Amount
		Valve Specifications Manufacturer: Homestead Valve Co. Type : Series 820 Resilient Seated AWWA Butterfly Size : 6" Class 150B Flanged Body Body : Ductile Iron Disc : Ductile Iron W/S.S. Edge Paint: Fusion Bond Epoxy (NSF-61 Certified) Seat : Rubber on Body Actuator: IQT-500		
2	1	Freight Estimate	→	\$175.00

Salesperson: Mike Bais

QUOTATION

Northcoast Process Controls

P.O. Box 39071 ■ Cleveland, Oh 44139
 Tel: (440) 498-0542 ■ Fax: (440) 498-1257
 Email: sales@northcoastprocess.com

TO: City of Huron Water Division
 500 Cleveland Road West
 Huron, Ohio 44839

Attention: Jack Evans
Phone: 419-433-9502

jack.evans@huronohio.us

Quote Number		NPC-R0921024
Date		September 4, 2024
Your Inquiry		Verbal Request
Shipment	Sched.	Approx 12 Weeks ARO
	VIA	PPD+Add
F.O.B.		Shipping Point
Quote Validity		30 Days
TERMS: Net 30 days. Purchase Order acceptance is contingent upon the approval of our credit department		
Order Placement: All purchase orders resulting from this quote should be addressed to: Northcoast Process Controls Co. P.O. Box 39071, Cleveland, OH 44139		

Itm	Qty	Description	Price	Amount										
1	5	<p>Rotork IQT Electric Valve Actuator for Existing 6” FTW BFV</p> <p>(1) Valve Actuator - as outlined below (1 Trip) Supervisory Start-Up Assistance</p> <p>➤ Rotork Electric Actuator Model IQT-500 for existing 6” Butterfly Valve</p> <table><tr><td>Prime Power</td><td>120VAC. 1PH. 60HZ.</td></tr><tr><td>Enclosure</td><td>NEMA 4,6, Water Tight</td></tr><tr><td>Handwheel Manual Over-Ride</td><td>Standard</td></tr><tr><td>Operating Time</td><td>60 Seconds (Adjustable)</td></tr><tr><td>Wiring Diagram</td><td>310B0000</td></tr></table> <p>FEATURES INCLUDED:</p> <ul style="list-style-type: none">• Reversing Motor Controller• Control Transformer -120VAC• Local/Remote Selector Switch• Open/Stop/Close Pushbuttons• Handwheel w/De-clutch Lever• Standard "Intelligent" features per E110E• Anti-Hammer Protection• Instantaneous Reversal Protection• Automatic Phase Correction and Detection• Separate, Sealed Compartment for Electrical Connections (double 'o'ring seals)• LCD valve position indicator- % Travel and Open/Close/Intermediate Lights• Non-Intrusive Setting W/ "Infra-Red" setting tool.• 4 Programmable Indication Contacts• Machining of actuator drive bushing to match existing valve shaft.• Mounting Hardware/Adaptation, as required.• (1) Trip supervisory start-up assistance, as required.	Prime Power	120VAC. 1PH. 60HZ.	Enclosure	NEMA 4,6, Water Tight	Handwheel Manual Over-Ride	Standard	Operating Time	60 Seconds (Adjustable)	Wiring Diagram	310B0000	\$5,450.00	\$27,250.00
Prime Power	120VAC. 1PH. 60HZ.													
Enclosure	NEMA 4,6, Water Tight													
Handwheel Manual Over-Ride	Standard													
Operating Time	60 Seconds (Adjustable)													
Wiring Diagram	310B0000													
2	1	Freight Estimate	→	\$250.00										

Salesperson: Mike Bais



TO: Mayor Tapp and City Council
FROM: Jen Kilbury
RE: Resolution No. 50-2024 Adopted 06/11/2024, Amend (*Submitted by Stuart Hamilton*)
DATE: September 24, 2024

Subject Matter/Background

This project was transferred from OHM to Transystems, and all the OHM files were transferred also. It came to light that the OHM survey details were for the original resurfacing project and not the current one. To complete the base survey for the current project, additional survey work in the amount of \$13,455 is required.

Financial Review

The field surveying and mapping relating to the US 6 Phase II Project (ERI US 00006 16.07) in an amount not to exceed \$13,455.00 will be paid out of account #401-9500-55965 (Route 6 Corridor Project).

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion amending Resolution No. 50-2024 is in order.

[Resolution No. 50-2024 \(Amend\) TranSystems \\$13,455.00.docx](#)

[Exhibit A Resolution 50-2024 \(Amended\) ERI-US 0006.16.07 KS proposal 240909.pdf](#)

AMENDED RESOLUTION NO. 50-2024

Introduced by William Biddlecombe

A RESOLUTION AMENDING RESOLUTION NO. 50-2024 ADOPTED ON JUNE 11, 2024, AUTHORIZING THE CITY MANAGER TO ACCEPT CHANGE ORDER NO. 1 FROM TRANSYSTEMS FOR FIELD SURVEYING AND MAPPING RELATING TO THE US 6 PHASE II PROJECT (ERI US 00006 16.07) IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND FOUR HUNDRED AND FIFTY-FIVE AND XX/100 DOLLARS (\$13,455.00), FOR AN AGGREGATE TOTAL OF THREE HUNDRED EIGHTY-TWO THOUSAND NINE HUNDRED TWENTY-FOUR AND XX/100 DOLLARS (\$382,924.00)

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City Manager shall be, and he hereby is, authorized and directed to accept change order No. 1 with TranSystems for field surveying and mapping relating to the US 6 Phase II Project (ERI US 00006 16.07) in an amount not to exceed Thirteen Thousand Four Hundred and Fifty-Five and xx/100 Dollars (\$13,455.00), for an aggregate total of Three Hundred Eighty-Two Thousand Nine Hundred Twenty-Four and xx/100 Dollars (\$382,924.00), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

September 09, 2024

Engineers + Surveyors

Ms. Gail H. Massie, P.E.
TranSystems
400 W. Nationwide Blvd., Suite 225
Columbus, Ohio 43215

260 Burns Road, Suite 100
Elyria, Ohio 44035
P 440 365 4730
ksassociates.com

**Re: ERI US 00006 16.07 PID 107223
City of Huron, Ohio
Survey Proposal**

Dear Ms. Massie:

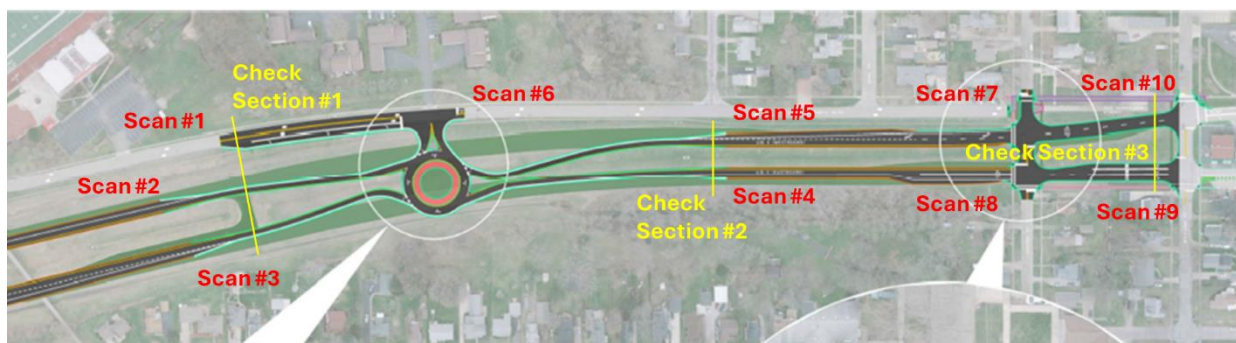
KS Associates, Inc. (KS) is providing TranSystems (Client) with the following proposal of surveying services. The services in this proposal are to provide surveying for use in design and reconstruction for the above referenced project. These services and associated fees are as follows:

2.3.A – Field Survey and Mapping

Scope of Services - Perform surveying services and provide deliverables including the following details and clarifications:

Task 2.3.A.C.2 – Base Mapping RW Project

- **Quality Mapping Analysis and Adjustment**
The digital terrain model (DTM) for this project was previously developed for a differently scoped project. The DTM, provided by OHM, will be checked at the three section locations shown below against detailed survey to determine the quality of the existing model. Assuming adequate quality for this Project's scope can be obtained, the DTM will be adjusted vertically for use in the detailed design effort.
- **Critical Tie-in Survey Detail**
Presently, the proposed roadway will tie into the existing roadway at ten distinct locations as shown below. The current basemap, again developed by OHM for a differently scope project, does not contain a sufficient amount of detail to support the scope of this project. Therefore, at these ten critical locations, additional survey data will be gathered and incorporated into the basemap to adequately support the anticipated roadway geometry modifications.



Ms. Gail H. Massie, P.E.
TranSystems
September 9, 2024
Page 2 of 2

KS ASSOCIATES

Project Deliverables - Provide TranSystems with a survey base map in ORD. Survey control points information, reference ties and a survey report outlining results of the survey will be provided. Surveying to be performed per current ODOT Survey and Mapping Specifications.

Fees - The above services will be provided on a time and materials basis anticipated not to exceed *Thirteen Thousand Four Hundred and Fifty-five Dollars (\$13,455.00)*. See attached schedule for breakdown of hours and expenses.

We trust that these services will meet with your objectives. Feel free to contact me should you have any questions regarding this matter.

Sincerely,

KS ASSOCIATES, INC.



Scott A. Horan, P.E., P.S.
Director of Surveying Services

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PROPOSAL COST SUMMARY

COUNTY/ROUTE/SECTION:	ERI US 0006-16.07									
PID NO.:	107223	Overhead Percentage =				154.29%				
CONSULTANT:	KS Associates, Inc.	Net Fee Percentage =				11.00%				
DATE:	9-Sep-24	Cost of Money =				0.60%				
Task - Description		Hourly Rate	Total Hours	Labor Costs	Overhead Costs	Cost of Money	Direct Costs	Subcon. Costs	Net Fee	Total Cost
2.3.A - Field Survey and Aerial Mapping										
2.3.A.C.1 - Base Mapping No R/W Project										
2.3.A.C.1.1 - Quality Mapping Analysis		\$53.47	30	\$1,604	\$ 2,475	\$ 10	\$ -	\$ (1)	\$ 446	\$ 4,534
2.3.A.C.1.2 - Critical Tie-in Survey Detail		\$47.85	56	\$2,679	\$ 4,134	\$ 16	\$ -	\$ -	\$ 745	\$ 7,575
Subtotal		\$49.81	86	\$4,284	\$ 6,609	\$ 26	\$ -	(\$1)	\$ 1,191	\$ 13,455
TOTAL AUTHORIZED PARTS			86	\$4,284	\$6,609	\$26	\$0	-\$1	\$1,191	\$13,455

PROPOSAL COST SUMMARY
PERSONNEL CATEGORIES, AND LABOR RATES

COUNTY/ROUTE/SECTION:	ERI US 0006-16.07	HOURLY RATES	
PID NO.:	107223	<u>Personnel Category</u>	<u>Salary</u>
CONSULTANT:	KS Associates, Inc.	Director	\$118.27
DATE:	9-Sep-24	PM/PS	\$58.58
		Field Survey Tech	\$40.77
		Survey Technician	\$46.00
		Survey/CAD Technician	\$41.36

Task - Description	HOURS BY PERSONNEL CATEGORY					Total Hours	Labor Costs
	Director	PM/PS	Field Survey Tech (1)	Survey Tech	CAD Tech		
2.3.A - Field Survey and Aerial Mapping							
2.3.A.C.1 - Base Mapping No R/W Project							
2.3.A.C.1.1 - Quality Mapping Analysis	4			12	14	30	\$1,604
2.3.A.C.1.2 - Critical Tie-in Survey Detail	4			12	40	56	\$2,679
Subtotal	8	0	0	24	54	86	\$4,284
TOTAL AUTHORIZED PARTS	8	0	0	24	54	86	4283.6