

**City of Broadview Heights  
Work Session Meeting Minutes  
April 30, 2018**

Mr. Boldt called the **WORK SESSION** meeting to order at 7:33 p.m.

PLEDGE OF ALLEGIANCE

Mr. Price led the Pledge of Allegiance.

ROLL CALL

<b>MEMBERS PRESENT:</b>	Mr. Robert A. Boldt	(Ward 4 Councilor, President)
	Mr. Thomas Pavlica	(Ward 1 Councilor)
	Mr. Brian Wolf	(Ward 2 Councilor)
	Mr. George Stelmaschuk	(Ward 3 Councilor, President Pro-Tem)
	Ms. Jennifer A. Mahnic	(Councilor At-Large)
	Mr. Joe Price	(Councilor At-Large)
	Mr. Glenn R. Goodwin	(Councilor At-Large)
<b>OFFICER(S) PRESENT:</b>	Mr. Samuel J. Alai	(Mayor)
	Mr. Vince Ruffa	(Law Director)
	Mr. Dave Pfaff	(Finance Director)
	Mr. David Schroedel	(Service Director)
	Mr. Gary Yelenosky	(City Engineer)
	Mr. Michael Skvasik	(Building Commissioner)
	Chief Jeffrey Hajek	(Fire Chief) (late)
	Ms. Kristina Sorensen	(Economic Development Director)
	Mrs. Helen Dunlap	(Clerk of Council)
<b>OFFICER(S) ABSENT:</b>	Chief Vizer	(Police Chief)
	Mrs. Amy Jo Washabaugh	(Human Service Director)
	Mrs. Paula Horner	(Parks & Recreation Director)

1. Discussion from the Engineering Department. Mr. Yelenosky

a. **Chapter 1448.19 of the Codified Ordinances**

Mr. Yelenosky stated that this is the amendment to Chapter 1448.19 and this was discussed in committee about the addition of allowing performance bonds and/or cash bonds. He is just looking to amend that section.

Mr. Wolf stated that they discussed that in Building Codes & Public Building Committee and the thought was that with a performance bond, although the person who is applying for it would not pay as much as a cash bond, we could add more things to it so that it would cover additional damages to the streets, other fixtures, fire hydrants and what have you and it would still be an affordable thing. Also they found out that a lawyer is not involved in collecting on a performance bond so the Building Department or Engineer would

go to the performance bond holder and then they would pay out to fix out whatever needed to be paid out for. Like an insurance policy.

Mr. Pavlica stated to Mr. Yelenosky that they discussed this and one of the issues that they had on his street, will this bond cover that cleaning of the sewers and street sweeping even if it is not mentioned in the ordinance. Would it cover it?

Mr. Yelenosky stated that they are in the process of creating a form that will have to be filled out prior to a permit being issued which will include a line item on there for that.

Mr. Pavlica asked will that allow us to go after the bond if we have to perform these duties of say cleaning the catch basins, sewers and getting a street sweeper out there to clean the mud off of the road.

Mr. Yelenosky stated yes as long as we or the applicant is aware of what this would cover then we are able to act on it.

Mr. Pavlica asked Mr. Ruffa if he agrees with that.

Mr. Ruffa stated yes he does as long as the performance bond is appropriate and he would add language in this legislation that basically says a performance bond that is acceptable to the administration, the Building Department, Engineering, whatever. They will figure that out and he asked who looks at those, Mr. Skvasik or Mr. Yelenosky?

Mr. Yelenosky stated that it is usually submitted with the building permit.

Mr. Ruffa stated that we should probably add some language in there in a format or that is acceptable by us so someone can't just try to turn something in that is deficient in any way.

Mr. Goodwin stated also when a contractor registers, don't we give them specific, you know maybe we should have, the administration provide something specifically to those contractors basically you will not leave any mud.

Mr. Boldt stated a checklist. Must be filled. He thinks that is what he is asking and he guesses that is a little thing that he is concerned about, if they do ¾ of it and we are like he is okay and someone forgets about the grass or whatever, they give the money back we have no leverage. So he is not going to micromanage, he is just saying, do we have something in his department to ensure that you are on a weeks' vacation that everything properly gets done and he thinks that is what Mr. Goodwin is asking.

Mr. Yelenosky stated that he thinks that they can accommodate that.

#### **b. Purchase of land for the Route 82 widening project**

Mr. Yelenosky stated that this is the purchase of land and sign which he provided council with the contract for the sign. He was a little late with that. The right of way that we are purchasing is temporary and permanent in front of Rumpke and the sign is the Zinc Insurance sign which is in the amount of just over \$19,000 for the sign.

Mr. Ruffa stated just so he is clear, are we talking 2 different things here.

Mr. Yelenosky stated he should clarify; the document is the bill of sale from tenant and is for parcel 63, that is the sign. If you will see on page 1 item 1, it has the amount and the second is the right of way and purchase contract for parcel 42 which is Rumpke & Rumpke.

Mr. Ruffa stated so Rumpke and Zinc, right?

Mr. Yelenosky stated yes.

Mr. Price asked what have we budgeted for all of these land purchases. Are we coming close to the landmark?

Mr. Yelenosky stated that right now we are on budget. Again, there is really not a lot of latitude to go over budget. We have some flexibility in terms of negotiations. If it gets to a certain point, we would have to appropriate which he thinks that as of right now we have only had to appropriate 1 property so far so we are definitely within budget as of now.

Mr. Price stated that it seems like we are buying an awful lot of signs and that is why he asks.

Mr. Yelenosky stated that we are impacting property that has some signs on it and this one is one of the higher dollar ones because it is illuminated. He thinks that it is a fairly newer sign. He is not buying the sign back either.

### **c. Wright Road concrete**

Mr. Yelenosky stated that as many of you know we are in construction over on Wright Road replacing the water main. The original design plans included an asphalt road. He wanted to present council with an alternative and his recommendation which would be to go concrete. We ran into some rock so really our initial design really isn't viable, he shouldn't say not viable, it has to be modified, we were calling for stabilization which right now we probably wouldn't do so really it comes down to asphalt or concrete. What he provided council was a breakdown with all of the backup paperwork and probably the most important thing for council to review is that it is labeled page 1 of 1 and it is from Ronyak Bros. Paving. It talks about what exactly we would be doing so 8" concrete with fiber for \$55 sq. yd. with 4" sub-base at \$57 per cubic yard. There is additional back up paperwork so his recommendation would be for council to approve the additional charge of roughly about \$116,000 more but we would be getting an 8" concrete road.

Mr. Stelmaschuk stated that he understands what he is saying but he just, they did a great job on Sprague there with that white topping, is that an alternative option here at all.

Mr. Yelenosky stated that he believes that would exceed the amount. He think to be honest, he thinks only concrete is the best way to go still with keeping in reason of the cost. We found out that the road after we milled was only 5" thick of concrete so it is not holding up during the construction. There is a lot of heavy equipment going back and forth and one thing that they did find was the rock and that the subgrade is in decent shape.

Mr. Stelmaschuk stated that he wasn't sure if that was a less expensive option but it sounds like.

Mr. Yelenosky stated that it would be an additional, there would be more cost associated with that.

Mr. Price stated that he is kind of looking down stream, it is usually more cost effective to be able to come in and mill and resurface the road in 20 years rather than doing sections of concrete in 25-30.

Mr. Yelenosky stated that there are really 2 schools of thought. Concrete from a long term standpoint, as long as it is maintained and everything is done properly requires far less maintenance than asphalt, however the maintenance on asphalt is extremely easier.

Mr. Price asked if we have storms on that road.

Mr. Yelenosky stated correct, the storm and sanitary was camera'd before we did any work and verified that it is in decent shape.

Mr. Price asked if they are going to curb and gutter or will it just be a rolled curb.

Mr. Yelenosky stated that it will be a rolled curb. All the aprons are now going to be replaced in concrete 6" thick.

Mayor Alai asked if we are still within engineer's estimate within that range.

Mr. Yelenosky stated that is a great question and yes we are within the engineering estimate. We had about \$200,000, or the bid came in about \$200,000 lower so we would have about \$100,000 still from that estimate lower. If council does recall, we did receive a decent amount of money from Cleveland Water Department, just over \$1 million.

Mr. Wolf asked if this project is going to take any longer or get done quicker with this.

Mr. Yelenosky stated that it should remain just on schedule, maybe accelerated just a little bit because we don't have to go through stabilization.

Mr. Pavlica stated that he is assuming looking at this one concrete, it is all ODOT spec'd, right?

Mr. Yelenosky stated that it is all ODOT specifications.

Mr. Pavlica stated fiber mesh and the wires and the hook bolts and everything. The only other question because they talked about this pretty lengthy before the meeting, the rock, was that anticipated?

Mr. Yelenosky stated that it was not anticipated.

Mr. Ruffa asked Mr. Yelenosky that he said Ronyak Bros. is the one.

Mr. Yelenosky stated that it is Catts Construction. They are a subsidiary of Ronyak Bros. Catts is the prime. He was just referring to the sheet for reference so council could see the actual price. There is a lot of back up documentation that he provided.

## 2. Discussion from the Building Department. Mr. Skvasik

### a. Chapter 1268.02 of the Codified Ordinances

Mr. Skvasik stated that this legislation that he is proposing has also been proposed through council committee, it is a change to Chapter 1268.02. It essentially allows an accessory structure when there is a detached garage on the property. The previous addition to the code prohibited an accessory structure when there was a detached garage on the property.

Mr. Wolf stated that they spoke about this at Building Codes as well and basically it changes the wording to consider a garage a garage whether it is attached or detached and it is really not a big change.

3. Discussion from the Economic Development Department. Ms. Sorensen

Ms. Sorensen stated that all 3 items that are before you relate to the same project.

**a. Accepting a \$25,000 donation from the Broadview Heights Community Foundation for the building of the Community Amphitheater**

Ms. Sorensen stated that this is requesting authority to accept \$25,000 that the Community Foundation would be contributing towards the Community Amphitheater project. Her understanding is that this organization has been fundraising in the community for some time to try to donate this money for this purpose. She thinks that a letter was sent and should be in Dropbox from the Community Foundation about their intention to contribute this money and donate it should council approve it.

**b. Accepting a \$50,000 grant from Cuyahoga County for the Community Amphitheater**

Ms. Sorensen stated that we were awarded again this \$50,000 from Cuyahoga County towards this project and they did finally send over the contract which is in Dropbox as well. She is just asking for authority to go ahead and accept that.

**c. Apply for the 2018 Natureworks Grant for the Broadview Heights Community Amphitheater Project**

Ms. Sorensen stated that this brings us to \$75,000 on this project. We are trying to do this project obviously and be fiscally responsible so in doing that and looking to supplement any additional items with the amphitheater project they are looking to apply to the Natureworks Grant for the remaining balance this year. She is asking for authority to do that.

4. Discussion from the Service Department. Mr. Schroedel

**a. Concrete for Spotlights building**

Mr. Schroedel stated that 2 of these 3 items are the concrete. The reason that he is bringing the concrete for the Spotlights here is we will exceed the minimum of \$10,000 so he thought it best to come to council even though we will be accepting a bid most likely from the same company or a quotation anyways so the \$13,500 for the Spotlights, we have an estimate of \$12,000 for the footers and the pad and he added \$1,500 for the miscellaneous sidewalks and other concrete that we may need so the \$13,500 is a not to exceed number and it is conservative. That is what he would like council to approve.

Mr. Stelmaschuk stated that just to rehash what they had discussed earlier, this is all going to get paid back eventually.

Mr. Schroedel stated yes. Once we get closer to the end of the project and we have our hard costs they will come to an agreement with the Spotlights for the amount to be paid back which would be the cost plus an interest amount and the time frame.

**b. Lumber for Spotlight building**

Mr. Schroedel stated that the lumber for the Spotlight building, they sent out to 3 companies, 84 Lumber, Carter Lumber and Graves Lumber. 84 Lumber did not respond and the 2 responses that we have were Carter and Graves, Graves was the lowest cost, Carter, their estimate included things that we didn't ask for but even when you take those things out of there quote, Graves was still the lowest and again this will be reimbursed over time from the Spotlights.

**c. Concrete for 2018**

Mr. Schroedel stated that he apologizes but the bids didn't get in until today and the end date on the quotation was tomorrow so if anything changes in this he will pull it from the agenda for the meeting. We received 3 bids for concrete, Carr Bros., Osbourne and Tri-County. Tri-County has the best price and he is very happy with that because they also take our spoils, otherwise we would need to pay to get rid of the old concrete so his recommendation is to go with Tri-County's concrete pricing for this year.

Mr. Boldt stated that on taking the concrete out of here, most of that has rebar in it correct? Have you ever used that for, he knows that we use it for other items.

Mr. Schroedel stated for rip rap, we use sidewalks for rip rap so we save all of the sidewalks that we take out. We actually save as much as we can. Some of it is not worth saving.

COUNCIL OPEN TO THE RESIDENTS

Mr. Stelmaschuk stated that they didn't officially request this but they had a Service Committee meeting earlier and he asked Ms. Mahnic if we were going to put this on for discussion tonight.

Ms. Mahnic stated that she thought that they would do it when they did the council go around.

Mr. Don Rzek, 8322 Glenn Oak Drive stated that he wanted to see where we were going forward with this and discuss it further with the Law Director as they talked earlier.

Mr. Stelmaschuk stated that they are going to discuss that on their go around.

Mr. Boldt stated that let's just do it now because Mr. Rzek may have a question and let's just rap this all up as one. He asked Ms. Mahnic to give council a little introduction.

Ms. Mahnic and Mr. Stelmaschuk asked Mr. Yelenosky to do it.

Mr. Yelenosky stated that he thinks that it all boils down to the maintenance of retention basins. He knows that Mr. Ruffa and himself have had many conversations about this and again he does not know exactly

what specific questions. Really this is a case where it is on private property and is owned by certain individuals and there is maintenance that is needed. This goes all the way back since we started instituting these inspections which he believes was in 2008.

Ms. Mahnic stated that they discussed in the committee that deeds were brought up for example on the 3 specific property owners for this specific retention basin and that we don't actually have those deeds to be able to determine if it is written inside the deeds that they are responsible for the maintenance of it and we don't have documentation from when the developer put it in saying that those 3 people are also responsible for it so we wanted to see if we don't have documentation that states that, if we could assess them, if we could go onto their property because we are hearing that in the past even before some of us that the property owners wouldn't allow us to go onto the property even to do work and then assess them later. We wanted to see what our options were and she knows as long as she has been here there has always been a lot of different contributors to this and never really getting a concrete definitive answer on it. It is a unique situation.

Mr. Ruffa stated let's just take a step back for a second, what this boils down to ultimately is the discussion that we have had on more than one occasion when it comes to the cleaning and maintenance of these basins throughout the city. The people that are responsible for the cleaning and maintenance of the basin are whoever owns the basin. That is different in a lot of these situations. It is not always the same so there are circumstances where it is owned by an association and everybody contributes, there is one circumstance where one gentleman owns the entire thing and he pays for it himself, there is this situation if it is the one that he is thinking of where the 3 people own it and ultimately so they are across the board but the responsibility lies with the individuals that own the retention basin.

Ms. Mahnic asked whether it specifies in the deed or not.

Mr. Ruffa stated that the deed is going to specify what land they own, it is not necessarily going.

Ms. Mahnic stated so it is physically on their lot.

Mr. Ruffa stated that it is theirs unless there is another document that talks about this is something that is going to be maintained by everyone that is affected by it. So there could be some document and in this case he doesn't think that there is, but when it is like he said an association or anything like that usually there might be an overriding document that says that even though it is owned here, everybody contributes so everybody is responsible. So we have gone through this a few times and he does not know if it was last year or when it was but he was asked to approach our bond council with respect to potentially doing the work ourselves and assessing the individuals. So we have had that discussion. A lot of ifs and maybes in John Larson's discussion with him but that is the way that John Larson operates for all of you who know John Larson and he said that the possibility does exist that we could theoretically assess the individuals, either the individuals that own it or possibly coming up with some type of formula that would assess everybody who is affected by it. There are possibilities there and he would gladly have John come in and explain that to everybody but here is the problem, when you do that we will become the people that ultimately, the city ultimately accepts that into our storm water system and we are now the responsible party going forward. It becomes part of our system.

Ms. Mahnic stated so the second we would hypothetically assess these 3 we would then become the owners of that specific retention basin.

Mr. Ruffa stated that we would become responsible for that particular retention basin.

Ms. Mahnic stated responsible for it.

Mr. Ruffa continued stating which ultimately that is a councilmatic decision if you want to do that but what you have to keep in mind is there are 100+ of these throughout the city and it is not like you are going to be able to pick and choose and say hey we are going to do these and we are not going to do those because you are going to have to apply that across the board so that could become very costly and if council wants to proceed that way that is an option but that is a decision that needs to be made on whether or not that responsibility needs to be taken. The problem is this, he is told that it is \$140,000-\$150,000 fix right, so that is this year, well next year there is going to be some cost, every year there is going to be some cost and every year there is going to be cost and he asked how many do we have in the city.

Mr. Yelenosky stated 140.

Mr. Ruffa stated so you are talking about 140 retention basins so if that is the route that you want to go to, more power to you but that is what you need to deal with. That is what you need to be aware of. If there is someone that is adversely affected by a neighbor's situation, they have the absolute right to go after the neighbor, sue them and go down that path. We have the ability to assess if we want to, but it is a may, so if you read our legislation, we may assess which means that we don't have to but we can if we want to because ultimately when we do that we are accepting that into our system and we need to decide if we want to do that but ultimately once you go down to one you are going to be dealing with all 140.

Ms. Mahnic asked if there is anything else they can do. They talked about 1047.03 and Mr. Stelmaschuk briefly read it but we as a city have sent them letters saying and we have inspected it as well saying that you are not maintaining it, is there any route that we could go other than the assessments where we could pursue them legally that they are not maintaining their property.

Mr. Ruffa stated that we could issue a citation and they can come to court and pay their \$150 and then go home so he means that the problem is the amount is such a large amount that he does not see that the issuance of a building code citation is going to have any real effect on this situation. Really your option is if council wishes to proceed is to go through that process and deal with a) creating the assessment, b) creating how that is ultimately going to be assessed, effective property owners or however that is going to be c) come up with that formula d) go through that entire process e) somehow get the permission to get on there and do that and down the line so it is a huge undertaking which if council wants to do that, that is fine. He is just telling you what it entails.

Ms. Mahnic stated or the residents can gather together and use the court system to say that their failure to maintain it is causing them damage.

Mr. Ruffa stated that is always an option. Obviously nobody wants to get into litigation and he understands that but that is ultimately an option that is there. He is not telling you which way to go he is just explaining and when he explained this the last time there wasn't any interest in going down that route and if that changes that is fine too like he said they will bring in bond counsel and we can discuss that and discuss what that ultimately will look like but that is what you option is.



Mr. Stelmaschuk stated that he just wants to get clarification on what Mr. Ruffa said because he thought he said the last time that they asked about this is September that we cannot assess any contributors to this without it being an improvement. It has to be an improvement to do that you said.

Mr. Ruffa stated that he is saying the same thing. What he is saying is that once you make that improvement it becomes the city's responsibility to maintain it as part of their system.

Mr. Stelmaschuk stated that this is not an improvement, it is already there.

Mr. Ruffa stated that it doesn't make any difference. You are doing something there. Any work that we do there whatever type of work that is that assessment project and like he said that comes from bond counsel. He is sure that he would be more than willing to come in and talk to us if you want and make sure that you are hearing it directly from the horse's mouth.

Mr. Stelmaschuk stated that he will make the statement to council and everyone here if we were able to do that with bond counsel and assess the whole entire area that contributes to that, wouldn't you be able to do that again if you needed to in 5 years from now? He means if you do it once.

Mr. Ruffa stated that once it is done we are on the hook to maintain it and it is part of ours and we need to do all of that work.

Mr. Stelmaschuk asked for Mr. Ruffa to explain to him how, just theoretically, say there is 50 residents that contribute to this thing, we assess all 50 of them to get the work done so after we do that we can't assess them any further, we have to take care of it from there?

Mr. Ruffa stated that that is his understanding but he thinks that we need to run that by John just to be sure. Ultimately if you want to assess them again it would be another, there would have to be something else going on there but once again he doesn't want to say, he is not saying for certain on that because they didn't have, if we have that discussion it was so long ago that he is not remembering the exact details.

Mr. Stelmaschuk stated that with that said he would request that we would get the bond counsel in here and discuss it because we need to know the answers to that question.

Mr. Boldt stated that they will get that done.

Mr. Rzek asked does that mean that since we have been maintaining the pipe and the lake back there and going and cleaning it that we are responsible now.

Mr. Ruffa stated that he does not know of any pipe.

Mr. Rzek stated that the city has been going on the property back there and cleaning the grate off.

Mr. Price stated that there has been no assessment.

Mr. Ruffa stated that we haven't gone through the assessment process.

Mr. Price stated that Mr. Ruffa stated that once we assess it then we take ownership to it.

Mr. Ruffa stated that we don't take ownership to it, we take responsibility.

Mr. Razek asked why they didn't write that in the books then if they have all of these stipulations. What good is that?

Mr. Price stated that if Mr. Razek is talking about what was written in 2005, wasn't that created that long ago. He asked Mr. Razek how long has he lived over there.

Mr. Razek stated 34 years.

Mr. Price asked if there was ever a time that Mr. Razek remembers there was no retention basin there.

Mr. Razek stated absolutely. They bought the house and the school board owned the property and they went to the school board and they told them that they had no intentions of selling the property. There was a possibility of building a school back there and then all of a sudden a couple of year later, 4-5 years later they sold it to LaPine Trucking Co. and George Simon bought it and they turned around and from what he understands, they sold off of the house that came along with it for what they paid for the property, broke off the 19 acres from the house and sold it to that Stratman and he developed it.

Mr. Price stated that he doesn't know the answer to this question so it is not preloaded and he is just trying to ask, does Mr. Razek know if that retention pond was built as a retention pond or did 3 homeowners get together to build a pond that was never intended to be a retention pond.

Mr. Razek stated that it was intended, Stratman put that in as a retention basin and he knows that for a fact because they came up here in regards to that back years ago, the neighbors did, some of them are not there any longer, they have moved on or passed away. They were kind of and it has been in the books that nobody knows, first they said that they weren't sure who was supposed to take care of that, whether the city was responsible or the homeowner and then down the road they find out that the homeowners are responsible, the 3 homeowners and they knew it when they bought the properties that they were told. He does not know where it is written or how it is written.

Mr. Ruffa stated or if it is written.

Mr. Razek stated that he does not know but he knows that if, he does not know what the city did or what happened, but all that he knows is guys, you guys are talking about dredging that lake for \$140,000. He does not think that is the answer. He is not an engineer but he has been around and he has worked with enough engineers and he has done mechanical engineering and he does not think that is the answer to that lake. He thinks that the pipes have to be adjusted and made larger to flow the water and the incoming water, that has to be started either by the EPA coming out or whatever they have with the state will come out and figure that. He doesn't think that is going to take care of it because you are still at one level, the grate is at one level and if you dig it deeper the grate is at that same level, where is the water going to go? It is still going to go over.

Mr. Yelenosky stated that there are modifications that could be made to the outlet. But he does agree that it needs to be maintained.

Mr. Razek stated that it does need to be maintained. Something needs to be done but there is more than just dredging.

Mr. Goodwin stated that Mr. Rzek is correct, there is more things upstream and he knows from Dennis Siefert studying the area in the past that it is a whole drainage course that really has to be dealt with but he has a legal question, his issue is that if we were to issue a citation for the maintenance of the pond as being one contributing factor towards the water and he comes to court, the person comes to court and pays their \$150 fine, could we not be cited under each additional day \$150 until remedied in the end.

Mr. Ruffa stated in theory and theory doesn't always work that well as you know.

Mr. Rzek stated that it doesn't sound right to him. If somebody is responsible for something, they should be able, it should be enforced. That is all that he knows, he is not an attorney but Mr. Ruffa is not sure either because you are going to have to find out further to get more information to see.

Mr. Ruffa stated that what he is referring to is he is not sure with questions with respect to the assessment process so ultimately like he said, he can tell you absolutely who is responsible for it, it is the owner. It is that simple.

Mr. Rzek stated then what is the problem.

Ms. Mahnic stated that it is how to enforce them to maintain it.

Mr. Rzek stated that they are responsible for it, you take them to court then, the city can and enforce it that is all.

Mr. Ruffa stated that he doesn't know if the city is the party that should be taking them to court. The effected people should be taking them to court frankly.

Mr. Rzek stated that they are not the ones that put that in, they did not create this mess.

Mr. Ruffa stated nor did we.

Mr. Rzek stated that the people that were in council and the people that were here years ago did. He does not think that should be put on them because if you look back at your records, a lot of the neighbors have come down to try to rectify this and they have gotten no where with it. They were just blown off basically.

Mr. Price asked in 34 years how many times has he flooded.

Mr. Rzek stated a dozen times if no more.

Mr. Price asked if those were all heavy rain events.

Mr. Rzek stated not necessarily.

Mr. Price stated the question that he is asking is all the water that they talked about tonight coming down Richard Road, even if that retention pond was dug out 4 times the size, there still a good chance that it could have overflowed during those rain events. Sooner or later so much volume is going to fill it and once it is filled it is going to overflow.

Mr. Razek stated that Mr. Price is speculating. You can't speculate.

Mr. Price stated that he is absolutely right, he is speculating as much as Mr. Razek has repeatedly at that podium tonight because he made a lot of those speculations and he is not being adversarial, he wants to find a problem here, a solution to a problem, but it is not as easy as he thinks. The contributing members of this have to be hundreds of homes, hundreds of residents, hundreds of property owners.

Mr. Razek stated that all that he knows is that when he lived there before that was put in they had no water problems for years.

Mr. Price stated and then downstream from him, when did they start suing him because just downstream from him did Victoria flood, when they flood, do they come back and sue him and then it keeps going uphill. That is the complication that he has.

Mr. Razek stated why sue him, he doesn't have any drainage that he is dealing with or retention basin in his back yard.

Mr. Price stated that anybody that has a roof and a driveway that drains into the sewers.

Mr. Razek stated come on now we are getting a little to, let's just end this now.

Mr. Price stated that is what it is about.

Mr. Razek stated all that he asks is that we please try to get this rectified. There are a lot of homes back there that are getting ruined and there is more than \$140,000 worth of damage that has been to homes. His neighbors had a lot of damage done to her house because of this, he has and there are several other homes. They are just asking for help. They are not trying to get into a debate here; they just want to get it fixed. That is all. They are not trying to pin anybody for it, just help them out. That is what the city is here for.

Mr. Ruffa will call Mr. Larson and see when we can get him in. He will be glad to do it.

Mr. Boldt stated to pencil him in for May 14<sup>th</sup> and if he can't make it he will make the adjustment to the agenda.

Ms. Mahnic stated that they intended on meeting next week as a Service/Safety Committee at 6:30.

Mr. Boldt stated that he is trying to get it at a Work Session because that way all of council everybody can ask questions.

Mr. Stelmaschuk stated that would be great and then just, the city did spend money to put the retention basin on Richard which is part of this course to help keep the water back just so everybody knows, it goes from Richard down through here through Victoria.

Mr. Boldt stated that we worked on Victoria too, 2 years ago, correct?

Ms. Mahnic stated yes.

Mr. Stelmaschuk stated that they would like to find out more Mr. Ruffa, what our options would be.

Mr. Price stated that when Mr. Esser was here, he tried to buy some of the Belovich property to create even more of solutions.

Mr. Goodwin stated that there are additional drainage from the northeast corner there at Wallings and Broadview, that drainage course begins and it is those properties on Wallings Road that do have a drainage system in the back of their properties, they are about 500' deep and those have been silted over he is sure by now, they were cleaned and checked by the city in the past and some of those homeowners, he was one of those property owners at one time but some of his neighbors refused to let anybody step onto their property. We were allowed to go on for safety purposes but we weren't actually allowed that right of way to do any work on there so it really is that entire drainage course that is also a contributing factor, not just siltation in one retention basin that is causing their problem and he is sure that when Mr. Yelenosky looks into it that he sees all of that past history and he is obviously find it.

Mr. Yelenosky stated that is correct Mr. Goodwin and back to Mr. Price's point, the city actually looked at purchasing some of the property on Belovich's old air strip, but if you all remember it was Wesolowski is the homeowner that we needed to gain some property and she was unwilling to cooperate.

Mr. Stelmaschuk stated that one more request that he has for the Engineering Department is to, we have had several of these problems and he is well versed because they are all in his Ward, we did reach out to the NEORSD and they did agree to help us on the one on West Ridge, he would ask us to do the same thing. He thinks that they are doing survey work on Falls Lane which is another problematic area but he would ask Mr. Yelenosky to have them look at this as well, because where all of the residents are paying them now instead of paying the city, we are paying the NEORSD and we need their help on this as well.

Ms. Mahnic stated one last thought because not everybody was at the Service meeting but the Mayor brought up a really good point as we are thinking about not just this situation but the other 140 is that when we are making a decision or thinking about a solution for this one about the maintenance of it about fixing it right now and what will happen to the other ones. Thinking about taking over 140 retention basins financially and also labor intensive, this is, just keep that in the back of our minds as we are talking and making decisions.

Mr. Stelmaschuk stated that he will make a comment to that, we keep saying 140, we don't have 140 in this situation. We have a lot of them, he knows that in his association they have a large retention basin; they paid thousands of dollars to maintain it. There are a lot of them that are under the jurisdiction of the HOA's so it is not 140 of them.

Mr. Yelenosky stated that is correct. He would say about maybe 10% of those are in need and maybe another 10% are getting very near that point of needing maintenance.

Ms. Mahnic asked if he can get a list for that and send it to them so that they can have the actual breakdown.

Mr. Yelenosky stated sure, not a problem.

Mr. Wolf stated that in doing this would we encourage those owners to say why not the city take care of it and leave them go. Is that a situation that we are opening a can of worms for.

Mr. Boldt stated that he thinks that we need to get legal advice first, 2 weeks from tonight. Please have your questions ready and let's pursue that and keep the conversations going.

#### COUNCIL DISCUSSION

Mr. Price stated that just wants to remind council that they do have a BZA meeting this Wednesday, May 2<sup>nd</sup> at 6:30 p.m. and he just wants to repeat something Mr. Boldt said a few weeks back at a Planning Commission Meeting, Council is in kind of a no win situation in situations like this and it is always going to be stern debate at times in trying to find these solutions. No one is intentionally being targeted or left behind, it is just a situation. He got involved with politics in 2006 because his neighbors flooded so he understands the problem but he does not understand the solutions. He thinks that those have always been the most complex part of this so he just wanted to let the residents know that they are not ignoring the situation, they are repeatedly trying things over and over again to try and find a solution.

Ms. Mahnic stated that the Service/Safety Committee obviously met today and this was our topic of discussion, however they also discussed, they were given from the Engineering Department a packet/brochure of information of maintaining your detention basin and specifically item on page 11 is more legislative of how this other city handles the maintenance of retention/detention basins so next Monday at 6:30 they are going to look at that and they are going to look at Section 1047.03 from the codification to see if there is any kind of recommendations they can make to help secure our current ordinance so that our Engineering Department can kind of have more teeth on how to maintain them and then if they have a recommendation they will forward it on.

Mr. Yelenosky asked Ms. Mahnic if she wants to wait until after we get bond counsel in here.

Ms. Mahnic stated that if the committee wants to wait that is fine, if they want to meet next week that is fine too, whatever Mr. Pavlica and Mr. Stelmaschuk would prefer.

Mr. Stelmaschuk stated that he would prefer that they do the bond counsel first and then come back to that.

Ms. Mahnic stated that they will not meet next Monday, they will meet the following Monday through the Work Session and not a separate Committee Meeting.

Mr. Goodwin stated that the BZA meeting there on Wednesday at 6:30 is very important in his neighborhood anyway. He has much discussion with his neighbors because they are very concerned about one particular variance. There are 7 variances being asked and they feel like of course you know why, they have no problem with it being developed, in fact he thinks that they have a preference for it to be developed because there is a weedy field sitting there right now where something started. One of the big bone of contention for them is that rear setback from the back of the building and the concrete that is going to go up and the cars that are going to be present close to the property line which they also cannot have in their own backyard but this development will and so they have asked anyway, he knows that they will be there at the meeting, his neighbors, they have asked that anybody that represents them in the city, certainly elected also they would hope, he does not know if they have made contact with anybody else, but they ask that their representation in their entirety also be there to represent them to address the issue because they all built under the rules and their distance from the property line and their quiet enjoyment of their backyard and the safety of those little kids that play in the backyard could be in jeopardy obviously

when they get built attached to an area where now there is going to be cars coming close to their back property line and that is the concern in itself. They have no real bone of contention for the other 6 variances that they are being requested so they are looking for some representation. He is just passing that along here to the rest of everybody else here that is elected.

Mr. Pavlica stated that the Rec Board did meet last Tuesday and rather going through spending more than 3 minutes discussing, they had a 2 page agenda so he asks that council review the minutes when they come forward. A reminder for next week Monday they are going to have a Rec Committee Meeting at 7:00 p.m.

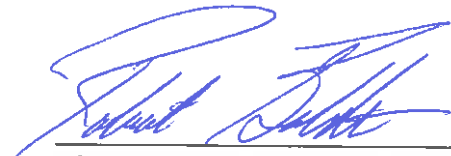
Mr. Stelmaschuk stated that Finance did meet and they discussed the salt truck approval, final approval so we will be going forward with that. He got a call this weekend and he wanted to thank Engineering, Mr. Yelenosky and Mr. Schroedel for getting back to him on some of their concerns and one of them was the closing of culvert by The Fields there and that is going to be on the Mayor's website this week with information so we should be in good shape there. He wanted to thank them for that. Thank you Mr. Goodwin, he will be there Wednesday.

ADJOURN

Mr. Boldt stated that with no other business to come before the committee, the meeting is adjourned.

The time was 8:21 p.m.

  
HELEN DUNLAP, CLERK OF COUNCIL

  
ROBERT BOLDT, PRESIDENT OF COUNCIL