

1 **IN THE COMMON PLEAS COURT OF DEFIANCE COUNTY, OHIO**

2

IN RE:)

3)

4)

MAUMEE WATERSHED)

5)

CONSERVANCY)

DISTRICT)

6)

7)

8

9

HEARING BEFORE
HONORABLE JOSEPH N. SCHMENK

10

11

12

DATE: Friday, May 6, 2022

13

TIME: 11:07 a.m.

14

PLACE: Defiance County Common Pleas Court
221 Clinton Street
Suite 3
Defiance, Ohio 43512

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1 APPEARANCES:

2

3 ON THE BENCH:

4 Joseph N. Schmenk, Defiance County Judge
 5 Linda J. Jennings, Lucas County Judge
 6 Martin D. Burchfield, Van Wert County Judge

7 COUNTIES FOR THE MAUMEE WATERSHED CONSERVANCY
 8 COURT:

9 Jeffrey L. Reed, Allen County Judge
 10 Jonathan P. Starn, Hancock County Judge
 11 Amy C. Rosebrook, Henry County Judge
 12 Keith Schierloh, Putnam County Judge
 13 Matthew Reger, Wood County Judge

14 FOR THE DISTRICT:

15 Jim Weaner, Esq.
 16 John Hoopingarner, Esq.
 17 Lynn Army, General Manager of the District
 18 George Ropp, Director
 19 Mark Moats, Director
 20 Wendy Yunker, Secretary/Treasurer
 21 Steve Wilson, Upper & Lower Blanchard River
 22 Project Manager

23 Derek Dalton, Stantec
 24 Randy Westrick, Appraiser
 25 Dave Kuhn, Feller, Finch & Associates
 Adam Hoff, Hoff Consulting Service

Mayor Christina Muryn, City of Findlay
 Pat Sadowski, Eastman & Smith
 Tim Miley, Blanchard River Watershed Sol
 Dave Blatnik, Blanchard River Watershed Sol

Cindy Marra, Resident on Route 68
 Richard Marra, Resident on Route 68

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1 MS. HAGEMAN: Everyone please rise.

2 The Maumee Watershed Conservancy Court is now

3 in session, with the Honorable Judge Joseph

4 Schmenk presiding.

5 JUDGE SCHMENK: All right. Thank

6 you. Be seated. Morning ladies and

7 gentlemen.

8 ALL: Good morning.

9 JUDGE SCHMENK: We're here for the

10 annual meeting of the Watershed, Maumee

11 Watershed Conservancy Court. I'll call to

12 order. We are at 11 o'clock, rather than

13 previously established 10, because of

14 logistical problems, making sure that we could

15 have enough judges here to constitute a

16 quorum.

17 Would you call the roll, please.

18 MS. HAGEMAN: Allen?

19 JUDGE REED: Here.

20 MS. HAGEMAN: Auglaize?

21 (No response.)

22 MS. HAGEMAN: Defiance?

23 JUDGE SCHMENK: Here.

24 MS. HAGEMAN: Fulton?

25 (No response.)

1 MS. HAGEMAN: Hancock?

2 JUDGE STARN: Here.

3 MS. HAGEMAN: Hardin?

4 (No response.)

5 MS. HAGEMAN: Henry?

6 JUDGE ROSEBROOK: Here.

7 MS. HAGEMAN: Lucas?

8 JUDGE JENNINGS: Here.

9 MS. HAGEMAN: Mercer?

10 (No response.)

11 MS. HAGEMAN: Paulding?

12 (No response.)

13 MS. HAGEMAN: Putnam?

14 JUDGE SCHIERLOH: Here.

15 MS. HAGEMAN: Shelby?

16 (No response.)

17 MS. HAGEMAN: Van Wert?

18 JUDGE BURCHFIELD: Here.

19 MS. HAGEMAN: Williams?

20 (No response.)

21 MS. HAGEMAN: Wood?

22 JUDGE REGER: Here.

23 JUDGE SCHMENK: Okay. We have a

24 quorum. Welcome all, you all. Let's start

25 with the introductions. And who is going to

1 do that? Lynn, you want to do that?

2 MR. ARMY: Yes, your Honor.

3 JUDGE SCHMENK: Clark Lynn Army,
4 the General Manager of the District, will take
5 care of introductions of directors and other
6 people.

7 MR. ARMY: I'll do my best, sir.

8 JUDGE SCHMENK: All right.

9 MR. ARMY: Good morning, your
10 Honors. Right beside me is Wendy Yunker, our
11 Secretary/Treasurer; beside her is our
12 Director Mark Moats, Director George Ropp, Jim
13 Weaner, our legal counsel; Derek with Stantec,
14 Steve Wilson, and then we have John
15 Hoopingarner, who is also counsel for Maumee
16 Watershed Conservancy District.

17 And from here, if we could, your
18 Honor, if they could just go through the rows
19 and give their names, would that be okay?

20 JUDGE SCHMENK: If they're inclined
21 to, yes.

22 MR. WESTRICK: Randy Westrick. I'm
23 on the Board of Appraisers.

24 MR. KUHN: Dave Kuhn. I'm a
25 District Engineer.

1 MR. HOFF: Adam Hoff of Hoff
2 Consulting Services.

3 MS. MURYN: Christina Muryn, Mayor
4 of City of Findlay.

5 MR. SADOWSKI: Pat Sadowski,
6 Eastman & Smith, counsel for the Blanchard
7 River Watershed Solutions.

8 MR. MILEY: Tim Miley with
9 Blanchard River Watershed Solutions.

10 MR. BLATNIK: Dave Blatnik with
11 Watershed Solutions.

12 MS. MARRA: Cindy Marra, resident
13 on Route 68.

14 MR. MARRA: Richard Marra also.

15 JUDGE SCHMENK: All right.
16 Welcome. I -- I was informed, as of last
17 week, you'll notice conspicuous by his absence
18 is Director Satowski and -- or --

19 MR. ARMY: Ricker.

20 JUDGE SCHMENK: Ricker. Excuse me.
21 Boy, that goes back.

22 MR. ARMY: Definitely.

23 JUDGE SCHMENK: Director Ricker.
24 And Mr. Weaner, do you want to address the
25 Court with regard to his absence and what

1 issue that --

2 MR. WEANER: I will, your Honor.
3 May it please the Court. We were informed,
4 after our April meeting, or during our April
5 meeting, that Mr. Ricker wanted to renew his
6 five-year directorship on the Maumee Watershed
7 Conservancy District. A couple of days after
8 that, Mr. Ricker came down feeling ill, and
9 subsequently contacted Mr. Army and indicated
10 that he ought to resign from the Board, he
11 just didn't feel up to it. And so we received
12 his letter of resignation on May 2nd, and
13 therefore, I had presented the Court with a
14 motion.

15 This Board, this morning, approved
16 a resolution to recommend David Kuhn to be
17 appointed as interim director of this Maumee
18 Watershed Conservancy District. As the Court
19 knows, there needs to be three directors.
20 Mr. Ricker's appointment would have been up
21 October 17th, so the remaining board is
22 recommending David Kuhn to fill that
23 placement, up until October 17th. And between
24 now and October 17th, we'll come back to the
25 Court for further recommendations, whether it

1 be Mr. Kuhn or somebody else.

2 So that motion is before the Court,
3 along with a proposed approval of that, and as
4 well an oath of office that I presented to
5 Judge Schmenk.

6 JUDGE SCHMENK: All right.

7 MR. WEANER: Thank you.

8 JUDGE SCHMENK: As a practical
9 matter, the issue that needs to come before
10 the Court is whether or not to make that
11 interim appointment. And it would just be
12 director -- the term of the resigning director
13 is up this October?

14 MR. WEANER: October 17th.

15 JUDGE SCHMENK: October 17th. So
16 what they're asking is that we appoint an
17 interim director just until October 17th. I
18 think as a practical matter then the proper
19 way to handle it would be to, if we choose to
20 make that appointment, make that appointment,
21 and then solicit nominations from the judges
22 of the Court to start the new term commencing
23 this October 17th.

24 Do any of the judges have an
25 opinion regarding whether that is an

10

1 appropriate way to proceed, or I don't -- I
2 don't know how else to do it. I think,
3 obviously, all the -- the appointments of the
4 directors are made by the Court. The
5 directors hire the general managers and things
6 like that and run the operation, but I think
7 it's appropriate that we give all the judges
8 and their constituents in that regard the
9 opportunity to seek out people who might be
10 interested in filling that.

11 Does anybody on the Court have a
12 problem with that manner of proceeding?

13 JUDGE REGER: No.

14 JUDGE SCHIERLOH: I don't think
15 there is any issues with proceeding that way.
16 Is there -- are they going to kind of give us
17 maybe a little bit of background on the
18 individual that they're going to recommend to
19 hold that spot, in between that, and do those
20 in two steps?

21 JUDGE SCHMENK: Yeah. I think -- I
22 just wondered if anybody had a problem with
23 that just general manner of proceeding. If
24 they're making a recommendation that we
25 appoint somebody as an interim director,

11

1 obviously, we need to know who it is and know
2 something about that person.

3 MR. WEANER: Mr. Kuhn is in the
4 courtroom today, and I would be happy to have
5 him give kind of his background. He's a
6 project engineer with Feller, Finch
7 Engineering Group, but anything further, I'd
8 leave that up to him to present that to the
9 Court.

10 JUDGE SCHMENK: Mr. Kuhn.

11 MR. KUHN: Okay. Thank you, your
12 Honors. I'm a civil engineer. I graduated in
13 '79, so I have been doing civil engineering,
14 storm, drainage design, all of that, for over
15 43 years. I also has been District engineer,
16 what, about 20 years now?

17 MR. ARMY: Uh-huh.

18 MR. KUHN: Somewhere like that?

19 MR. ARMY: Yeah.

20 MR. KUHN: So I have been reviewing
21 plans and approving plans for recommendation
22 to the directors for -- for that long. So I
23 mean, I'm open for questions, if you have
24 anything.

25 JUDGE SCHMENK: Are you still

12

1 currently employed with the engineering firm
2 you mentioned?

3 MR. KUHN: Yeah, but I'm planning
4 on -- this is my last full year at the
5 engineering firm, and I am planning on cutting
6 back to part-time like next year and
7 eventually retire, so --

8 JUDGE SCHMENK: Does that firm
9 currently have business or contracts in place
10 with the District?

11 MR. KUHN: Yeah. We review the
12 plan, but I would not be reviewing the plans,
13 if I get appointed to this interim director,
14 or somebody else is going to be doing that,
15 and I won't be doing that.

16 JUDGE REGER: It would be somebody
17 from Feller, Finch though?

18 MR. KUHN: Right. Right, so

19 JUDGE REGER: What happens if we
20 don't appoint an interim director?

21 MR. WEANER: By -- by the code,
22 there is to be three there. I don't know that
23 it's devastating to October 17th, but as far
24 as a voting problem, we need a tiebreaker.
25 And with this size of a district, it's

13

1 required to have three. And I was kind of,
2 when I was going through the code also, a
3 couple more counties, I think, in there, then
4 it goes to five, and then it goes to seven or
5 nine. But we need a tiebreaker.

6 Mr. Kuhn has been actively involved
7 with this District for quite some time, as he
8 indicated, reviewing plans, recommendations,
9 modifications, those kind of things.

10 His -- the engineering firm he
11 works for, Feller, Finch, has been responsible
12 for some of those. He has not been, I don't
13 believe, integral in any of the current things
14 that have been going on as far as Eagle Creek
15 --

16 MR. KUHN: No.

17 MR. WEANER: -- or the Upper or
18 Lower Blanchard --

19 MR. KUHN: No.

20 MR. WEANER: -- and those kind of
21 things. And that's why I believe that this
22 Board thought that he would be a good fit for
23 the interim.

24 JUDGE REED: Question. Would it be
25 positive if something came before the Board,

1 that involved the firm that he's employed
2 with, that he could abstain from making
3 decisions? The concern, I think, that we're
4 hearing there, maybe being in a fiduciary
5 position, and being employed by a firm that
6 would be coming to the Board, I don't know if
7 that would present a problem. Maybe perhaps
8 he could abstain, if there was a decision to
9 be made with something having to do with this
10 firm.

11 MR. WEANER: I think that would be
12 appropriate, your Honor.

13 JUDGE SCHMENK: I think that would
14 be required --

15 MR. KUHN: Right.

16 JUDGE SCHMENK: -- and may well --

17 MR. KUHN: Right. I have to do it
18 for my license too, my engineering license. I
19 can't --

20 JUDGE REED: So statutorily, there
21 is no requirement that a Board member cannot
22 be employed by any firm that's doing business
23 with the District or --

24 JUDGE SCHMENK: I don't know that
25 that is statutory, but I -- I -- I think the

1 issue is the existence of a fiduciary
2 relationship with the -- with the District,
3 with the entity, and you know, the limitations
4 and rulings related to self-dealings --

5 MR. KUHN: Right.

6 JUDGE SCHMENK: -- are pretty
7 serious. Obviously, you couldn't participate
8 --

9 MR. KUHN: No.

10 JUDGE SCHMENK: -- in any such, and
11 it may well just, at least in the interim,
12 disqualify your employer, the firm that you're
13 affiliated with, from submitting bids or
14 anything like that during that interim period.

15 MR. KUHN: Uh-huh.

16 JUDGE REGER: I wouldn't think that
17 they could submit bids --

18 JUDGE SCHMENK: Right.

19 JUDGE REGER: -- during that
20 interim period. I think that existing
21 contracts, that he would need to -- that he
22 would have to recuse himself. And I think
23 that the -- part of the reason I can see that
24 they have the -- the judges appoint the Board
25 members is to ensure that there are ethical

1 considerations considered.

2 JUDGE SCHMENK: Right.

3 JUDGE REGER: The Court is the --
4 the sieve through which that is supposed to be
5 determined.

6 JUDGE SCHMENK: Right.

7 JUDGE REGER: I would be -- that
8 would be a requirement that we'd have to have.

9 JUDGE SCHMENK: I agree. And you
10 acknowledge that?

11 MR. KUHN: Oh, I agree too. I
12 think, even with my own license, I mean --

13 JUDGE SCHMENK: Sure.

14 MR. KUHN: -- anytime we have a
15 conflict of interest, we have to abstain from
16 it.

17 JUDGE SCHMENK: Sure.

18 MR. KUHN: So -- so that's, you
19 know, ethics period.

20 JUDGE REGER: And I think you get
21 that.

22 MR. KUHN: I get that.

23 JUDGE REGER: I'm not trying --

24 MR. KUHN: I really do get it.

25 JUDGE REED: You represent your

1 firm. They would understand too?

2 MR. KUHN: Yeah. Yeah. And -- and
3 if the District wants to go this way too, I
4 mean, they could always hire another firm to
5 do these reviews too, so --

6 JUDGE SCHMENK: Mr. Army?

7 MR. ARMY: Your Honor, that's what
8 I was going to suggest. Their firm looks at
9 maybe one plan every two years for a bridge
10 and ditch work submitted from the County. We
11 could easily do that with another firm.

12 We're actually, the Directors
13 today, are -- are talking about bringing on
14 another engineer consultant to work with us,
15 and that duty could go to that person and not
16 even be with this firm that -- that Dave is
17 with, if it would please the Court.

18 I mean, they're looking at like one
19 plan and get 70 bucks for it every couple of
20 years. He doesn't get that, and he won't be
21 involved in it, but I'm saying just if -- if
22 that's what the Court requires for us to have
23 an interim director, there is no reason that
24 we can't go any -- we don't have a binding
25 contract forever with this company. We could

1 easily step out.
 2 JUDGE SCHMENK: I think that would
 3 be prudent.
 4 MR. ARMY: Yeah.
 5 JUDGE REED: It's a phrase I
 6 haven't coined, but we don't even want an
 7 appearance of impropriety --
 8 MR. ARMY: Absolutely.
 9 JUDGE REED: -- so that way the
 10 general public could say, oh, well, they're
 11 doing this, and that's his firm, and they're
 12 -- so I think you just have to --
 13 MR. ARMY: Okay.
 14 JUDGE REED: -- avoid even the
 15 appearance --
 16 MR. ARMY: Uh-huh.
 17 JUDGE REED: -- of any impropriety.
 18 JUDGE SCHMENK: So at this point,
 19 the Directors are asking, make a
 20 recommendation Mr., it's -- it's K-U-H-N?
 21 MR. KUHN: Yes.
 22 JUDGE SCHMENK: Pronounced Kuhn?
 23 MR. KUHN: It's pronounced Kuhn,
 24 right.
 25 JUDGE SCHMENK: That Mr. Kuhn be

1 appointed interim Director to -- through
 2 October 17th, until we can bring on, either he
 3 or someone else, as a -- to fill the next term
 4 in line.
 5 MR. WEANER: That is correct.
 6 JUDGE SCHMENK: The Court would
 7 entertain a motion in that regard.
 8 JUDGE REGER: So moved.
 9 JUDGE SCHMENK: Judge Reger makes
 10 that motion. Is there a second?
 11 JUDGE JENNINGS: Second.
 12 JUDGE SCHMENK: All right.
 13 Discussion, further discussion?
 14 JUDGE REGER: I guess just make
 15 sure that the motion indicates that moved to
 16 have him as the interim, with the requirement
 17 that he recuse himself from anything involving
 18 Feller, Finch. And that during this interim
 19 period, Feller, Finch would not be contracted
 20 with.
 21 JUDGE SCHMENK: Is that the -- that
 22 is within the second?
 23 JUDGE JENNINGS: Yes.
 24 JUDGE SCHMENK: Other discussions
 25 in that regard?

1 JUDGE BURCHFIELD: I have a basic
 2 question. Where are you a resident, Mr. Kuhn?
 3 MR. KUHN: Maumee, Ohio.
 4 JUDGE BURCHFIELD: Thank you very
 5 much. All right.
 6 MR. KUHN: Right on the Maumee
 7 River.
 8 JUDGE SCHMENK: With that, can we
 9 have a roll call, please?
 10 MS. HAGEMAN: Allen?
 11 JUDGE REED: Yes.
 12 MS. HAGEMAN: Defiance?
 13 JUDGE SCHMENK: Yes.
 14 MS. HAGEMAN: Hancock?
 15 JUDGE STARN: Yes.
 16 MS. HAGEMAN: Henry?
 17 JUDGE ROSEBROOK: Yes.
 18 MS. HAGEMAN: Lucas?
 19 JUDGE JENNINGS: Yes.
 20 MS. HAGEMAN: Putnam?
 21 JUDGE SCHIERLOH: Yes.
 22 MS. HAGEMAN: Van Wert?
 23 JUDGE BURCHFIELD: Yes.
 24 MS. HAGEMAN: Wood?
 25 JUDGE REGER: Yes.

1 JUDGE SCHMENK: Very good.
 2 MR. KUHN: Okay. Thank you.
 3 JUDGE SCHMENK: We'll get around to
 4 swearing you in at some point down the road.
 5 MR. KUHN: Okay.
 6 JUDGE SCHMENK: Probably yet today.
 7 Annual report, understanding that
 8 we're running a little behind because we
 9 started late. Mr. Army?
 10 MR. ARMY: Yes, your Honor. We are
 11 going to give you the abbreviated version, but
 12 we're going to give you the facts, so that you
 13 know what we're up to. And we're going to
 14 start off with, Wendy Yunker is going to give
 15 the financial report. She's in fact our
 16 secretary/treasurer.
 17 MS. YUNKER: Good morning, your
 18 Honors. I'll be going over the 2021 financial
 19 status of the District. That -- all this
 20 information is located in your annual report
 21 that were given to you towards the middle of
 22 the book. Starting out on page 27, the
 23 District started the year with \$2,487,085.16.
 24 And the District closed out the year with
 25 \$2,681,007.38.

1 You can -- we'll break it down per
2 fund, starting with the Preliminary Fund
3 that's found on page 29. The Preliminary Fund
4 started out with \$312,232.63, ending 2021 with
5 a balance of \$294,926.64.

6 On page 30, the Maintenance Fund
7 for Grassy Creek. We started out with
8 \$337,034, and ended with a balance of
9 \$357,592.21.

10 Page 31, the Maintenance Fund for
11 Little Auglaize. We started the year with
12 \$1,590,163.36. Ended with a balance of
13 \$1,797,662.34.

14 Page 32, the Maintenance Fund for
15 St. Joe. We started with 156,921.52. Ended
16 with \$187,551.08.

17 On page 33, at the top of the page,
18 Improvement Fund for the Lower Blanchard,
19 which is the work performed in Ottawa. That
20 started with a balance of \$48,349.47. Ended
21 with a balance of \$1,094.78.

22 The middle of the page is the
23 Improvement Fund for Upper Blanchard, which is
24 the work done in Findlay. We started with a
25 balance of \$42,384.18, and ended with a

1 balance of \$42,180.23.

2 And at the very bottom, that's the
3 Improvement Fund for Eagle Creek. And that
4 will always have a balance of 0, should always
5 have a balance of 0. Those payments come from
6 ODNR. They submit us the money as soon as we
7 submit them the invoice, and then we get the
8 money, we pay that right away, so that will
9 always be 0. And that concludes my report.
10 There any questions?

11 JUDGE SCHMENK: Questions for
12 Ms. Yunker?

13 (No response.)

14 JUDGE SCHMENK: All right.
15 Director Moats, you're going to talk for the
16 year?

17 DIRECTOR MOATS: Yes, your Honor.

18 Well, my report, if you folks would
19 take a look at -- your Honors would take a
20 picture, of page 18 and 19 from my report.

21 An abbreviated report going to be
22 in year of 2021, the Board of Directors met in
23 official board meetings 10 times; they held 8
24 internal audit meetings, and attended two
25 Conservancy Court hearings, and attended

1 several tours of the District's works. They
2 also attended the Eagle Creek Public Forum and
3 virtual meetings with the Ohio Department of
4 Natural Resources.

5 Directors and the staff reviewed
6 and performed operation maintenance for Little
7 Auglaize flood projects, Grassy Creek division
8 channel, and St. Joseph stream improvement
9 projects, totalling about 250 miles of
10 streams.

11 All the directors determined and
12 ordered the annual maintenance levy for all
13 assisted -- assessed in our official plan and
14 reviewed Maumee Watershed's policy and
15 procedures manual.

16 All appropriations --
17 appropriations for 2021, distributions,
18 estimated resources, were approved by the
19 Directors.

20 In May and July of 2021, officials
21 and staff with our District met in person and
22 remotely in Court session with our Conservancy
23 Court judges. The judges approved our annual
24 report as submitted for 2020 and amended the
25 official plan to include the Eagle Creek Dry

1 Storage Basin.

2 MWCD was a member of the National
3 Watershed Coalition and the Blanchard River
4 Watershed Partnership.

5 This one really makes me feel very
6 proud. The Lower Blanchard River Diversion
7 Channel construction project, which was
8 previously awarded to Haynes Construction from
9 Newark, Norwalk, Ohio, for about 3.3 million
10 dollars is nearly complete. It has a place
11 for the water will come at 13 feet. It holds
12 it in the river. At 16 feet, those extra 3
13 feet will come traveling down this diversion
14 channel, which has been used already, so it's
15 one of our very good projects that's working
16 already for us and going that way.

17 The Upper Blanchard River Phase I
18 work with the downtown benching and dam
19 removals is 98 percent complete, except for
20 final land rights and cleanup work.

21 And the proposed Eagle Creek Dry
22 Storage Basin planning is going with 217 acres
23 of land acquired for the footprint of the
24 basin. Another \$15 million grant from the
25 Ohio, State of Ohio General Assembly was

1 awarded in 2021 and has been granted to the
2 proposed project.

3 Planning is also underway for more
4 flood reduction efforts in the Upper Blanchard
5 watershed, such as enlarging a railroad bridge
6 opening on Blanchard River, and more benching
7 projects. An \$8 million capital award was
8 granted for Rebuilding America Infrastructure
9 Sustainability and Equity, a grant to design
10 and construct a new -- a new Norfolk Southern
11 bridge.

12 In that case, that ends my
13 abbreviated report. Any questions?

14 JUDGE SCHMENK: Yeah. How did you
15 get the 8 million bucks from that entity? I
16 mean, how did you go about getting an
17 \$8 million grant from --

18 MR. WILSON: We applied --

19 JUDGE SCHMENK: -- grant?

20 MR. WILSON: Excuse me. Steve
21 Wilson, Project Manager. We applied to the --
22 it's called a RAISE grant. As Director Moats
23 said, it's through, it's administered through
24 the Federal Rail Administration. It's an
25 annual program that they, the Federal Railroad

1 Administration oversees. Projects, I think
2 there was 280 projects nationwide that were
3 submitted. There were 70 projects selected,
4 and we were the only project in the state of
5 Ohio to receive one of these grants, so we
6 were very pleased and tickled that we were
7 approved. But it will pay for 80 percent of
8 the estimated cost of replacing the bridge,
9 \$7 million grant.

10 JUDGE SCHMENK: Congratulations.
11 Director Ropp.

12 I'm sorry, were there other
13 questions for Director Moats?

14 (No response.)

15 JUDGE SCHMENK: Director Ropp.

16 DIRECTOR ROPP: Good morning,
17 Judges of the Conservancy Court. It's good to
18 be here today to share some of the operations
19 and maintenance of our projects all over
20 Northwest Ohio.

21 You know, it's one thing to take on
22 a large project like the one we're taking on
23 in Findlay and Hancock County, but it's quite
24 another to take care of what we have got.
25 We've got several projects going all over

1 Northwest Ohio. You see, we only have three
2 full -- full-time maintenance people. That's
3 not very many, to do what we're trying to do.
4 We do hire a couple more in the summer, to try
5 to do some of our bank work, our spraying and
6 so forth. We have 250 miles to take care of;
7 berms, banks, rivers, streams, so it's quite a
8 job.

9 I was going to tell you about all
10 the different things we do. It's in the book,
11 by the way, but we're running real close on
12 time. We want to talk a little bit more about
13 Findlay, and what is going on up there, but I
14 think I'm going to delay that, and just refer
15 you to pages 34 and on, and that talks about
16 some of the maintenance work and operations
17 that we are doing. Let's do it that way
18 today, since we're kind of limited on time.
19 So it starts on 34, the maintenance and
20 operation.

21 Let's turn the page, just a moment,
22 and shift gears. As President of the Maumee
23 Watershed Conservancy District Board of
24 Directors, join me in thanking Lynn Army for
25 22 years of service as our Manager, our

1 General Manager.

2 (Clapping.)

3 DIRECTOR ROPP: We really
4 appreciate it. I mean, we have gotten a lot
5 of things done. There is a lot of projects
6 that have taken place in those 22 years. I
7 have been here 21 of those. I'm a little bit
8 familiar with what has been going on. We
9 really appreciate it, Lynn, and --

10 MR. ARMY: Thank you.

11 DIRECTOR ROPP: -- I'm happy to
12 report that our streams are in excellent
13 condition. I would rate our streams above
14 anybody else's in Northwest Ohio, as far as
15 quality, maintenance --

16 MR. ARMY: I would too.

17 DIRECTOR ROPP: -- and what we're
18 doing. Look at any of them. Look at any
19 county streams and kind of compare them with
20 ours. You'll find out. I look at them a lot.
21 I'm pretty -- pretty sure this is right. I
22 would rate them number one.

23 So Lynn, we thank you for your
24 service, all your contributions to the Maumee
25 Watershed Conservancy District. We really

1 appreciate it. Thanks a lot.
 2 MR. ARMY: Well, thank you.
 3 DIRECTOR ROPP: I'm going to turn
 4 it over now to some more important work.
 5 JUDGE SCHMENK: Questions?
 6 Anything specific regarding any of the
 7 projects listed in the maintenance section you
 8 want to ask Director Ropp about?
 9 JUDGE REGER: I do. Question, I
 10 got two questions. I know that the primary
 11 consideration is for flooding and flooding
 12 control. Has there been any consideration
 13 about addressing issues towards pollution, or
 14 maybe increasing the amount of -- I'm not
 15 using the technical word -- but the greenery
 16 that is in rivers to take --
 17 DIRECTOR ROPP: Yes.
 18 JUDGE REGER: -- up the nutrients?
 19 DIRECTOR ROPP: Good question. In
 20 fact, we are currently doing an H2O project in
 21 Ottawa County. Along our diversion channel
 22 that was talked, discussed here just a little
 23 bit, it's a large area, and it's about
 24 \$800,000 worth, as I recall. Quite a project.
 25 It's doing exactly what you're talking about.

1 It's going to be a nature area, plantings to
 2 try to slow up water, to try to filter water.
 3 And that's something we're starting to
 4 undertake more and more. We're thinking about
 5 that in the Findlay project also, which is a
 6 much bigger project, which would do a lot more
 7 filtering and a lot more conservation, so very
 8 good question, but that's what we're doing.
 9 JUDGE SCHMENK: That fund you said,
 10 H2O -- H2Ohio?
 11 DIRECTOR ROPP: Exactly right, your
 12 Honor.
 13 JUDGE SCHMENK: And is --
 14 MR. ARMY: Through ODNR.
 15 JUDGE SCHMENK: ODNR, but it's
 16 their grant money that's picking up the 800?
 17 MR. WEANER: Yes.
 18 MR. ARMY: Yes, sir.
 19 JUDGE SCHMENK: Okay. All right.
 20 Other questions? Anything -- do you have
 21 another question?
 22 JUDGE REGER: No. I'm done.
 23 JUDGE SCHMENK: All right.
 24 Anything? All right. Next on the agenda,
 25 Mr. Wilson, Lower Blanchard River, H2Ohio

1 Project Data.
 2 MR. WILSON: As Derek pulls up my
 3 PowerPoint. The Lower Blanchard is the Ottawa
 4 projects. We did construct a diversion
 5 channel just to the west of the Village of
 6 Ottawa. There you go. This is a -- a drawing
 7 showing the location of the diversion channel.
 8 It starts at the right-hand side of the
 9 screen, progresses to the west. At the west
 10 end of the project is Township Road I-9. And
 11 basically what the diversion channel is
 12 intended to do is to provide another mechanism
 13 to get the water moving downstream in a more
 14 efficient manner, rather than following the
 15 meanders and the oxbows in the Blanchard
 16 River.
 17 Under normal circumstances, the
 18 Blanchard River flows at a normal water level.
 19 Once it reaches 12 feet, the water starts to
 20 go into the diversion channel and then
 21 continues downstream, getting it out of the
 22 Village of Ottawa in a more rapid fashion.
 23 Go ahead.
 24 The bottom of the channel is
 25 60 feet wide. The top of the channel is about

1 150 feet across, roughly averages about
 2 15 feet deep.
 3 Go ahead.
 4 This shows the upstream end of the
 5 project. We installed a steel cofferdam along
 6 the edge of the river.
 7 Go ahead.
 8 And then constructed a, what
 9 eventually became a concrete slab as the inlet
 10 structure. You can see we've got some rock
 11 armory there along the river. You can tell
 12 the difference in height to the top of the
 13 cofferdam. And the water level that is about
 14 a normal flow in the river, as I said, once
 15 the river level gets to about 12 feet, then
 16 the flow starts to go into the diversion
 17 channel and heads downstream.
 18 Okay. There is the finished
 19 concrete structure.
 20 Go ahead.
 21 And this is some of the excavation
 22 of the material for the diversion channel.
 23 About 350,000 cubic yards of dirt that had to
 24 be moved, and the contractor, as Director
 25 Moats said, was Haynes Construction out of

1 Norwalk, Ohio. They were able to negotiate a
2 deal with an abutting property owner to take
3 all of this dirt and deposit it on the
4 neighbor's property outside of the floodplain,
5 and provide a much more effective and cost
6 effective solution to removing all the dirt
7 from the channel.

8 Go ahead.

9 Seeding, straw mulch being
10 installed in the channel.

11 Go ahead.

12 And there is -- the grass came in
13 very quickly, and it shows all, the completed
14 channel. The only thing that was left here to
15 do was finish some of the grading on the edges
16 of the channel.

17 Go ahead.

18 And that's the outlet end, I-9, the
19 treeline back there, is -- Road I-9 is in the
20 background at that end.

21 The water at this end will always
22 have a little bit of water in it, or river
23 level, because the river level will backup.
24 Once the river goes completely dry, there
25 won't be any water in the diversion channel.

1 As was mentioned, the District, in
2 cooperation with the Ohio Department of
3 Natural Resources, and the Village of Ottawa,
4 did receive an \$800,000 grant through the
5 H2Ohio program. The H2Ohio program seeks to
6 reduce nutrients and sediments from entering
7 Lake Erie through a number of different
8 programs. The program we were able to tap to,
9 into was Wetland Restoration. If you can
10 remember from that first drawing I showed, the
11 diversion channel cut across an open farm
12 field. We're installing wetlands on the far
13 side of the diversion channel, between the
14 diversion channel and the river.

15 Go ahead.

16 This is the start of construction.
17 You can see a pool there that was created.

18 Go ahead.

19 One of the different aspects that
20 was not a requirement, but a, something that,
21 an amenity that was added, was installing
22 these trees, or former trees, as roosting
23 places for raptors. And you can see that we
24 actually got a picture of a raptor waiting for
25 a mouse to go by, or a rabbit, or something

1 like that, so trying to do an enhancement to
2 the natural habitat.

3 Go ahead.

4 This is the, again, looking from
5 west to east. You can see there, on the
6 right-hand side, is the diversion channel.
7 You can see we've got some water flowing
8 through there, but it shows the area along
9 that entire length to the left-hand side of
10 the diversion channel as being constructed as
11 wetlands.

12 This is an area just upstream of
13 the inlet to the diversion channel. These --
14 these are called wattles. These collection of
15 branches, again, just a way to slow water
16 down, collect the sediment, nutrients, when
17 the stream overflows.

18 Go ahead.

19 This is an area right next to the
20 inlet structure again. These rocks were set
21 up as kind of an amphitheater. They do plan
22 to have some school education programs, have
23 kids come out and view the site, view the
24 wetlands, and have some presentations here,
25 just an area for them to sit down and get off

1 their feet for a little bit while a
2 presentation is being made.

3 Go ahead. Thank you. That
4 concludes my report, unless there are any
5 questions.

6 The project, the wetlands project
7 is almost complete. They started work last
8 fall. Got most of the work done by the first
9 part of February. They had to come back this
10 spring to do plantings. The weather has not
11 cooperated, as all of us know, but they hope
12 to have everything done by the end of May with
13 that, the wetland restoration project. Thank
14 you.

15 JUDGE SCHMENK: Questions regarding
16 that?

17 JUDGE REGER: Is this a working
18 model that could be used for the other streams
19 that lead into the Maumee River and --

20 MR. WILSON: Absolutely.

21 JUDGE REGER: Even a model that
22 could be used on the Maumee River?

23 MR. WILSON: Absolutely. Under
24 normal circumstances, the Conservancy District
25 doesn't seek projects, but if there is a group

1 that's interested in having something like
2 that done and wants the Conservancy District
3 to help facilitate it, ODNR is more than
4 receptive to looking at grants to provide any
5 of these types of wetland restoration
6 projects. So if there is somebody out there
7 that knows of something that they'd like to
8 see done, I'm sure the Conservancy District
9 would certainly be willing to look at it, with
10 the cooperation of ODNR.

11 They have been funding the project
12 to the tune of about \$50 million a year, so
13 the pot of money just continues to grow.

14 JUDGE SCHMENK: Is there any kind
15 of continuing maintenance requirement of that
16 --

17 MR. WILSON: Yes.

18 JUDGE SCHMENK: -- wetland area?

19 MR. WILSON: Yes. Basically it's
20 just making sure it's properly mowed, on
21 occasion, and just so you try to limit the
22 amount of invasive species coming in, but it's
23 not an extremely rigorous maintenance, but
24 it's basically just making sure the wetland
25 function continues, that the pools that they

1 have created don't get completely full of
2 sediment. They may be periodic --
3 periodically excavated, but the Village of
4 Ottawa has agreed to take on that maintenance
5 task. There will be an owner's manual, an
6 operations manual presented to the village, so
7 they know what to look for in the future as
8 far as the ongoing maintenance.

9 JUDGE SCHMENK: Anything else?

10 MR. WILSON: Thank you.

11 JUDGE SCHMENK: You're going to
12 talk about the Upper Blanchard also?

13 MR. WILSON: I'm going to turn that
14 over to Mr. Derek Dalton from Stantec.

15 MR. DALTON: Okay. Thank you, your
16 Honors. My name is Derek Dalton. I'm a
17 Project Manager and Civil Engineer with
18 Stantec. I want to talk today about a brief
19 overview of each of the four active projects
20 we have ongoing in Hancock County as part of
21 the flood mitigation program.

22 You'll see on the screen here an
23 aerial view of Hancock County. You can see,
24 kind of in the upper left portion, is the
25 downtown Findlay area. The Blanchard River is

1 running from east to west across the top of
2 your screen there.

3 JUDGE SCHMENK: Excuse me.

4 MR. DALTON: Yeah.

5 JUDGE SCHMENK: Just -- I'm not
6 that familiar with this.

7 MR. DALTON: Okay.

8 JUDGE SCHMENK: It would really
9 help me if you'd kind of actually walk over
10 there, had a pointer --

11 MR. DALTON: Yes, absolutely.

12 JUDGE SCHMENK: -- point to what
13 you're talking about.

14 MR. DALTON: I brought my laser
15 pointer, but I notice it doesn't show up on
16 the screen here. So downtown Findlay, to help
17 you get your bearings right here, Blanchard
18 River coming all the way across to the west
19 side of your screen. Lye Creek coming in.
20 Eagle Creek coming in, flowing south to north.
21 This is Route 15 and Route 68 interchange down
22 here. So we got four active projects.

23 This is the Eagle Creek flood basin
24 to the south of town. On the north end, just
25 north of downtown, along the Blanchard River,

1 three projects adjacent to each other on the
2 north side.

3 Furthest downstream is the
4 Blanchard River Hydraulic Improvement Phase I.
5 That's the project that is substantially
6 complete. Adjacent to that is the Norfolk
7 Southern Railroad bridge. And adjacent to
8 that is what we'll call the additional
9 hydraulic improvements, but all three of those
10 are kind of designed together to serve a
11 similar function.

12 All right. Starting with hydraulic
13 improvements, Phase I, again, this has been
14 substantially complete for a while. Over the
15 past year, it's really just been negotiations
16 with the property owner to get access to one
17 final piece of property. That property is
18 right here. Once that, those negotiations are
19 finalized, there will be a little bit of
20 additional tree removal, some excavation, some
21 final seeding and planting, and then
22 connection of the bike path across the area.

23 You can see kind of the outline of
24 -- this is a post-construction aerial photo,
25 where you can kind of see the outline of the

1 bench, so this is all a low-lying area along
2 the river. We excavated anywhere from 3 feet
3 to 15 feet across this, depending on the
4 pre-existing terrain. So when the river comes
5 up, this existing river, in this location
6 might be 50 feet wide. This widest stretch is
7 probably about 400 feet wide, so essentially
8 it comes out of its normal banks, expands to
9 about 400 feet wide, lowers the velocity of
10 the river, provides some storage, and
11 ultimately lowers the water surface elevation,
12 helps with flooding upstream.

13 So in addition to the excavation,
14 we did some bike path improvements. This bike
15 path around Swale Park is completely new. It
16 ties into a previous bike path to the bottom
17 right along High Street. We put a land bridge
18 across this existing wetland, low-lying area,
19 along with a 60-inch culvert, so the bike path
20 could be continuous, and it will eventually
21 tie into the west to an existing bike path
22 west of the project.

23 To your point about water quality,
24 there was a lot of improvements made with
25 water quality in mind. Along the northern

1 bank, I think it's about 25 to 50 feet in,
2 there is dozens and probably hundreds of trees
3 that were planted to create what we call a
4 riparian zone. And it essentially acts as a
5 water filter. As the stormwater runs off, it
6 provides some stability to the river bank,
7 provides some additional water quality. So
8 when it reaches the river, it's in better
9 quality already.

10 We also improved some habitat
11 within the river. There was four low-head
12 dams that were taken out of part of this
13 project. I think two of them are within this
14 photo, and a couple more were upstream. We
15 took the low-head dam out. That released some
16 sediment, opens up fish passage, improves the
17 habitat, and then we also added what we call
18 riffle structures, which are just a series of
19 different size ripraps and organic material to
20 kind of help shape the bottom of the river,
21 provide additional fish habitat. It also adds
22 a little bit of oxygen to the water to improve
23 the water quality a little bit more.

24 All right. So here is another area
25 that kind of shows all three projects together

1 in the downtown Findlay area. Again, for
2 reference, downtown Findlay is here. Phase I
3 work, yellow outline is the Norfolk Southern
4 bridge. This is Cory Street, this is Main
5 Street, that runs through downtown Findlay, if
6 you're familiar.

7 So again, Phase I, additional
8 hydraulic improvements, Norfolk Southern, and
9 then additional hydraulic improvements. You
10 can see the location of all the riffle
11 structures within -- within the river on this
12 image. The red riffle structures are
13 installed today. They were installed as part
14 of Phase I. And the pink riffle structures
15 down here are proposed to be installed with
16 this project, the additional hydraulic
17 improvements.

18 All right. The Norfolk Southern
19 bridge project, again, it's going to be a
20 continuation of the benching, so we're going
21 to accomplish a few things here. The biggest
22 issue with this bridge is that it's a
23 bottleneck within the river. It's -- it's
24 about 150 feet wide currently. It has a
25 relatively low bottom of the bridge, and we

1 have seen, in some recent flooding events,
2 that the water can reach that elevation and
3 cause severe flooding upstream of that bridge.
4 It's also over 100 years old, and there is
5 some safety and integrity concerns, so there
6 is some additional benefits to replace in
7 that.

8 The project may include adjustments
9 back to Cory Street and Washington Street, but
10 some recent discussions with Norfolk Southern,
11 we may actually be able to eliminate that work
12 and keep it confined to within the existing
13 rail line.

14 Here is a schematic of what the
15 bridge looked like, looks like today, and what
16 we plan to do. So the -- the plan currently
17 is to replace the bridge in the same
18 horizontal alignment. This will help with
19 disturbance and transportation impacts. They
20 think they can coordinate that. And you can
21 see the existing abutments on each end of the
22 river. There is currently one pier in the
23 middle of the river. The plan would be to
24 remove that one pier, redo, or take out this
25 abutment completely, modify this abutment, and

1 install two new piers, three spans total, and
2 roughly double the size of the bridge. It
3 would be about 300 feet wide total. And then
4 you can see underneath this section of the
5 bridge, we would continue the bench, so when
6 the river comes up, it's going to have an area
7 before it gets to the abutment to expand and
8 -- and spread out.

9 Here is a project drawing that
10 gives you an idea of what the grading and the
11 contours would look like. It's a little more
12 detailed, showing the location of the two
13 piers. One would actually be within the
14 normal footprint of the river. One would be
15 up on the -- on the bench, but before we get
16 to the abutment, again, about 300 feet total,
17 and then the benching, so you can -- you can
18 envision what that bottleneck is today, versus
19 how open that will be, and how much better the
20 hydraulics in the river will be. In addition,
21 we're going to pick up the bike path, send it
22 north, to connect to our Phase I bike path.

23 All right. Continuing to the
24 additional hydraulic improvements. So blue
25 hatching is the Blanchard River. Norfolk

1 Southern bridge, Cory Street, Main Street in
2 downtown Findlay. This is bound on the north
3 end by Clinton Court, and then there is
4 another railroad track, CSX railroad to the
5 east side, and real close to the MLK bridge in
6 Findlay, if you're familiar with that. The
7 unique part about this is we're proposing a
8 two-tier bench. It's going to serve a couple
9 of purposes. One, it's going to continue with
10 the previous work and provide a lower level
11 tier. This is going to be about 100 feet
12 wide, and it's going to flood a little bit
13 more frequently. It's going to stay a little
14 wetter, provide a little more relief to the
15 hydraulics of the river. And then we're going
16 to go up about three or four feet and have a
17 lower-tiered bench. We're still going to
18 remove some material there. It's going to
19 flood before the surrounding streets in the
20 infrastructure, but it's going to stay a
21 little dryer. It's going to be a little
22 flatter, going to give some more opportunity
23 for community green space. And I understand
24 the City is working with the landscape
25 architect to look at some amenities for the

1 community and develop this as green space.
2 All right. Again, the project
3 drawings showing the contours under the
4 Norfolk Southern bridge. We're not going to
5 modify Cory Street and Main Street. We did
6 look at some options, but I think it's most
7 cost effective and minimal hydraulic benefits
8 if we were to do that, so we're going to stick
9 with excavation of the dirt. We're going to
10 protect some of the amenities around Main
11 Street. There is a nice gazebo and some
12 lighting and some nice community features
13 already.

14 There is also a pedestrian bridge
15 over the river that we're going to protect and
16 modify at the -- the base on the north side of
17 the river and the foundation. We're going to
18 remove the current ramp that is there. We're
19 going to lower the elevation about seven feet,
20 and then we're going to put a new ADA
21 compliant concrete ramp, so pedestrians can
22 still cross the bridge at that location.

23 Also, you can see the location of
24 the two riffle structures that are going in
25 with this dark hatching right here.

1 All right. So overview, again,
2 it's a continuation of the previous work at
3 Norfolk Southern, under Phase I. Going to
4 include two riffle structures. They're going
5 to help improve water quality, improve habitat
6 within the river, and the ecology within the
7 river. And then we talked about the bike path
8 and the pedestrian bridge. We're going to
9 keep that in place, and the City is going to
10 work on some additional amenities.

11 All right. And finally Eagle
12 Creek. So this is an aerial of the area of
13 the Eagle Creek project location. General
14 overview, the purple outline is the dam
15 embankment. We'll get into some statistics on
16 the next page here. We'll talk about the
17 principal on the auxiliary spillways. Those
18 are both located roughly in this area, where
19 the -- the dam embankment intersects the
20 existing Eagle Creek. Think of the principal
21 spillway as the normal low-water flow. All
22 the -- the normal river will go through the
23 principal spillway. The auxiliary spillway,
24 you can think of as the emergency backup, when
25 we exceed the design storm event. And then

1 the auxiliary spillway will come into play.
 2 Exterior drainage features around
 3 the outside, we will touch base on, and then
 4 you'll see, on the inside, these are
 5 indicating some additional wetlands, so we'll
 6 get into that in a little bit of detail here.
 7 All right. Some stats on the
 8 embankment itself. 3.75 miles total in
 9 length. That's the purple that you're looking
 10 at. Maximum height, about 29 feet. It's
 11 going to be -- maximum height is going to be
 12 close to the river here, maybe a little bit to
 13 the north. It's going to taper down as you
 14 get further away from the creek, and basically
 15 taper into existing grade at the very south
 16 end of the project. Average height across the
 17 entire embankment, about 12 and a half feet.
 18 Going to provide about 765 acres within the
 19 embankment of storage. Storage capacity about
 20 70 -- 7000 acre feet at normal pool. And the
 21 principal spillway discharge is 1250 cubic
 22 feet per second. That is the maximum flow
 23 that Eagle Creek can go through the principal
 24 spillway, which you can think of that kind of
 25 like a culvert. It's going to be a series of

1 pipes or rectangular structures where the
 2 normal river flows through. As the creek
 3 comes up, it will start to backup, fill the
 4 basin. That max flow rate is 1250 cubic feet
 5 per second.
 6 All right. So the benefits of the
 7 project. Again, this is a dry storage basin,
 8 so very important point is that this is going
 9 to stay dry the vast majority of the time.
 10 This is designed to capture flows above that
 11 1250 cubic feet per second. And when it does
 12 exceed that, you know, the smaller storms will
 13 partially backup and then will drain back by
 14 gravity. There is no mechanical moving parts.
 15 It's going to be a static gravity drain
 16 structure.
 17 During the large events, this is
 18 designed for -- to capture the flow of a
 19 100-year rain event, or a one percent annual
 20 chance exceedance. And then it will store --
 21 it will store that volume of a storm. If it
 22 would exceed that, it would overflow the
 23 auxiliary spillway. And after the storm, it
 24 will gradually drain back into Eagle Creek.
 25 And the basin will remain dry most of the

1 time.
 2 The project is expected to lower
 3 the flood elevations in downtown Findlay by
 4 about 1.2 feet during that 100-year design
 5 event. And it's expected to move
 6 approximately 1740 parcels from the
 7 floodplain.
 8 I believe this is going to show you
 9 generally how the basin will drain. These
 10 outside corners will drain first, and then the
 11 areas right around the creek will stay wet
 12 longer, and eventually the flow will just be
 13 back into the normal banks of Eagle Creek.
 14 All right. A little bit of detail
 15 on the spillways here. This is a -- the
 16 integrated auxiliary and principal spillways.
 17 So a principal spillway, think of that as
 18 normal. Low, low water elevations during dry
 19 conditions. Think of this as a big culvert.
 20 It's going to -- going to continue right
 21 through the culvert. We're going to keep it
 22 open. It's going to provide for fish passage,
 23 which is very important to some of the
 24 regulators that we're working with, to kind of
 25 keep the stream kind of in its natural state.

1 The auxiliary spillway, this is a
 2 large concrete structure. That, again, if we
 3 get to that full pool elevation, this is where
 4 it would overflow and be a controlled
 5 contained release, and then go right back into
 6 Eagle Creek and down the river, just like it
 7 does today.
 8 You'll notice that the current path
 9 of Eagle Creek takes kind of a big S turn
 10 here. Not really the most efficient for the
 11 hydraulics of the river, so we're proposing to
 12 straighten that out. That serves a couple of
 13 benefits. One, it improves the hydraulics of
 14 the river. It improves accessibility and
 15 maintenance. It gets a little bit further
 16 away from Route 68, and it helps with
 17 constructability. We can build this thing
 18 without disturbing the river until close to
 19 the end of the project.
 20 All right. Interior drainage.
 21 These flow arrows will give you a little
 22 better idea of the direction of the drainage.
 23 It also shows you some of the wetlands that
 24 we're proposing to do. I think the takeaway
 25 here is that there is a lot of opportunity to

1 install some wetlands and improve water
 2 quality, capture a lot of the sediment, a lot
 3 of support from some of the regulators that
 4 we've been working with to propose this. I
 5 think this might show roughly 150 to 200 acres
 6 of wetlands. We're still working on that
 7 final design. But the different color shading
 8 just indicates different elevations and the
 9 different type of wetlands. This internal
 10 hatching will stay wet the majority of the
 11 time. There will be some ponding
 12 intentionally, and then as you get up to
 13 higher elevations, it will stay dryer. The
 14 intent is to have some -- some trails and some
 15 public access to the area, maybe some
 16 informational boards, and you know, a lot of,
 17 I imagine a lot of bird watching and a lot of
 18 habitat in the area.

19 All right. Overall summary of
 20 cost/benefits and schedule. Backing up to
 21 hydraulic improvements, Phase I. Again, this
 22 is the one that is all but complete, except
 23 for that one property. Total cost so far,
 24 including construction and engineering, is
 25 about \$8,000,000, all funded from the quarter

1 percent sales tax increase. Balance of the
 2 project include increased wetland function and
 3 water quality, because some of the plantings
 4 that we put in that we talked about, include
 5 fish passes. We took out the low-head dam, so
 6 it opened up the river. Fish can go a lot
 7 further upstream now. Improved the aquatic
 8 habitat, recreational opportunities, including
 9 kayaking, fishing that are going to come out
 10 on this.

11 Reduced transportation impacts.
 12 There is going to be less intersections that
 13 are flooded as a result of this project. And
 14 again, we're working on that one eminent
 15 domain case. And as soon as that is done, we
 16 expect the contractor will need about three
 17 months to finish it up completely.

18 Talked about the RAISE grant. This
 19 was a -- this is a really big deal. Steve
 20 mentioned this is the only project in the
 21 state of Ohio that received this funding, so
 22 we're really excited. It's going to cover
 23 80 percent of the cost. And we're also still
 24 talking with Norfolk Southern and are hopeful
 25 there could be some cost sharing there as

1 well.

2 Over the past year, we have been
 3 really busy on the Norfolk Southern project, a
 4 lot of back and forth. The grant did change
 5 the requirements of the permitting, mostly on
 6 the environmental side, but we're working
 7 through that, and they have been very helpful.
 8 We're having regular calls with the Federal
 9 Rail Administration, as well as the State
 10 regulators, and the permitting and funding is
 11 all moving along well.

12 If all goes well, we could complete
 13 our design within three to four months, I
 14 would say, and could go to construction next
 15 year, depending on permitting approval and
 16 property acquisitions.

17 All right. Additional hydraulic
 18 improvements. This design is 100 percent
 19 complete on our end. There is some -- there
 20 is some property acquisitions still hanging
 21 out there that is going to control the
 22 schedule. Permitting is going well. We have
 23 our U.S. Army Corps of Engineer permit, as
 24 well as our cultural resources permit for the
 25 Section 106 archeological and architectural

1 requirements. AEP has some overhead power
 2 lines in the area, so we coordinated with
 3 them. They're going to likely remove and
 4 relocate those this summer, prior to
 5 construction. There is mussel relocation
 6 required as part of this project that's
 7 scheduled to occur this summer. And then if
 8 all goes well, this could be on a similar
 9 timeline, maybe a little better, than Norfolk
 10 Southern, and we could start construction
 11 later this year. Current project estimate on
 12 this one, \$14.9 million.

13 Oh, I should mention we also just
 14 got notice that we received a grant on this.
 15 There is one property that was a chrome
 16 plating facility, and there was some hazard
 17 materials in the soils around that property.
 18 And I believe the City said you just got a
 19 grant. I think it's a little over \$400,000,
 20 and we will include 100 percent of the cost to
 21 clean that up before this project starts.

22 All right. 2022 update for Eagle
 23 Creek. Again, all costs to date have been
 24 funded through the State of Ohio. \$30 million
 25 has been received so far. Total cost to date

1 for property acquisition, 18.9 million. Total
 2 engineering to date, 2.6 million. Total
 3 project costs estimate, 75 million, and that
 4 includes all the property acquisition and the
 5 15 percent contingency on top of the
 6 construction estimate. Estimated maintenance
 7 will be in the range of 100 to \$150,000.
 8 Again, in addition to the flood mitigation
 9 benefits, we're also going to see water
 10 quality improvements to Eagle Creek, as well
 11 as downstream, and lots of passive
 12 recreational activities.

13 Overall program benefits. After
 14 the completion of all the projects, we'll work
 15 to modify the flood maps and submit those to
 16 FEMA to take a lot of the properties out of
 17 the floodplain. Expecting to remove a little
 18 over 1700 parcels from the floodplain. A
 19 little under 1700 acres would be included and
 20 650 acres of those are agricultural currently.

21 And then a big point is that the
 22 State Route 68, or U.S. 68 and State Route 15
 23 intersection will remain open during the
 24 majority of the flooding events. And in
 25 recent history, we have seen flooding in that

1 area that had major transportation impacts in
 2 the area.

3 So that is it for my presentation.
 4 Any questions?

5 (No response.)

6 JUDGE SCHMENK: Anything?

7 MR. DALTON: All right. Thank you.

8 JUDGE SCHMENK: Judge Starn, you
 9 knew all those places he was talking about?

10 JUDGE STARN: Oh, yeah.

11 JUDGE SCHMENK: All right.

12 Mr. Weaner, anything else that you need to
 13 address, prior to seeking approval of the
 14 annual report?

15 MR. WEANER: No, your Honor. I
 16 have put into Court's information packet an
 17 oath of office, which would include, if the
 18 Court is so inclined, Mr. Kuhn's recusal to
 19 have any conflicts of interest with his
 20 current company. So that is in the oath of
 21 office that I would ask the Court to
 22 administer.

23 JUDGE SCHMENK: Okay. Directors,
 24 anything else?

25 (No response.)

1 JUDGE SCHMENK: Mr. Army, anything?

2 MR. ARMY: Only, your Honor, that I
 3 am leaving at the end of May, and I want to
 4 thank the Court for always supporting us and
 5 helping us to make the District what it is.
 6 And I see Judge Burchfield grin at me, because
 7 he knows I'm just going to go home and goof
 8 off in the future, so ... but thank you all
 9 for all your support over the years. It's
 10 been a real privilege to do the work we have
 11 done, and I'm excited for what they'll
 12 continue to do.

13 JUDGE SCHMENK: All right. With
 14 that, I guess initially at this point, we --
 15 I'd entertain a motion for approval of the
 16 annual report as -- as given.

17 JUDGE REGER: So moved.

18 JUDGE SCHIERLOH: Second.

19 JUDGE SCHMENK: Moved and seconded.
 20 Discussions, questions? The roll.

21 MS. HAGEMAN: Allen?

22 JUDGE REED: Yes.

23 MS. HAGEMAN: Defiance?

24 JUDGE SCHMENK: Yes.

25 MS. HAGEMAN: Hancock?

1 JUDGE STARN: Yes.

2 MS. HAGEMAN: Henry?

3 JUDGE ROSEBROOK: Yes.

4 MS. HAGEMAN: Lucas?

5 JUDGE JENNINGS: Yes.

6 MS. HAGEMAN: Putnam?

7 JUDGE SCHIERLOH: Yes.

8 MS. HAGEMAN: Van Wert?

9 JUDGE BURCHFIELD: Yes.

10 MS. HAGEMAN: Wood?

11 JUDGE REGER: Yes.

12 JUDGE SCHMENK: If that's approved,
 13 we'll -- if you will circulate entries both on
 14 the appointment, and she's two steps ahead.
 15 I'm a step behind.

16 MR. WEANER: She and I do all of
 17 that behind the scenes.

18 JUDGE REGER: Judge Schmenk, before
 19 we adjourn, can I ask a question to the Board?

20 JUDGE SCHMENK: Sure.

21 JUDGE REGER: According to the -- I
 22 have a question, because I -- Mr. Army was
 23 great. When I became a member of the Board,
 24 he took me around and showed me some things
 25 and answered some questions. So one of the

1 questions that was going into my mind was, the
 2 Portage River, which is in Wood County, is not
 3 part of the Conservancy, part of the Watershed
 4 Conservancy, because it doesn't run into the
 5 Maumee River. But it does flood, particularly
 6 in the Village of Pemberville, and it runs
 7 into the Maumee River, causing pollution and
 8 therefore such.

9 Under the Revised Code, under
 10 6101.05, there are two ways of creating a
 11 watershed district. One is by the citizens of
 12 the area petitioning, or another conservancy
 13 district, or watershed district, can create
 14 one by petition. And I just wondered if the
 15 Board would consider looking at the creation
 16 of a watershed district for the Portage River.
 17 And maybe not. But I just wanted to ask that.

18 DIRECTOR ROPP: Sure.

19 DIRECTOR RICKER: I think so.

20 DIRECTOR ROPP: We'll consider
 21 that.

22 JUDGE REGER: If you would, please,
 23 look at that, because I mean, the Portage
 24 River runs through a lot of Wood County.

25 DIRECTOR RICKER: Sure.

1 JUDGE REGER: And floods the
 2 Village of Pemberville all the time. I
 3 shouldn't use the word all the time, but on a
 4 regular basis.

5 DIRECTOR ROPP: Floods my boat dock
 6 out too.

7 JUDGE REGER: Yeah. But if you
 8 would take a look at that and the potential of
 9 creating that through the Revised Code.

10 DIRECTOR ROPP: Sure.

11 JUDGE REGER: Thank you.

12 DIRECTOR ROPP: We'll do that,
 13 Judge.

14 JUDGE REGER: Thank you.

15 JUDGE SCHMENK: Sir.

16 MR. HOOPINGARNER: Your Honor,
 17 members of the Court, my name is John
 18 Hoopingarner. I was -- I'm the retired
 19 General Manager, Executive Director/General
 20 Manager of the Muskingum Watershed Conservancy
 21 District, and special counsel to the Maumee
 22 District. Your -- your point is very well
 23 taken, and there are other ways to absorb
 24 areas outside of the watershed of the Maumee.
 25 But what I would urge is rather than the Board

1 taking on the initiative of expanding, that
 2 you would look at public support from within
 3 the area that is flooding and move that
 4 direction, as you try to form either a
 5 separate district, or be absorbed as either a
 6 subdistrict, or part of the Maumee Watershed
 7 Conservancy District. Because that grassroots
 8 support of the -- of the landowners and of the
 9 -- the folks who are concerned about the
 10 Portage River would be most important in -- in
 11 doing this.

12 And I speak from the experience of
 13 having four subdistricts that were operative
 14 in the Muskingum, and then two that attempted
 15 to -- to form, but were not successful,
 16 because of the lack of public support.

17 JUDGE REGER: Okay.

18 MR. HOOPINGARNER: Thank you.

19 JUDGE SCHMENK: The entry then is
 20 still being circulated. I feel like I'm
 21 forgetting something.

22 MR. WEANER: Oath of office.

23 JUDGE SCHMENK: We'll do that
 24 after.

25 MR. WEANER: Going to do

1 afterwards.

2 JUDGE SCHMENK: That's after. The
 3 entry is being circulated. Can we have a
 4 motion to adjourn?

5 JUDGE JENNINGS: I'll make a motion
 6 to adjourn the meeting.

7 JUDGE SCHMENK: Either that, or
 8 we're going to be here all day.

9 JUDGE SCHIERLOH: I'll second.

10 JUDGE SCHMENK: All right. Been
 11 moved and seconded. I don't think we need a
 12 roll call to vote a motion. Do we?

13 JUDGE STARN: Adjourning is
 14 privilege of the Chair.

15 JUDGE SCHMENK: We're adjourned.
 16 (Whereupon, at 12:09, the
 17 proceedings concluded.)

1 CERTIFICATE OF THE REPORTER

2 I, Angela A. O'Neill, a Registered
3 Merit Reporter and Notary Public, do hereby
4 certify the Maumee Watershed Conservancy Court
5 hearing proceedings.

6 I further certify that the proceedings
7 above-set forth was reduced to writing by me by
8 means of machine shorthand and was later
9 transcribed from my original shorthand notes; that
10 this is a true record of the proceedings given;
11 and that said proceedings were taken at the
12 aforementioned time, date, and place.

13 IN WITNESS WHEREOF, I have set my hand
14 and seal this 16th day of May, 2022.

15
16 _____
17 Angela A. O'Neill, RMR
18 My Commission Expires: Aug. 10, 2022
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\$	156,921.52 [1] - 22:15 16 [1] - 25:12 16th [1] - 66:14 1700 [2] - 58:18, 58:19 1740 [1] - 52:6 17th [9] - 8:21, 8:23, 8:24, 9:14, 9:15, 9:17, 9:23, 12:23, 19:2 18 [1] - 23:20 18.9 [1] - 58:1 19 [1] - 23:20	5	accessibility [1] - 53:14 accomplish [1] - 44:21 according [1] - 61:21 acknowledge [1] - 16:10 acquired [1] - 25:23 acquisition [2] - 58:1, 58:4 acquisitions [2] - 56:16, 56:20 acre [1] - 50:20 acres [5] - 25:22, 50:18, 54:5, 58:19, 58:20 active [2] - 39:19, 40:22 actively [1] - 13:6 activities [1] - 58:12 acts [1] - 43:4 ADA [1] - 48:20 Adam [2] - 2:17, 7:1 added [2] - 35:21, 43:17 addition [3] - 42:13, 46:20, 58:8 additional [12] - 41:8, 41:20, 43:7, 43:21, 44:7, 44:9, 44:16, 45:6, 46:24, 49:10, 50:5, 56:17 address [2] - 7:24, 59:13 addressing [1] - 30:13 adds [1] - 43:21 adjacent [3] - 41:1, 41:6, 41:7 adjourn [3] - 61:19, 65:4, 65:6 Adjourn [1] - 3:16 adjourned [1] - 65:15 adjourning [1] - 65:13 adjustments [1] - 45:8 administer [1] - 59:22 administered [1] - 26:23 Administration [3] - 26:24, 27:1, 56:9 AEP [1] - 57:1 aerial [3] - 39:23, 41:24, 49:12 affiliated [1] - 15:13 aftermentioned [1] - 66:12 afterwards [1] - 65:1 agenda [1] - 31:24 agree [2] - 16:9, 16:11 agreed [1] - 39:4 agricultural [1] -	58:20 ahead [13] - 32:23, 33:3, 33:7, 33:20, 34:8, 34:11, 34:17, 35:15, 35:18, 36:3, 36:18, 37:3, 61:14 alignment [1] - 45:18 ALL [1] - 4:8 Allen [4] - 2:7, 4:18, 20:10, 60:21 almost [1] - 37:7 amended [1] - 24:24 amenities [3] - 47:25, 48:10, 49:10 amenity [1] - 35:21 America [1] - 26:8 amount [2] - 30:14, 38:22 amphitheater [1] - 36:21 Amy [1] - 2:8 Angela [3] - 1:22, 66:2, 66:16 Annual [1] - 3:14 annual [9] - 4:10, 21:7, 21:20, 24:12, 24:23, 26:25, 51:19, 59:14, 60:16 answered [1] - 61:25 anytime [1] - 16:14 appearance [2] - 18:7, 18:15 APPEARANCES [1] - 2:1 applied [2] - 26:18, 26:21 appoint [4] - 9:16, 10:25, 12:20, 15:24 appointed [3] - 8:17, 12:13, 19:1 Appointment [1] - 3:7 appointment [5] - 8:20, 9:11, 9:20, 61:14 appointments [1] - 10:3 Appraiser [1] - 2:16 Appraisers [1] - 6:23 appreciate [3] - 29:4, 29:9, 30:1 appropriate [3] - 10:1, 10:7, 14:12 appropriations [2] - 24:16, 24:17 approval [4] - 9:3, 56:15, 59:13, 60:15 Approval [1] - 3:14 approved [5] - 8:15, 24:18, 24:23, 27:7, 61:12							
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