



Legislation Details (With Text)

File #: 1338-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 10/7/2009 **In control:** Utilities Committee

On agenda: 11/9/2009 **Final action:** 11/11/2009

Title: To authorize the Director of Public Utilities to enter into an agreement with the Ohio Wetlands Foundation for a deposit against the purchase of wetland mitigation credits for the Division of Power and Water's Upground Reservoir project site; to authorize the transfer and expenditure of \$60,000.00 within the Water Works Enlargement Voted Bonds Fund; and to amend the 2009 Capital Improvements Budget. (\$60,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1338-2009 map.pdf, 2. ORD1338-2009 Legis. Info. Form.pdf

Date	Ver.	Action By	Action	Result
11/11/2009	1	ACTING MAYOR	Signed	
11/11/2009	1	CITY CLERK	Attest	
11/9/2009	1	Columbus City Council	Approved	Pass
11/9/2009	1	COUNCIL PRESIDENT PRO-TEM	Signed	
11/2/2009	1	Columbus City Council	Read for the First Time	
10/23/2009	1	Utilities Drafter	Sent to Clerk's Office for Council	
10/22/2009	1	ODI DIRECTOR	Reviewed and Approved	
10/22/2009	1	Utilities Drafter	Sent for Approval	
10/22/2009	1	CITY ATTORNEY	Reviewed and Approved	
10/20/2009	1	EBOCO Reviewer	Sent for Approval	
10/19/2009	1	Finance Reviewer	Reviewed and Approved	
10/19/2009	1	Finance Reviewer	Reviewed and Approved	
10/19/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
10/19/2009	1	Utilities Drafter	Sent for Approval	
10/19/2009	1	Auditor Reviewer	Reviewed and Approved	
10/19/2009	1	CITY AUDITOR	Reviewed and Approved	
10/19/2009	1	Utilities Drafter	Sent for Approval	
10/16/2009	1	Utilities Reviewer	Sent for Approval	
10/16/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
10/16/2009	1	Utilities Drafter	Sent for Approval	
10/13/2009	1	Utilities Reviewer	Reviewed and Disapproved	

10/13/2009	1	Utilities Drafter	Sent for Approval
10/13/2009	1	Utilities Reviewer	Reviewed and Approved
10/13/2009	1	Utilities Drafter	Sent for Approval
10/8/2009	1	Utilities Drafter	Sent for Approval
10/7/2009	1	Utilities Drafter	Sent for Approval
10/7/2009	1	Utilities Reviewer	Reviewed and Approved
10/7/2009	1	Utilities Reviewer	Reviewed and Approved
10/7/2009	1	Utilities Drafter	Sent for Approval

Background: The discharge of dredged or fill material into waters of the State of Ohio, including wetlands and streams, is regulated pursuant to Section 404 of the Clean Water Act. Entities planning to place dredged or fill material into these waters must comply with standards and conditions imposed by the Army Corps of Engineers and/or the Ohio Environmental Protection Agency including, in many cases, the mitigation of impacts to wetlands and streams.

The City is obligated to mitigate for impacts to at least 7.433 acres of wetlands for the Division of Power and Water's Upground Reservoir project site. The City and the Ohio Wetlands Foundation agree that they will comply with guidelines and procedures by which the City will fund, through payment to Ohio Wetlands, the restoration of wetlands at the Kuhlwein Road Site (northeast corner of the intersection of Darby Creek Drive and Kuhlwein Road in Prairie Township, Franklin County, Ohio) which will be permanently maintained and will serve to mitigate wetland impacts permitted under Sections 404 and 401 of the Clean Water Act and in accordance with ORC Chapter 6111.

The Ohio Wetlands Foundation will provide 11.3 acres of wetlands mitigation credit at the Kuhlwein Road site for the City in the amount of \$460,000.00. The OEPA requires 11.3 acres of wetlands mitigation credits to offset the 7.433 acres of disturbed wetlands (150% of impacted acreage). Ohio Wetlands has indicated they will reserve the 11.3 acres of wetland mitigation credit upon receipt of a signed copy of an agreement and a deposit payment of \$60,000.00. The remaining balance of \$400,000.00 will be legislated once funds from the upcoming Bond Sale are made available. The balance of the payment will be due in full prior to June 30, 2010 or the commencement of construction, whichever event occurs first. In the event the City is unable to make the full payment by this schedule other partial payments and fees have been negotiated to continue reserving the mitigation credits thru June 30, 2011.

Contract Compliance Information: 31-1357624 (exp. 9/28/11, non-profit)

FISCAL IMPACT: This legislation includes a transfer of funds within the Water Works Enlargement Voted Bonds Fund and an amendment to the 2009 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into an agreement with the Ohio Wetlands Foundation for a deposit against the purchase of wetland mitigation credits for the Division of Power and Water's Upground Reservoir project site; to authorize the transfer and expenditure of \$60,000.00 within the Water Works Enlargement Voted Bonds Fund; and to amend the 2009 Capital Improvements Budget. (\$60,000.00)

WHEREAS, entities planning to place dredged or fill material into Ohio waters must comply with standards and conditions imposed by the Army Corps of Engineers and/or the Ohio Environmental Protection Agency including the mitigation of impacts to wetlands and streams; and

WHEREAS, the City is obligated to mitigate for impacts to at least 7.433 acres of wetlands for the Division of Power and Water's Upground Reservoir project site; and

WHEREAS, the City and the Ohio Wetlands Foundation (OWF) agree that they will comply with guidelines and procedures by which the City will fund, through payment to Ohio Wetlands, the restoration of wetlands at the Kuhlwein Road Site; and

WHEREAS, the Ohio Environmental Protection Agency, requires 11.3 acres of wetlands mitigation credits to offset the 7.433 acres of disturbed wetlands (150% of impacted acreage) as part of the 401 Water Quality Certification, and US Army Corps of Engineers Section 404 Permit; and

WHEREAS, the Ohio Wetlands Foundation (OWF) will provide 11.3 acres of wetlands mitigation credit at the Kuhlwein Road site for the City in the amount of \$460,000.00 and will reserve them upon receipt of a signed copy of an agreement and a deposit payment of \$60,000.00; and

WHEREAS, once funds from the upcoming bond sale are available, legislation will be processed in order to pay the remaining balance of \$400,000.00; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds within the Water Works Enlargement Voted Bonds Fund; and

WHEREAS, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditures; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Power and Water; to authorize the Director of Public Utilities to enter into an agreement with the Ohio Wetlands Foundation for a deposit against the purchase of wetland mitigation credits for the Division of Power and Water's Upground Reservoir project site; for the preservation of the public health, peace, property, and safety; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Utilities be and hereby is authorized to enter into an agreement with the Ohio Wetlands Foundation for a deposit against the purchase of wetland mitigation credits for the Division of Power and Water's Upground Reservoir project site; in the amount of \$60,000.00; in accordance with the terms and conditions of the agreement on file in the Office of the Division of Power and Water.

SECTION 2. That the City Auditor is hereby authorized to transfer \$93,059.72 within the Division of Power and Water, Dept/Div. No. 60-09, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Object Level One 06, Object Level Three 6621, as follows:

Project No. | Project Name | OCA Code | change

690443-100000 (carryover) | HCWP Basin Imp's | 606443 | -\$33,059.72 (to correct Reserve expenditure on 690236-100017)

690236-100017 (carryover) | Rosehill Rd. W.L. Imp's | 642900 | +\$33,059.72 (to correct Reserve expenditure)

690480-100000 (carryover) | Morse/Hamilton Booster Station | 606480 | -\$60,000

690370-100000 (carryover) | Upground Reservoir | 606370 | +\$60,000

SECTION 3. That the 2009 Capital Improvements Budget is hereby amended as follows:

Project No. | Project Name | Current Authority | Revised Authority | change

690443-100000 (carryover) | HCWP Basin Imp's | \$0 | \$108,783 | +\$108,783 (for balance after transfer)

690236-100017 (carryover) | Rosehill Rd. W.L. Imp's | \$71,820 | \$104,879 | +\$33,059

690236-100017 (New) | Rosehill Rd. W.L. Imp's | \$104,879 | \$0 | \$104,879

690480-100000 (carryover) | Morse/Hamilton Booster Sta. | \$147,862 | \$87,862 | -\$60,000

690370-100000 (carryover) | Upground Reservoir | \$0 | \$60,000 | +\$60,000

SECTION 4. That the expenditure of \$60,000.00 is hereby authorized for the Upground Reservoir Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690370-100000 (carryover), Object Level Three 6621, OCA Code 606370.

SECTION 5. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

SECTION 6. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 7. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

SECTION 8. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.