



## Legislation Text

**File #: 0383-2021, Version: 1**

### 1. BACKGROUND

The purpose of this ordinance is to authorize the issuance of a refund for the unexpended balance of funds deposited by IKE Smart City, LLC with the City to support the completion of the Downtown Streetscape - Short North SID - High Street Improvements Phase 2 project, part of a multi-phase effort culminating in various public infrastructure improvements to North High Street and adjacent streets. It also authorizes the refund of unexpended funds deposited by IKE Smart City, LLC with the City to support the completion of other phases of the Downtown Streetscape - Short North SID - High Street Improvements project if final accounting should determine a refund is required.

IKE Smart City, LLC (“IKE”) desired to install interactive kiosks, described as “a breakthrough citizen engagement platform that helps cities, business improvement districts and destination marketing organizations communicate with the public, encouraging a pedestrian-oriented environment, and tells the story of their city”, within the Short North Area, near the Convention Center, and at other locations in downtown Columbus.

The City, acting through the Department of Public Service, agreed to install, or to cause the installation of, that equipment as part of the Short North SID - High Street Improvements project, including up to 7 kiosks during the completion of Phase 2.

Ordinance 1952-2018 authorized the Director of Public Service to execute a reimbursement agreement, effective March 27, 2019, with IKE, pursuant to which IKE deposited \$510,000.00 with the City to support the performance of construction and inspection services necessary to the installation and successful operation of the kiosks. Those funds were based upon estimates provided by the Department of Public Service to IKE and were allocated as follows:

- Downtown Streetscape - Short North SID - High Street Improvements Phase 2: \$325,000.00
- Downtown Streetscape - Short North SID - High Street Improvements Phase 3: \$65,000.00
- NCR - Weinland Park (7<sup>th</sup> to 9<sup>th</sup>): \$120,000.00

The reimbursement agreement with IKE stated final accounting would be performed upon completion of each phase of the project to determine if IKE owed additional funds for the work performed in that phase or if IKE was owed a refund because the amount deposited exceeded the amount used. The Department of Public Service recently performed final accounting relative to the completion of the Downtown Streetscape - Short North SID - High Street Improvements Phase 2 project and determined IKE is owed a refund in the amount of \$140,658.34. This ordinance authorizes the appropriation and expenditure of that sum to enable the Department of Public Service to issue the requisite refund to IKE.

This ordinance also seeks to authorize the issuance of any additional refunds that may be owed to IKE relative to the remaining phases of the Short North SID - High Street Improvements project and authorizes the appropriation and expenditure of additional funds and the establishment of additional auditor certificates to support the same.

### 2. FISCAL IMPACT

Funding in the amount of \$140,658.34 is available in Fund 7766, the Street and Highway Improvements (Non-Bond) Fund, Project P530053-100002 (Downtown Streetscape - Short North SID - High Street Improvements Phase 2) to satisfy the obligation currently owed to IKE. The appropriation of funds within the Street and Highway Improvements (Non-Bond) is necessary for this expenditure and any related future expenditures.

### 3. EMERGENCY JUSTIFICATION

Emergency action is requested in order to facilitate the return of unused project funding to IKE as soon as reasonably practicable.

To authorize the appropriation of \$510,000.00 in the Street and Highway Improvements Non-Bond; to authorize the Director of Public Service to refund to IKE Smart City, LLC the sum of \$140,658.34, which represents the unexpended balance of monies previously deposited by IKE Smart City, LLC to support the completion of the Downtown Streetscape - Short North SID - High Street Improvements Phase 2 project; to authorize the expenditure of \$140,658.34 for that purpose; to authorize the Director of Public Service to refund the unspent balance, if any, of funding previously deposited by IKE Smart City LLC to support work performed during subsequent phases of the Short North SID - High Street Improvements project; to authorize the City Auditor to establish additional auditor certificates as needed at the request of the Director of Public Service without additional legislation; and to declare an emergency. (\$140,658.34)

**WHEREAS**, the Department of Public Service administered the Downtown Streetscape - Short North SID - High Street Improvements Phase 2 project, which is part of a multi-phase improvement effort culminating in various public infrastructure improvements to North High Street and adjacent streets; and

**WHEREAS**, IKE Smart City, LLC (IKE) desired for the Department of Public Service to install interactive kiosks in the public right-of-way in the Short North Area, near the Convention Center, and at other locations in downtown Columbus in concert with the aforementioned effort; and

**WHEREAS**, Ordinance 1952-2018 authorized the Director of Public Service to execute a reimbursement agreement, effective March 27, 2019, with IKE, pursuant to which IKE agreed to deposit \$510,000.00 to support the performance of construction and inspection services necessary to the installation and successful operation of the kiosks; and

**WHEREAS**, that agreement stipulated that the Department of Public Service would perform final accounting upon the conclusion of each phase of the Short North SID - High Street Improvements project and would, if necessary, return to IKE the unexpended balance of funds allocated for that phase; and

**WHEREAS**, construction of the Downtown Streetscape - Short North SID - High Street Improvements Phase 2 project is now complete, with associated costs totaling \$184,341.66 of the \$325,000.00 deposited and allocated for that purpose; and

**WHEREAS**, the Department of Public Service since has determined IKE Smart City LLC is owed a refund in the amount of \$140,658.34 relative to Phase 2; and

**WHEREAS**, this ordinance authorizes the return of the aforementioned sum to IKE in accordance with the executed reimbursement agreement; and

**WHEREAS**, this ordinance also seeks to authorize, as necessary, the issuance of additional refunds to IKE relative to subsequent phases of the Short North SID - High Street Improvements project without passing additional legislation for that purpose; and

**WHEREAS**, funds will need to be appropriated within the Street & Highway Improvements Non-Bond Fund; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that is immediately necessary to authorize the passage of this ordinance in order to facilitate the return of unused project funding to IKE as soon as reasonably practicable, thereby preserving the public health, peace, property, safety and welfare; **now, therefore**

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

**SECTION 1.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2021, the sum of \$325,000.00 is appropriated in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P530053-100002 (Downtown Streetscape - Short North SID - High Street Improvements

Phase 2), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 2.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2021, the sum of \$65,000.00 is appropriated in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P530053-100003 (Downtown Streetscape - Short North SID - High Street Improvements Phase 3), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2021, the sum of \$120,000.00 is appropriated in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P530058-100002 (NCR - Weinland Park (7<sup>th</sup> to 9<sup>th</sup>)), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 4.** That the Director be and hereby is authorized to refund to IKE Smart City, LLC the sum of \$140,658.34, which represents the unexpended balance of funds previously deposited by IKE Smart City, LLC with the City relative to the completion of the Downtown Streetscape - Short North SID - High Street Improvements Phase 2 project.

**SECTION 5.** That the expenditure of \$140,658.34, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 59-12 (Division of Design and Construction), P530053-100002 (Downtown Streetscape - Short North SID - High Street Improvements Phase 2), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 6.** That the Director of Public Service be and is hereby authorized, as necessary, to refund the unspent balance, if any, of funding previously deposited by IKE Smart City LLC to support work performed during the Short North SID - High Street Improvements Phase 3 project and the NCR - Weinland Park (7<sup>th</sup> to 9<sup>th</sup>) project following the completion of final accounting for each project or after the Department of Public Service certifies said funds are no longer needed for that project and can be returned to IKE Smart City LLC.

**SECTION 7.** That the City Auditor be and is hereby authorized to establish additional auditor certificates as needed and requested by the Director of Public Service to support the issuance of any additional refunds that might be owed to IKE Smart City LLC relative to the Short North SID - High Street Improvements Phase 3 project and the NCR - Weinland Park (7<sup>th</sup> to 9<sup>th</sup>) project without additional legislation.

**SECTION 8.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 9.** 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 10.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account 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 are no longer required for said project.

**SECTION 11.** For the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes the same.