

Board of Municipal Utilities
Meeting Minutes
December 20, 2022
201 Miller Road
Avon Lake, Ohio

Call to Order – Roll Call

The meeting was called to order at 6:30 PM. The meeting was held in-person using web-based video conferencing technology and streamed live over Facebook.

Present: Mr. Abram, Mr. Dzwonczyk, Mr. Rickey, and Mr. Rush.

Also present: CUE Munro, CUO Yuronich, and Attorney Rinker of Mansour Gavin.

Excused: Mrs. Schnabel

Approve Minutes

Mr. Dzwonczyk presented the Minutes of the December 6, 2022 regular meeting. With no additional changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

Public Speakers

None.

Correspondence

None.

Expenditures

Following review of expenses dated December 20, 2022, for funds and amounts as follows, Mr. Abram moved, Mr. Rickey seconded, to approve the expenditures of December 2 through December 15, 2022:

Water Fund 701	\$	242,228.73
Wastewater Fund 721	\$	214,257.25
MOR ETL1 Fund 703	\$	158,912.19
MOR ETL2 Fund 762	\$	339,827.25
LORCO Fund 749	\$	10,004.35
Water Construction Fund 704	\$	733,640.60
Wastewater Construction Fund 724	\$	206,967.75
West Ridge Interconnect Fund 702	\$	363.06

Ayes (per voice vote): Abram, Dzwonczyk, Rickey, and Rush.

Nays: None

Motion carried.

Sale of Property

Mr. Munro said the owners of the Avon Lake Animal Clinic contacted him regarding land owned by Avon Lake Regional Water. The Animal Clinic plans to expand their facilities and would like to purchase approximately 1.66 acres of land from Avon Lake Regional Water. Mr. Munro said that a public bid solicitation was issued for the sale of the property. Sealed bids were opened on December 9, 2022 and there was one bid received from Lake Veterinary Properties, LLC in the amount of \$100,000.

Mr. Dzwonczyk asked how the sale of property is accounted for in the ledger. Mr. Munro said that the proceeds from the sale of property would be received as miscellaneous revenue and evenly allocated to the Water and Wastewater Funds. Mr. Dzwonczyk asked if the sale of this property would adversely impact the utility. Mr. Munro said this surplus property is not currently used and does not see any future use for this small parcel.

Mr. Rush asked if the lot split of this parcel would have any tax implications for the utility. Mr. Munro said that when the lot split is executed with Lorain County, staff will submit the necessary paperwork to ensure the tax-exempt status of the remaining property is maintained.

Mr. Abram asked what the appraised value of the property is. Mr. Munro said the appraisal of the property is \$100,000. Mr. Abram commented that the legal description of the property references that it is a part of the original Avon Township, and that Avon and Avon Lake were once one township.

Mr. Rickey asked what happens to the paper streets that border this parcel. Mr. Munro said that they would remain unless the new owners seek to have them vacated. The vacation process would take place with the new owner and the City of Avon Lake. Mr. Dzwonczyk asked if there was any contingency attached to the sale of the property and the vacation of the paper streets. Mr. Munro said there were not contingencies attached to the sale of this parcel.

Mr. Dzwonczyk asked if the sewage generated by the animal clinic was different from other users. Mr. Munro said it was not different and would be treated in the same manner. Mr. Rickey asked who pays the fees associated with the lot split. Mr. Munro said the bid specifications specifically state that the buyer is responsible for all fees associated with the lot split and re-platting of the parcel.

With no further discussion, Mr. Abram moved, Mr. Rickey seconded, to authorize the CUE to execute a parcel lot-split of certain property from Lorain County Permanent Parcel Number 04-00-006-114-077 as described in the attached legal description.

Ayes (per voice vote): Abram, Dzwonczyk, Rickey, and Rush.

Nays: None

Motion carried.

Mr. Rickey moved, Mr. Abram seconded, to authorize the CUE to execute an agreement with Lake Veterinary Properties, LLC for the purchase of certain property described in the attached legal description.

Ayes (per voice vote): Abram, Dzwonczyk, Rickey, and Rush.

Nays: None

Motion carried.

Minimum Service Fee

Mr. Munro said that the minimum service fee is charged to all customers for water and sewer services to offset fixed costs of the utility. Fixed costs include meters, meter reading, customer billing, and operating supplies. Due to significant increases in operating supplies over the previous year, it is necessary to increase the water minimum service fee.

Mr. Rush asked if the minimum service fee would be applied to customers on a per bill basis, because there are customers who are billed quarterly and monthly. Mr. Munro said that the minimum service fee would apply to customers on a per bill basis whether they were billed quarterly or monthly. Mr. Rush expressed concern in the wording of the proposed motion because it could be interpreted differently.

Mr. Dzwonczyk said that he would like to avoid any ambiguity in the wording of the motion and asked Mr. Rinker to revise the proposed motion to include language specifically addressing quarterly and monthly customers. Mr. Dzwonczyk said that the motion should be made to specifically address the Boards intentions regarding how the minimum service fee is charged.

As requested, Mr. Rinker provided the language for the motion and Mr. Rush moved, and Mr. Abram seconded, to set the minimum service fee for water usage at \$6.38 per bill, and to include the first 2,000 gallons of consumption, effective January 1, 2023 with the understanding that residential billing is quarterly and non-residential billing is monthly.

Ayes (per voice vote): Abram, Dzwonczyk, Rickey, and Rush.

Nays: None

Motion carried.

Project Updates

Mr. Dzwonczyk asked Mr. Yuronich to update the Board on staff efforts to counteract frazil ice at the Water Filtration Plant. Mr. Yuronich explained that frazil ice forms when the surface water temperature reaches 32° Fahrenheit or below and mixes with very cold ambient air temperature. Changes in water current or velocity can create sharp needle ice formations in the consistency of slush. This slush-type ice can form at the opening of the intake pipe and can cause it to become obstructed. Mr. Yuronich said the current Lake Erie water temperature is holding steady around 37° Fahrenheit and is not conducive to forming frazil ice even with the upcoming single digit air temperatures. Staff continually monitors well levels at the plant and confirms the air-burst system on the intake pipe is operating as intended. As the ambient air temperature continues to get colder and the water temperature gets closer to 32° Fahrenheit the air-burst system will activate more frequently to prevent ice buildup at the intake.

Mr. Rush asked what type of notifications are in place to contact outside agencies if the situation warrants. Mr. Yuronich said the contingency plan includes notifications to the necessary emergency services in our area and to vendors that would provide emergency pumping equipment. All contact information is routinely confirmed and updated as necessary. Mr. Yuronich said that the investments in infrastructure over the past several years has provided the utility with additional storage capacity in the event of an emergency. The West Ridge pump station is also available to provide water in an emergency.

ETL Design Services: No update.

WFP Improvements: Mr. Yuronich said that Mr. Munro recently discussed the status of the plant upgrade submittal with Amy Jo Klei from Ohio EPA. Ohio EPA provided official comments to staff on December 16, 2022. Mr. Yuronich scheduled a phone call with representatives from HDR to discuss the comment letter and prepare a response. Most comments are easily addressable and a response to all points is forthcoming.

Mr. Yuronich said one of the comments made by Ohio EPA would require the utility to start the corrosion control monitoring over and would also require a corrosion control study to be completed again. Staff feels this is unnecessary because orthophosphate is continually fed in the system to inhibit corrosion. Mr. Yuronich said that HDR and staff will provide more information to Ohio EPA on this subject to further support our position.

2022 Water Line Bundle Project: Mr. Yuronich said the valve work and water tie-in to Village at Powdermaker Creek and the easternmost water tie-in to the Avient property was completed on December 19, 2022. There are two remaining large water connections and the tie-in to Avondale that will take place after the holidays. The connections of the new water main at the east and west ends of the Walker Rd. project area will also take place in January.

Additional Storage Building: Mr. Yuronich said the steel building structural frame has been erected and the detail iron work is ongoing. The sky netting is being installed in preparation for the insulation and the roof and wall panel installation will begin the week of December 19, 2022.

Mr. Abram asked what the dimensions of the building are. Mr. Munro said the building is 60 feet wide by 170 feet long.

CUE Report

Mr. Munro said that he received notification from Senator Sherrod Brown's office regarding the ETL project funding that was requested earlier in the year. He said that the project was selected for funding but at this point a final amount has not been finalized. Mr. Munro said that he applied for \$17.5 million of Congressionally Directed Spending funds that are allocated among all Congressional districts. Mr. Dzwonczyk said that this money would help defray costs for the bulk water customers. Mr. Rickey asked if this funding was a grant award or a loan. Mr. Munro confirmed that this funding would be in the form of a grant.

Miscellaneous & Member Reports

Mr. Abram said there are recent news reports that the City of Lorain is planning to build a new Water Filtration Plant. He suggested Mr. Munro should approach the City of Lorain about purchasing water from Avon Lake Regional Water instead of building a new water plant.

Mr. Dzwonczyk reported that he recently visited the former power plant site with Mr. Yuronich and Mr. Kimevski. He feels that the demolition activities are continuing in a positive manner, and everything appears to be in order.

Public Speakers

Councilman Spaetzle wished members of the Board and staff of Avon Lake Regional Water a safe and happy holiday season.

Executive Session

Mr. Munro requested an executive session to discuss the purchase and/or sale of property and pending legal matters.

Mr. Rush moved, Mr. Dzwonczyk seconded, to meet in executive session as allowed by ORC §121.22 (G)(2) and (G)(3) to discuss the purchase and/or sale of property and pending legal matters and to include the CUE, the CUO, and a representative from Mansour Gavin.

Ayes (per roll-call vote): Abram, Dzwonczyk, Rickey, and Rush.

Nays: None

Motion carried.

The Board reconvened at 8:17 PM

Adjourn

As there was no further business, Mr. Abram moved to adjourn, and Mr. Rush seconded. The meeting adjourned at 8:17 PM.

Ayes (per voice vote): Abram, Dzwonczyk, Rickey, and Rush.

Nays: None

Motion carried.

Approved January 3, 2023.

John Dzwonczyk, Chairman

Robert Munro, Clerk

October 2022

1.6630 Acres

Situated in the City of Avon Lake, County of Lorain, State of Ohio, and known as being part of Original Avon Township Section Number 6 and further described as part of Sublot 1 in Avon Lake Regional Water Administration Subdivision as recorded in Volume 108, Page 5 of the Lorain County Plat Records and further described as follows:

Commencing at the intersection of the easterly right-of-way line of Miller Road (60 feet wide) with the northerly right-of-way line of Durrell Avenue (50 feet wide) and being the southwesterly corner of Sublot 3 in Paws by the Lake Subdivision Number 2 as recorded in Volume 104, Page 12 of the Lorain County Plat Records;

Thence South $87^{\circ} 05' 00''$ East, along the southerly line of said Sublot 3 and the northerly right-of-way line of said Durrell Avenue, a distance of 335.05 feet to point in the easterly right-of-way line of Alameda Avenue (50 feet) and the **True Place of Beginning** of land herein described;

Course 1: Thence **North $02^{\circ} 20' 00''$ East**, along the easterly right-of-way line of said Alameda Avenue, a distance of **366.42 feet** to a point at the intersection of the easterly right-of-way line of said Alameda Avenue with the southerly right-of-way line of Electric Boulevard (20 feet);

Course 2: Thence **North $75^{\circ} 35' 02''$ East**, along the southerly right-of-way line of said Electric Boulevard, a distance of **193.79 feet** to a point;

Course 3: Thence **South $02^{\circ} 55' 00''$ West**, a distance of **424.14 feet** to a point;

Course 4: Thence **North $87^{\circ} 05' 00''$ West**, a distance of **181.26 feet** to a point in the easterly right-of-way line of said Alameda Avenue and the **True Place of Beginning**.

October 2022

1.6630 Acres

Containing within said bounds **1.6630 acres** of land, be the same more or less, but subject to all legal highways and easements of record as surveyed in December 2021 by Amy M. Kelly, P.S. 8469 for Bramhall Engineering & Surveying Company. All bearings are intended to describe angles only. The basis of bearings used was a portion of the centerline of Miller Road which was assumed to be North 02° 20' 00" East.

The above intends to describe a portion of Sublot 1 in Avon Lake Regional Water Administration Subdivision as recorded in Volume 108, Page 5 of the Lorain County Plat Records.

This instrument is prepared for the City of Avon Lake for the purpose of advertisement of the subject property for sale. The above description intends to describe a parcel to be created once an agreement has been reached regarding the sale of the property.

