

**Rittman City Council Met in
A Regular Meeting
on Monday, February 14, 2011 at 7:00 p.m.**

Members Present: Glen Russell, Richard Lapehn, Darrell Carey, Rick Hanlon, Bill Workman
And Lynn Beaumont

Members Absent: None

Presiding: Mayor William Robertson

Invocation was given by Sister Joan Rader, P.O. followed by the Pledge of Allegiance

Approval of Minutes – January 24, 2011

Russell indicated in the minutes of January 24th under approval of minutes for January 10th the year should read 2011. Workman moved to approve with that correction, all Yeas on roll call and **motion carried.**

Workshop

a. Presentation by Jim Smith of the Consulting Firm, Brownfield Restoration Group, LLC Regarding the Caraustar Property It was noted, Council received a copy of the Statement of Qualifications in their informational packets for review prior to the meeting. Mr. Smith advised his company has experience in working with Brownfield's and two communities in particular with similar situations as Rittman's those being Gerard and McDonald. He advised he didn't really believe that what Rittman needed at this particular moment was an Environmental Consultant. Smith advised as the name of his firm explains they do Brownfield restoration from the environmental standpoint. He advised that means they do assessment work phase I and phase II and his firm also manages the cleanup process. Smith advised several years ago when the Clean Ohio Program came about they learned how to do grant applications very proficiently. He advised they were not a grant writing company, but an environmental assessment cleanup from a scientific standpoint and they work with the EPA, but because a lot of the Brownfield initiatives were available they have to access them through the grant process and they became proficient because they work with a lot of small communities with limited resources. Smith advised as a result they do provide grant preparation services and when the grants were received for the communities they helped to get those grants they have then done their phase I assessments and so forth. He advised what his company has been able to do with their public clients i.e. municipalities, counties, port authorities is to help them access the funds they use to access our services. Smith advised in the last several years Brownfield grant monies have become available to help you redevelop these Brownfield's. He advised phase I was really where all environmental assessments start and was basically a paper study, research type study of the environmental history of a property might be. Smith advised base on that information they develop areas that have the potential for environmental impact. He advised once those areas were identified they would then go out and do sampling which could be surface water and/or soil. Smith advised once they start sampling they cross the realm from phase I into phase II and they also cross the realm from reasonably affordable to can be extremely expensive. He advised phase I of an industrial property generally was in the \$5,000 - \$6,000 range. Smith advised Clean Ohio will provide up to \$300,000 for that assessment work to qualified communities who were deemed economically stressed. He advised Rittman was qualified for approximately one year and you were removed from the qualified map last July and they could discuss ways to get you qualified. Smith advised once phase II was complete they would then need to make a remedial action plan of how to clean it up. He advised they could apply to Clean Ohio again and receive up to \$3 million for cleanup. Smith advised that was what they do in a nutshell and the basic grant opportunities there were available although there were others, but he believed Clean Ohio was the best and the envy of surrounding states. He advised one caveat was Clean Ohio under its voter-approved boundaries runs out in January 2013 although it could be reapproved. Smith advised he was a local person whose office is in Copley and his home address is Wadsworth and he understands what they were going through and he works with communities like (Rittman) all the time, it was what his company does. He advised he has been working with Larry (Boggs) and was certainly aware of the Caraustar situation for 4 or 5 years and he understood their dilemma. Smith advised here they have a typical Brownfield, but they (owners) won't let you on the property to do a phase I. He advised the two communities Gerard and McDonald that his firm has been working with, one for 6 yrs. the other for 8 yrs.; each had Brownfield's in their community and were similar to Rittman. Smith advised for different reasons each of these communities couldn't get the property owner to do anything. He advised no environmental consultant that does what they do have any magic formula for how to get these guys to move. Smith advised the experience they have

had with these two communities was really a carrot and stick situation. He advised the carrot being they could try to entice with funding opportunities explained and help them see that it was in their best interest and that now is the time to take advantage of some of these programs available and McDonald took the carrot approach. Smith advised over the last two months both (of these communities) have broken free and were on the verge of doing phase I assessments at each of these sites. He advised although he would love to enter into a contract with (City of Rittman) and get paid to consult, he didn't honestly believe what they needed right now was a consultant. Smith advised he would continue doing what he has been doing with Larry in offering advice and helping him to understand what environmental regulations might apply to the property and it was the same as he did with Gerard and McDonald over the years. He advised he didn't charge a dime to either of those communities until phase I when they could finally get on the property. Smith advised he would be more than happy to offer his experience and advice. He advised if they were going to spend money right now, he believed the money would be well spent on the "stick" part of the "carrot & stick" and that being legal counsel. Smith advised he could help them to understand what was going on and what the process was and what would be available if we could get them to do this then we could do that. He advised unlike him he felt legal counsel could help in pushing into action by existing laws or creating new ones or threaten them with EPA involvement. Smith advised legal counsel could help in that manner and he could be in the background helping to guide and explain. He advised he would not need to be paid for that unless it became extremely time consuming, but the occasional call or meeting to help explain what was going on from a regulatory standpoint or a grant strategy standpoint he would continue to do that gratis.

Hanlon inquired as to the estimated time once the property says they want to clean their Brownfield up from that point until it was cleaned up.

Smith advised for a site the size of Carastar, and he was assuming they were focused on Carastar, optimistically if everything went well it was probably 3-5 years. He advised that was typical.

Hanlon inquired as to what determines it (the property) was clean and could be sold to a developer and they would not incur any other costs associated with cleanup.

Smith advised that could all be accomplished through the Ohio EPA's Brownfield Program called the Voluntary Action Program started in the mid 90's. He advised the program states if they follow the rules and regulations of the Voluntary Action Program by a certified professional, certified by the Ohio EPA, which he was one and two others work at his firm, in accordance with the Ohio EPA's Brownfield Program through phase I and II and at the end of that process a certified professional would prepare a "No Further Action Letter", which was a 3-ring binder document. Smith advised that ("letter") documents all the assessment and cleanup work that has done in accordance with the rules. He advised the EPA will review the document and if they concur that "No Further Action" was a proper conclusion then they would issue a covenant not to sue for that property. Smith advised that was the endpoint in which developers would say, "Oh great!" He advised yes there would be an environmental legacy associated with this property, but here they would have a "Covenant Not to Sue" from the EPA saying those issues have been properly dealt with and that was their endpoint. Smith advised the Clean Ohio program was linked at the hip with the Ohio EPA's voluntary action program. He advised in the mid 1990's the EPA created the regulatory program that helps move Brownfield's and several years pass and while it was a good program it was quickly realized that it was also an expensive program and a lot of properties would just sit there because people didn't have the money to get through the voluntary action program and that was when Clean Ohio was created. Smith advised Clean Ohio was not an EPA program, but was run out of the Ohio Department of Development. He advised it was first and foremost a development program and was created for the realization that these properties would just sit blighted unless there was some funding mechanism to get them moving. Smith advised Clean Ohio was the funding apparatus and in order to get those you have to commit to going through the Ohio EPA's Brownfield program.

Mayor Robertson advised it was not a given that they would get the "covenant not to sue" and they needed to be careful who was chosen to do it and he saw on (Brownfield Restoration Group, LLC) their document that they have the second most successful "covenant not to sue" recipients in the state and he felt that was important. He advised just because they follow the steps there was still no guarantee that the EPA was going to sign off on it.

Smith advised that was correct and it was a rather complex program and there were probably 100 certified professionals in the state and probably over half have never gotten all the way through the covenant. He advised while nothing wrong in having the certification, many of them have it only as a credential. Smith advised the State of Ohio doesn't have a license for professional geologists, which was what he is...but it is the licensing program for environmental professionals. Smith advised as far as Clean Ohio his company has probably done more Clean Ohio applications than anyone in the state. He advised it was what they do it was their forte.

Boggs advised they (the city) have been offered that property. He inquired as to the pros and cons (of accepting such an offer).

Smith advised five and ten years ago the advice would have been absolutely do not take property as they would be taking on all the liability. He advised that view has changed somewhat in

keeping with the advent of the Clean Ohio program because smaller communities if they do take a property, they have some mechanism to actually clean it up so that view has changed somewhat. Smith advised probably environmental counsel would tell them that until it was cleaned up they should not take it, but he has worked with communities that recognize that, but they also recognize the reality was if they don't take it, it would most likely sit there forever. He advised at least when they take it they could do something with it. Smith advised also with the realization that the liability associated with it was the environmental legacy of course and technically the EPA if they were to "go after" a contaminated property because they want to enforce action, they would "go after" the owner/operator. He advised technically that would be Rittman if they took over this property, but this owner clearly did not cause the contamination and the operator was Caraustar. Smith advised in practice he didn't see the EPA coming after you (Rittman) for a problem you clearly did not cause. He advised if they (Caraustar) were offering the building and the land associated with the building he would say take it. Smith advised they could do something with it through Clean Ohio and that was certainly manageable. He advised the problem, as he understood it, was they want to unload their landfill along with it. Smith advised the landfill, as he understood it, was nothing but a money pit in the long run. He advised the landfill would require ongoing sampling and analysis, as there was usually 30 years post closure care and there could be a significant amount of liability associated with owning those landfills. Smith advised even though the building and the land it stood on was not a zero risk option he would probably counsel them to take it even if an environmental attorney would not. He advised with the landfill...no way.

Boggs indicated they asked Caraustar to give the city just the building and the land it sat on and they refused. He advised the offer was all or nothing and the reason he felt they were back to square one.

Robertson advised the landfill was not just a cleanup area, but a long term monitoring.

Smith advised there were lagoons and landfills and the EPA was forcing them to close the lagoons and as he understood it they were consolidating what was in the lagoons into another part of the landfill and then they would be closing that and if that is correct and once they get that work done there would probably be 30 years of post closure care. He advised the post closure care was ongoing monitoring of the ground water and soil. Smith inquired what if they started to see "standards" in the ground water. He advised there was no way that he could recommend that they get into that sort of situation, it just wouldn't be wise. Smith advised he and Larry have tried (to negotiate) with the attorney at Caraustar and he has never met her and he didn't mean to cast aspersions, but his impression of her was that she was either uninformed or intentionally misleading he wasn't sure which. He advised she have given the impression that this land is extremely valuable and they think they can sell the building and the land along with the landfill. Smith advised he couldn't imagine who in this world would be that property and the facility with that landfill. He advised there was no upside to owning that landfill it was all a downside.

Robertson advised the landfill was licensed for one (purpose) from the EPA.

Smith advised it was licensed for one thing Industrial Captive Waste, which it to accept the waste generated at that facility. He advised it was not licensed to accept waste from around the county. Smith advised he supposed that maybe one of their competitors that generate the same sort of waste and wants to come in and do the same sort of thing, maybe they could make some value out of that, but that was a reach in his opinion. He advised he believed she was being disingenuous in their bargaining position. Smith advised what he would love to do is sit down with somebody and try to reason as to why this is in their best interest and for them to take advantage of the situation, but he felt they were dealing with a brick wall.

Boggs advised he hasn't tried to get passed her as he assumed she had the ultimate say.

Smith advised maybe she does and it could backfire to try to go around her or maybe they had nothing to lose at this point. He advised eventually that was what worked in the community of McDonald as they were trying to get US Steel to let go of part of the steel mill in their town and eventually they realized they were not going to sell it. He advised they certainly were not going to sell it without assessment work being done, as no one on this earth would buy an old industrial property, pay cash and not do a phase I or phase II assessment. Smith advised he didn't know if it would be successful, but if they could get an audience, he would love the opportunity to try to talk to someone who was really willing to listen, but he didn't get that impression. He advised he would love to explain the opportunity that they (Caraustar) have if they would open their minds a little bit. Smith inquired as to where else were they going to get access to public knowledge to help them fix their mess. He advised he understood the arguments against it, but the reasons for it and the reason Clean Ohio was created was because the alternative was it would sit there forever. Smith advised what they (Caraustar) was afraid of was if a phase I or phase II were done and they find issues and for whatever reason we don't get the cleanup grant. He advised either the problems were so vast that the \$3 million wasn't enough or for whatever reason the application would be denied. Smith advised his firm has prepared more than 40 applications and they have been 100% funded, but there was no guarantee. He advised it was not an unreasonable concern, but what is unreasonable is for them to think they would ever unload their property with that landfill. Smith advised they were probably figuring it was best to let a sleeping dog lie and he indicated they were doing what the EPA was forcing them to do, but they didn't want to open a can of worms.

Boggs inquired as to why the company would continue to reapply for the permits to keep the landfill open and it was his understanding under the Clean Air Act for the three phases of water/air/landfill. Boggs inquired as to why EPA would continually grant those licenses.

Smith advised he didn't know, but he had two speculations and one of those was that keeping a permit active was much less expensive than trying to get a new one from scratch and they may still be holding out hope to entice a competitor or an industrial client to make use of those permits so, the permits had some value. Smith advised the other possibility was that by keeping the permits active they could keep up the pretense that they were still operating in some sense.

Boggs inquired if someone were to take down the building if that would jumpstart EPA as far as closure mandates. He advised with no building there was no possibility of them returning.

Smith advised he didn't know what the technicalities of the law would be on that (issue).

Workman inquired if EPA didn't continually monitor that landfill.

Smith advised that was his understanding, yes.

Workman inquired if that was a public record.

Smith advised yes.

Workman advised then we should be able to get some information on what was down there in the ground.

Smith advised yes.

Robertson advised what they have reported was on paper and that was the phase I part.

Workman inquired if we get that report wouldn't it help us with phase I.

Robertson advised their reports look good.

Smith advised he believed they were talking about two slightly different things. He advised they have told us they had a phase I (study done) and it concluded that there were no problems. Smith advised phase I is different than the information that the EPA is requiring them to do on an ongoing basis that really should be summarized as part of a phase I. He advised he didn't know if he ever saw the phase I other than he heard from an attorney that the conclusions were they had a phase I done and there were no problems.

Russell advised they did have a phase one and it was several years ago and at that time they told them there was nothing wrong. He advised he didn't know where the reports are or who has the report.

Smith advised that was what he heard and what fuels his impression that they were disingenuous. He advised he was sure they could find a consultant that would do a phase I who would say it was no big deal and would be somebody that they were paying. Smith advised he would guarantee that under the voluntary action program which would be the states Brownfield program discussed earlier that there would be several issues found in a phase I that would lead to a phase II. He advised he has been through the facility with Larry and he guarantees there were phase II issues. Smith advised so the statement that a phase I has been done and there were no issues and if they have a paper that states that it doesn't make it true.

Russell advised he believed at one time they were doing a lot of evacuation work in the dock part of it and they were moving stuff and cleaning it and they said at time how many millions of dollars they had spent on it and they just called and added phase II, but he doesn't think they completed phase II. He advised and then they shut down.

Smith advised their terminology was not precise, as it was not a phase II, but what they were doing was remedial action. He advised it was state required and enforced remedial action and was not the logical progression he described where a phase I assessment and then phase II cleanup. Smith advised they cut right to remedial action because the EPA said they were going to do this and while it was not entirely unfounded what they were saying, but they were not painting the proper picture.

Workman advised what he was asking was the EPA do they not monitor that themselves, even if it was just a ground water contamination.

Smith advised they require the company to monitor it and then turn in reports to the EPA and then EPA presumably was evaluating those reports.

Workman inquired if there was no way they could get EPA to say, "Hey, I want to double check this"?

Smith advised they might be able to, yes. He advised that was kind of heading toward the stick part of the carrot and the stick. Smith advised one way to go at them was to partner with the EPA and nudge the EPA as a community concerned about their aquifers and certainly you would have access to the public records available. He advised they do EPA file searches all the time and that would be part of a phase I. Smith advised once they start with the stick part it could enhance the carrot or it could cut off communication he didn't know how it would go, but it was certainly an option.

Workman advised the reason he asked was because back when he had his service station they had dirt that was contaminated and there were all kinds of wells in the ground to monitor everything. He advised they hauled the dirt away and brought new dirt in and he asked how he could tell if that dirt was okay and he was told buyer beware back in 1990-1991.

Smith advised even under the voluntary action program when they do remediation of sites and dig out contamination part of their job as a certified professional they have to check where the

fill was being brought in from and okay it as a clean source of fill. He indicated contractors often “say” they have a great fill source at a great price, but it could be from an industrial site on the other side of town. Smith advised it was buyer beware and you have to know where they were getting the fill and you have to check it.

Workman advised then there was no guarantee anyway they look at it for us regarding the whole environmental issue.

Smith advised there never are any guarantees unfortunately with environmental issues, but they need to make sure they do it in a strategic and methodical way. He advised his firm has had good success and they have never had a site that was turned down and they have always gotten sites cleaned up within the grant. Smith advised they have had instances where the developer wanted to do something with the property that didn’t pan out for economic reasons. He advised if they walk through it properly they should be able to do something with that property. Smith advised at least get it cleaned up so there was an opportunity to bring someone else in.

Robertson inquired as to what kind of hoops they had to jump through to be back on the list to qualify for those grants.

Smith advised they could petition to get back on the list. He advised the list is updated every January and July. Smith advised he believed (Rittman) was on the list for about a year, about a year ago. He advised when the economy turned really bad and practically the whole State of Ohio was on the approved list. Smith advised they could petition to be put back on the list around May or June to be placed on in July. He advised there was no form or application, but what they were looking for was a free form letter telling them what a “basket-case” economically (Rittman) was. Smith advised they should explain unemployment was high and the poverty rate was such and such and there was a Brownfield sitting in the middle of your town that was huge and an eyesore and hinders development. He advised they should make themselves out to be as pathetic as they could, as that was what the letters were all about. Smith advised this is what they (his firm) do and he is local and he knew what they were going through and he would love to be able to help. He advised he would be glad to provide contact information for a good environmental legal counsel as well.

Russell indicated he felt they needed to go around the lady they have been dealing with and go above her head.

Smith advised sometimes just a letter from the city’s environmental attorney to them could put a different slant on things. He advised maybe they would say we had competent legal counsel and that we were getting a little more aggressive and maybe they would pay more attention. Smith advised he has seen that approach work and it might be a relatively cost effective way to test the waters and it might get their attention.

Boggs thanked Mr. Smith for taking time to answer Council’s questions and explain the process and advised it was appreciated.

Citizens Forum – No Remarks.

Old Business

a. **Ord. No. 7631 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Creating Chapter 749, Indoor Firing Ranges of the Codified Ordinances of the City of Rittman and Declaring an Emergency.** Third Reading. Ord. No. 7631 was read on third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

b. **Res. No. 7632 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Determining that Lot Number 3024 Owned by the City of Rittman, is No Longer Needed for Municipal Purposes and Authorizing the Municipal Manager to Solicit Bids for Its Sale as Required by Law.** Second Reading. Res. No. 7632 was read on second reading. Workman moved to place on third, all Yeas on roll call and **motion carried.**

New Business

a. **Res. No. 7634 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Estimating the Amount of Active, Interim and Inactive Deposits to Be Awarded, Fixing the Period of Designation and Date of Awarding and Declaring an Emergency.** First Reading. Res. No. 7634 was read on first reading. Russell moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Res. No. 7634 was read on second and third reading. Russell moved to adopt, all Yeas on roll call and **motion carried.**

City Manager’s Remarks

City Manager Larry A. Boggs advised he wanted to discuss and have a Council vote if they agree regarding some residents on Terrace Dr. where there was a situation in which part of the east

side of the street is lower than the west side and causing some issues. He advised when these houses were built 60-70 years ago the city allowed a sewer line to be run behind the property in which at least four houses tied into that line. Boggs advised they don't allow those kinds of situations to occur any longer as it was considered a private line and there was no easement or way to maintain it if there were problems. He advised there have been problems with one property creating an issue up the line and it backs up and creates problems for other people. He advised they weren't blaming any property owners, as there was nature involved with trees and such. Boggs advised he and the Utilities Director have been trying to mitigate this situation similar to the check valve system where a policy was approved by Council where the city would reimburse up to a certain dollar amount. He advised in this particular case he was not bringing a policy to Council because they believe this type of situation was going to have to be looked at on a case-by-case basis, as there were a lot of variables. Boggs advised this particular situation the addresses were 406 & 412 Terrace and they were the last on the block (at the dead end on the east side) and they have spent a tremendous amount of money on this private line trying to clean out roots, etc. He advised they have come to the conclusion that the best way to solve this issue is to put in mini pump station in each residence and run separate lateral lines up to the existing sewer line that the city maintains and they are pretty sure this will solve the problem for those two property owners. Boggs advised in talking with (the Finance Director) she doesn't feel comfortable with issuing public funds without Council approval. He advised he was asked Council for permission to address this problem and mitigate it and they were certainly not going to pay for the entire process, as it was not entirely the city's fault. Boggs advised they wanted to fix this problem once and for all and get those residences off that private line.

Workman inquired if an easement was ever signed.

Boggs advised they couldn't find any records to that effect. He advised these were older houses and he was assuming at that time the city wanted to see growth and to do that effectively at that time they ran the line behind the houses and tap into the main sewer line on W. Sunset Dr. and it worked for quite awhile.

Robertson advised when the development was put in they might have had to pump it up to Terrace at every house.

Boggs advised he wasn't even sure that type of device existed at that time.

Russell advised he believed at the time the city didn't really want him (property owner) to build there, but he (property owner) was willing to take the risk and they put some kind of a sewer system in where they had to clean it out every so often and that has been years ago.

It was noted, they were discussing the sanitary sewer.

Boggs advised the property owner who built the house might have accepted the responsibility, but the property has sold quite a few times since then and these property owners innocently bought these properties having no idea it was a private lateral and they are at the mercy of the front properties. He advised a ballpark guesstimate of between \$1,000-\$2,000 for mitigating each property.

Hanlon inquired once that was put in place would it pump to Sunset or Terrace.

Boggs advised it would pump to the line on Terrace and he believed that line then goes to Sunset.

Hanlon inquired at that point the property owners would be responsible for all maintenance associated with that line just as though it were a gravity line.

Boggs advised yes. He advised he would not like to put a dollar amount on the motion as they were still in the process of receiving estimates and they had no idea where those going to come in at and the he was not proposing the city pay for the entire process. Boggs indicated some of the labor might be handled in-house. He advised they felt in order to resolve the problem as they (city) would like, as the property owners were looking to go a different direction, they (city officials) felt they (city) should pay for the sump and the pump portion of that project. Boggs advised he didn't feel the cost would go over \$2,500-\$3,000 each property and he was hesitant to say that.

Rissland advised she didn't need a specific dollar amount just Council approval to spend the dollars on mitigating a private problem.

Carey inquired as to what happens to the lateral line.

Boggs advised they would require it to be plugged at the second house going down so it would be sealed on that end and still be operational for the two properties on the end.

Beaumont inquired as to who would be responsible for the maintenance.

Boggs advised the same as any other house and the reason we weren't doing the total installation because we don't want to accept that responsibility. He advised the city probably should never have allowed this to happen and they want to fix the problem and abandon the private line and bring it up to today's city code. Boggs advised they were negotiating with the property owners to do it the way the city wants it done and the property owners would then maintain the line from their pump to the street the same as anyone else once the work was complete. He advised we weren't giving them the pumps, but we were saying we were going to reimburse them up to a certain dollar amount.

Workman advised we were actually only doing half of that line.

Boggs advised that was correct. He advised it was not entirely the city's problem.

Workman inquired what if the other half has problems after we do this work.

Boggs advised chances are the other half will not have problems because gravity-wise they were further down the bank and one of the other issues was that there were quite a few trees especially one gigantic tree. He advised this was an old tile system so those tree roots have gotten in there and broken the tile and there was no guarantee the next two houses would not have tree roots (in their sewer line) at a later time, but it appears from the video that it is okay through that section.

Beaumont advised he felt if we (city) were going to help they needed to make some kind of rule and dictate what kind of pump (they purchase). He advised someone might buy a cheap pump and...

Boggs advised they could do that.

Beaumont inquired as to how many circumstances like this were there throughout the city and not just sewer, but oddball things and people will say we helped this person because we thought it was the right thing to do and now we (have this issue we want the city to take care of). He advised he worries as to where does this take us.

Boggs advised he could not honestly say there were no other private laterals. He advised there could be some we don't know about. Boggs advised the rule of thumb is that our (city) responsibility ends at the property line and they could take that approach (with this situation).

Workman inquired what if they run a new sewer line.

Boggs advised initially that was what they were going to do, which would require easements from all the property owners. He indicated in talking with the property owners the two who aren't having any problems don't want anything to do with it (the situation) and don't want to pay anything. He advised there was a very large tree and if they were to cut the roots and run the pipe and the tree falls over there would be some liability issues. Boggs advised it became cheaper to mitigate this (problem) and going this direction than trying to put a new sewer line in the back of the properties.

Hanlon advised probably this (proposed solution) could be done a lot sooner.

Boggs advised something needed to be done sooner.

Russell advised he felt that particular spot has been an "illegal" sewer since the late "59ths". He advised the city was aware of it, but they still let that person deal with it.

Boggs advised they don't know how many people would come to them and want a check valve put in, as it was a kind of when it happens we deal with it.

Motion to Authorize the Finance Director to Spend Public Funds to Mitigate the Sanitary Sewer Issue at 406 & 412 Terrace Street in the City of Rittman Russell so moved, all Yeas on roll call and **motion carried.**

Finance Director's Remarks

Finance Director Barbara A. Rissland had no remarks.

a. Approval of Financial Report for January

Workman moved to approve, all Yeas on roll call and **motion carried.**

Council Remarks

Council Member Rick Hanlon had no remarks.

Council Member Darrell Carey advised he would like to congratulate Barb (Rissland, Finance Director) on the certificate of achievement for excellence in financial reporting for the city's CAFR, which we used to have sent out to have done so that saves us a little bit of money. He advised he remembered wondering why we had two outside firms doing different types of work and he felt that being able to do most of it in-house saves us a little bit of money and that was very nice to see.

Rissland thanked him. She advised we still contract with one firm to help do the word processing mostly, but she would like to transition that in the next couple of years too.

Council Member Bill Workman thanked those who came today and he thanked Barb (Rissland) for her real good work. He thanked Larry (Boggs, City Manager) for staying on top of a lot of this stuff and hopefully we could get it resolved.

Council Member Richard Lapehn advised he wanted to compliment Chief Sweigert on the terrific report given (to Council). He advised truly there was some good stewardship of public monies. Lapehn advised the monies spend per (fire) truck spent in 2010 was minimal and he does wonderful work and all the continuing education and providing for everyone to keep the citizens safe and it was appreciated. He advised what was behind the report was all the good work that it represents and his care with the city's money and he thanked him very much.

Council Member Glen Russell commended the city street department and he realized they have had a lot of snow and a lot of ice, but he felt they have done an excellent job with what they had to deal with throughout the city. He advised he felt they have done pretty good. Russell advised he would like to commend the chief (Sweigert) for his report of the fire dept. He advised he felt they have done an excellent job and their response time was excellent and it was appreciated and he thanked him for his report.

Council Member Lynn Beaumont advised he wanted to echo (Carey's) comments about Barb (Rissland) and her award as he felt it was a fine professional award. He inquired as to after all the snow melts were they still going to have water issues on Willow Street.

Boggs advised he has not been able to get a meeting with that subject although he admitted he hasn't tried since trying to make the last contact. He advised he would try again and would try to get that issue resolved.

Beaumont advised he felt that was an argument waiting to happen. He advised he has been down there a couple of times and it was a nice commercial development as all the buildings were full and were good vibrant businesses. Beaumont advised he would think if there were any way the city could alleviate any of the water (issue) whether they work with a private individual or what.

Russell inquired if it was a drainage problem.

Beaumont advised yes as there was just water everywhere and they didn't have any place to send it.

Russell inquired if it was banked.

Beaumont advised there was no storm sewer system other than what private owners put in and the line was too small going out of that (area) to carry out all that water.

Boggs advised he suggested the city might be interested in running a larger storm sewer (line) since (that area) was quite a bit developed now to help out all those businesses. He advised so far he has not gotten a real good response from him (owner).

Mayor William Robertson advised commended Mindi (Vance, Executive Director) and the Chamber Directors for the dinner last week. He advised it really went well and some officials from Orrville came and said they walked away with some ideas they would like to incorporate into their Chamber Dinner. He advised the Brian William's Scholarship Basketball Game was this past weekend and there was a lot of excitement at the Rittman High School. Robertson advised there was a lot of basketball and a full house and the new football coach was introduced. He advised he knew Kris Fetter, Sandy Trogdon and Francey Morris spent a lot of booster time and effort. Robertson advised it takes a tremendous amount of people to pull that (event) off and over 300 toured the new school. He advised it was a little excitement on a snowy February day.

a. Approval of Vouchers 54583 thru 54621 & 54626 thru 54728 Including Then and Now Certificates Carey moved to approve, all Yeas on roll call and **motion carried.**

Adjourn: - 8:19 p.m.

Russell so moved, all Yeas on roll call and **motion carried.**

Mayor

Clerk of Council