



Public Works Committee of Council Agenda
June 13, 2023 - 5:00 PM
233 South Main Street, Monroe, Ohio

1. Great Miami River Trail
2. Discussion, questions, and requests for future meetings.
3. Adjournment

GREAT MIAMI RIVER TRAIL UPDATE



The Great Miami River Trail project continues to be a challenge. Staff has been working with the Miami Conservancy District, OKI, ODOT, ODNR and the Great Miami Riverway Organization over the past several months to determine our options and best course of action to move forward. The following details the issues we are up against, the concerns and recommendations of all involved parties and the corresponding actions required from Council if Council wishes to proceed with the recommendations.

Challenges:

1) **Stream Bank Erosion along Dick's Creek**

The City of Monroe's Northern trail head ends along the banks of Dick's Creek. This portion of Dick's Creek has two very sharp bends in it. This causes the water to gain velocity and produces a scouring effect which is eroding the stream bank at an alarming rate. This section of the trail is also confined by wetlands on the eastern side of the trail. This wetland area is what used to be the Miami and Erie Canal. It has been very challenging from a design perspective to deal with this problem of being sandwiched between the wetlands and eroding stream bank.

2) **Brandstetter Carroll, Inc. – Quality and Delivery of Work**

The City of Monroe has been in design with Brandstetter Carroll Inc. for several years with the firm failing to ever complete a functional design. They have missed several deadlines to file design drawings with ODOT. Final drawings were not submitted until 3/10/23. Not only has this caused frustration from ODOT, but the time delays effect our grant funding and construction windows.

3) **ODOT Review**

- *Permit Determination*

It was determined that Monroe would be required to submit for a **USACE** (United States Army Core of Engineers) Regional General Permit (**RGP**). There were three thresholds which caused this determination to be made. 1) A loss of waters of the U.S. exceeding 1/10 of an acre 2) Discharge into a wetland. 3) Greater than 300 linear feet of stream impacts.

- *Plan Review Comments on Brandstetter Carroll's design*

ODOT District 8 Hydraulic Engineer, Tami Brehm, had the following comments:

- a. Plan view Comments:

- i. I question the overall length of the streambank stabilization. The proposed stabilization doesn't appear to tie into the existing streambank linework, as shown in the plan view below.
- ii. The two sections should probably be connected. This 200' gap could have issues shortly after this is installed.
- iii. The upstream ends do not appear to be keyed in. The creek can easily erode behind these.

- b. Cross Section Comments:

- i. The Scourlok sections aren't protecting to the 10-year WSE. If you had one more block of height, we would be protecting the 100-year WSE

- *Cost Increases*

The USACE Regional General Permit would come to the city with a cost of \$200,600.00. This is what the city would have to pay to start construction of the trail in this area impacted by Dick's Creek and has no bearing on construction costs. The ODOT District 8 Engineer believes that the height and the length of the current proposed stabilization of the streambank needs to be basically doubled. This would quadruple the cost of the Regional General Permit to around \$802,400.00. Again, this is only the fee to obtain the permit. Construction costs would also be increased due to the increased stabilization, but are unknown at this time.

Other Entities:

Miami Conservancy District

On Monday May 8, myself along with our consulting City Engineer, Paul Goodhue, met with the Miami Conservancy District (MCD). Also in the room was Tami Brehm, ODOT District 8 Engineer and Matt Latham, former Asst. Director of Butler County Metro Parks. We discussed the challenges we are facing trying to construct our portion of the Great Miami River Trail, with the primary focus of the conversation being around the Dick's Creek erosion issues. We made it very clear to them that Monroe wants to be a part of the Great Miami River Trail network and we look forward to being not only a good partner in the trail network, but we also want to be good stewards of the trail as well. For us to be that good steward of the trail, we must build a trail through Monroe which is sustainable over the test of time. After showing them the current design proposed by Brandstetter Carroll and the current condition of the streambank erosion, **MCD engineers concur that the current design and continued erosion, will not lead to a sustainable trail build.**

Conversation then turned to the fact that the cost to construct the trail is spiraling out of control due to current design issues and the complications of streambank erosion/stabilization. The point was made that while Monroe wants to be a good steward of the trail, the city cannot bear the entire cost of repairing/stabilizing streambanks which are considered waters of State. This conversation went better than expected with MCD acknowledging that this area of Dick's Creek had eroded more than they had realized, and that Dick's Creek continues to see higher flows each year. Due to development, they have seen an up-tick in the amount sediment being transported and deposited by Dick's Creek. These higher flows and sediment deposits are two key factors in the erosion issue. Conversation continued about potential funding resources, as well potential design ideas that could help aid in the award of grant funding available through the Ohio EPA and the Ohio Department of Natural Resources (ODNR). We have a follow up meeting scheduled with MCD on June 22, 2023, to discuss this more in-depth now that they have had an opportunity to meet internally and discuss options.

Great Miami Riverway Organization

The Great Miami Riverway Organization is an extension of the Miami Conservancy District. It is led by Dan Foley who is a former Montgomery County Commissioner. When Mr. Foley was commissioner, he gravitated towards the development of the Great Miami Riverbanks throughout Montgomery County. After his term as commissioner, he was offered this position as Executive Director of the railway organization.

On April 14, 2023, the Assistant Public Works Director and I attended the Great Miami Riverway Summit in Sidney, OH. Throughout this day the Great Miami River Trail discussion largely focused conversation on the remaining segments of the trail which need completion within Butler County. They released information that included approved funding allocations for the river trail to the North and South of Monroe's Trail. What stuck out to me most this day, was the fact that not one time was the City of Monroe mentioned this day. All of the cities associated with the trail on either side of Monroe were talked about in length, and never a mention about Monroe trying to construct the trail.

A few days after the summit, Public Works reached out to Mr. Foley to ask some questions about the Riverway Organization and discuss Monroe's portion of the trail. He was very glad for the call to learn of the struggles Monroe is having with trying to build our trail. Mr. Foley scheduled a meeting with the Miami Conservancy District for us to discuss the trail. Mr. Foley is also scheduled to talk with Monroe staff on June 5, 2023, to discuss the Riverway Organization and how Monroe can play a role in it. Monroe playing an active role in this organization could benefit the city greatly. It will help bring awareness to the struggles we are having with Dick's Creek. The Trailway organization can help lobby on behalf of the city for additional grant dollars to cover costs associated with design and construction along Dick's Creek. The trailway Organization is very interested in Monroe successfully completing our trail for connectivity as well as the connection to Bicentennial Commons. It will be a great stop-off for trail users.

Recommendations:

Due to the current constraints of the area surrounding Dick's Creek, the overall issues experienced with Brandstetter Carroll as a whole on the trail project as well as the first phase of Bicentennial Commons, it is the opinion of the Public Works Director and City Engineer that the city pause on the project as it currently stands and regroup in a manner that allows us to separate the project into multiple phases so we can continue to move forward while finding a solution for the Dick's Creek stabilization. Keeping in mind that multiple decisions will need to be made to turn this into a phased project, I will layout each decision with a description of why and what steps will be required to reach a successful point in this decision.

1. **Brandstetter Carroll Engineering Contract:** It is the recommendation that the City of Monroe separate contractually from Brandstetter Carroll Inc. for all services related, but not limited to the Great Miami River Trail and Bicentennial Commons. The firm has cost the City of Monroe thousands of dollars in negligent design acts within Bicentennial Commons as well as cost us several years of complacency regarding moving the Great Maimi River trail forward. It is our understanding through a third party that Brandstetter Carroll would also like to separate from the City of Monroe, as they are upside down financially on this project. As part of this separation agreement, we would require that Brandstetter Carroll turn over all design, survey, and master plan information in the appropriate software for future use by others. This would be a mutual separation that would alleviate ties between parties.
2. **Funding Sources:** There are currently three funding sources associated with this project.

ODOT: \$650,000.00

Due to ODOT funding, this project is intended to be an ODOT let project. Meaning, ODOT will bid the project, award the project, inspect, and manage the project as well as disburse the funds associated with the project. When going ODOT let, there are some advantages, but there are also disadvantages. An advantage would be that ODOT would manage the project, not putting an extra burden on staff. The disadvantage is ODOT let projects typically come in higher on bids due to the extreme amount of oversight and paperwork it takes to comply with the regulations of the contract. Effectively, grant dollars do not go as far as you hope due to the built-in cost by contractors. It is the opinion of the Public Works Director and City Engineer that Council terminates the current contract with ODOT and possibly reapply for this funding once we have a redesign of the area. I am in receipt of an email from OKI that supports this decision.

ODNR: \$500,00.00

On October 13, 2020, City council approved the grant agreement with ODNR for \$500,000.00. After missing the original deadline of the agreement, ODNR extended the agreement to December 31, 2023. Public Works has been in contact with ODNR over the past several months talking about the status of this project. The fact that we will not meet the extended deadline for completion, ODNR suggests that we return the funds currently appropriated and reapply when new and sustainable engineering is complete. If we try to continue to hold onto the ODNR grant money, it will continue to penalize the City's opportunity for future rounds of funding. If we let the funding go this year, the next time we apply we will again be able to receive the funds. Earlier this Spring, Public Works applied for a Clean Ohio Trails grant project for re-surfacing the walk path and parking lot at Monroe Crossings Park. This was done on the recommendation of ODNR. We know that due to the over-run-in time on the current grant, there would be penalty points in future applications with ODNR. We applied for this grant knowing that it would be highly unlikely Monroe be awarded the project, but it takes the penalty for the time over-run on the trail. This would make us eligible as soon as next year to apply with a real chance of success in being awarded monies again on the trail project.

Local Funds: \$900,000

Council approved local TIF funds to put towards the completion of the trail in the 2023 budget.

If the above recommendations are followed, Council will need to pass legislation to return the grant monies to ODOT and ODNR respectively. The local funds can be reserved and reappropriated in a future budget.

3. Splitting up the project

The Public Works Director and City Engineer are suggesting the project be split into several phases. We want to create a situation that allows us to design/build the trail up to the trouble point at Dick's Creek. It is agreed upon by City staff along with members of MCD, that by doing this, the City can leverage more help for the large cost associated with stream bank stabilization/mitigation. By building the trail up to this point, we will then say to all involved, we cannot continue without significant financial assistance from at least the state level. The engineering involved around the streambank stabilization is very specialized and we will need to make certain a qualified firm who is well versed in environmental impact is obtained for this phase of the project. The other phases of the project could be completed by a firm that has more general knowledge of trail construction, saving costs.

4. Re-Designing the Trail

There is a large concern among the Public Works Director and City Engineer that trying to use the current plans by Brandstetter Carroll could result in a project with many mistakes and possibly large cost over runs. If the council decides to release ODOT funds, we will then be required to bid the project locally and use City personnel to manage the project. Our concern is that trying to pull these plans and bid specifications together could be problematic. Also, with the current workload, we would not have the time necessary to dedicate a full-time employee to this project for construction inspection and management.

We are suggesting that this project take a new approach. We believe that we could successfully advertise a Request for Qualifications to hire a design/build firm and perform this as a design/build project. With this approach, we can try to incorporate some of the original design elements from Brandstetter Carroll but have comfort in knowing the work is being completed by a firm we have trust in. Another advantage of the design/build format is that the design/build firm will hire the contractor to build the trail and handle all contractual obligations regarding construction. They will also handle the daily inspections and City staff will check-in daily on progress and quality monitoring.

We can design segments within our budget to work towards completion.

5. **Master Plan Update**

As we develop the trail, we need to consider the master plan update and the overall impact of the trail on the park itself. We need to consider what else may be developed within the park that may be adjacent to the trail. For example, we know that a handicap parking area is desired within the park. Should we look to build this as part of the first phase of the trail? This would avoid having to come back and possibly redo a portion of the work previously completed for the trail. It is Public Works' desire to make this redesign effective and efficient to allow for a design that serves both the trail and park equally.

Next Steps:

Public Works is asking that the council consider the following action steps:

- 1) Release all current grant funding on the trail.
- 2) Give the City Manager authority to terminate the relationship with Brandstetter Carroll.
- 3) Grant permission to solicit advertisement for a design/build contractor to take over the design of the trail up to the Dick's Creek connection.

Once these tasks are complete, we will have a better understanding of the overall cost to build the trail up to Dick's Creek. We can then formulate a plan for financing this piece of the trail and begin planning for how to move forward with the Dick's Creek section by partnering with the Great Miami Riverway organization. Unfortunately, we are a long way from realizing the accomplishment of this trail project. There is a lot of work to do to make this a reality. I feel confident that the current team can pull this project together and create a sustainable and successful 2.3 miles of the Great Miami River Trail.

Thank you,

Gary Morton, Director of Public Woks