



City of Pataskala

Legislative Report to Council

Legislative Report

July 17, 2023 Council Meeting

Unfinished Business

A. Ordinances



B. Resolutions



New Business

A. Ordinances



Consent Agenda

3. Motions



4. Resolution

- **RESOLUTION 2023-059 - A RESOLUTION AUTHORIZING THE CITY OF PATASKALA TO PAY BROAD STREET INVESTMENT, LTD. FOR TWO EASEMENTS WHICH ARE NEEDED TO COMPLETE THE PATASKALA SAFE TRAVEL PLAN, PHASE III PROJECT AND EXECUTE ALL DOCUMENTS NECESSARY TO MAKE THIS PURCHASE**

After award of the Federal Earmark funding for the Safe Travel Plan Phase III, the City needed to verify the status of the right-of-way, as this is a requirement when receiving federal grant funds. This effort led us to the understanding that the signal strain pole and cabinet on the southwest corner of the SR 310/SR 16/Twp. Rd. intersection are not in public right-of-way. When this was discovered, the PSD approached the owner, Mr. Carel Ellinger (Broad St. Investment, LTD.), in an effort to find a solution.

The first option presented to Mr. Ellinger was a request to donate the right-of-way. At that time Mr. Ellinger informed us that he knew the signal was on his property, and it had been, without his permission, since the installation of the signal;

that exact timeframe is not known, but is assumed to be in the vicinity of 30 years. While it was without his permission, he stated he was simply waiting patiently for the City to make it right. That time appears to be now.

His counteroffer was to relocate the signal cabinet to be off his property, and that he wanted \$10,000 for the absolute minimum amount of right-of-way that he could give to get the signal strain pole into the public right-of-way. The signal cabinet is easy to accommodate and will be placed in a location that is not on his property and is in the public right-of-way. As for the strain pole, we have dialed this down to the absolute minimum necessary of 75 square feet to get the existing strain pole into public right-of-way.

While this number, from a dollars per acre perspective, seems ludicrous, it is believed to be the best option. The first item to consider is that the City has occupied this land owner's property for at least a few decades. While one could argue adverse possession, this does not seem like the right thing to do as the City. In my opinion, some retribution is owed to the land owner for the time that City infrastructure has occupied his property without compensation.

The next item to consider is that the alternative to this would be to take it through a standard right-of-way acquisition process. This process would require several steps, and a number of consultants to complete, and would likely end up costing more than the \$10,000 being requested. Accordingly, and again, while recognizing that \$10,000 for 75 square feet seems ridiculous, this is believed to be the quickest and least expensive route to acquire this needed right-of-way.

Approval of this resolution is recommended.

➤ **RESOLUTION 2023-061 - AUDIT CONTRACT EXTENSION**

The conclusion of the 2022 audit also wrapped up the final year of our 3-year contract with the city's auditors, Julian & Grube. Normally, the Auditor of State (AOS) at this point would require the city to issue an RFP for audit services. However, the AOS recently authorized a 1-year extension for the 2023 audit. This will be our final extension with J&G, as 10 consecutive years is the longest time period that the AOS will allow a public entity to remain with the same audit firm. As far as cost goes, their proposal for 2023 reflects a rate increase from the 2019-2022 rates of an average of \$55 per hour to \$65 per hour. While that is certainly a significant increase, it's important to note that the 2019-2022 contract rate was the same as the rate from 2016-2018 contract. Additionally, there is approximately \$2,600 included in the extension proposal for single-audit services. If the city is not subject to that requirement for 2023 (we won't know if we are until early-2024), the total audit fee would be reduced by that amount. The advantage to extending the contract now is that it will result in maintaining continuity of the audit team for next year leading to a reduced amount of time and effort required by city staff to educate front-line auditors on the city's finances and fund structure. **We are requesting that Council approve the resolution at the July 17th Council meeting and authorize the City Administrator to execute the necessary documents for the audit extension agreement.**