

## RECORD OF RESOLUTIONS

Resolution No. 34-2025

Passed: July 22, 2025

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE, TO ENTER INTO, AND TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE MULLER ENGINEERING COMPANY AND THE CITY OF WEST CARROLLTON IN AN AMOUNT NOT TO EXCEED \$2,799,000 FOR VALUE ENGINEERING, DETAILED DESIGN, PERMITTING, DEVELOPMENT OF CONSTRUCTION DOCUMENTS, AND CONSTRUCTION SUPPORT FOR THE WEST CARROLLTON WHITEWATER PARK PROJECT.**

**WHEREAS**, through various external funding efforts the City of West Carrollton has raised \$5,000,000 in grant funding to advance the Whitewater Park project with no local match; and

**WHEREAS**, in February 2022, the City of West Carrollton contracted a whitewater park feasibility analysis with Merrick & Company / McGlaughlin Whitewater and PROS Consulting, which was completed in December 2023 at a cost of \$60,000; and

**WHEREAS**, the City of West Carrollton, upon participating in market analyses, and evaluating options for transformative economic development and recreational development on the Great Miami River, requested funding from the Montgomery County Board of Commissioners for preliminary design and engineering for the West Carrollton Whitewater Park; and

**WHEREAS**, in July 2023, the City of West Carrollton secured an appropriation of \$750,000 from the Montgomery County Board of County Commissioners for a 30% Whitewater Park design task order, which resulted in the completion of an Endangered, Threatened, and Rare (ETR) Species and Habitat Assessment; Mussel Survey Report; Water Resources Delineation Report; Geotechnical Engineering Exploration; Illustrative Master Plan; Preliminary Architectural Design Report; 30% Preliminary Design Construction Plans; Stormwater Management Report; Low Dam Bathymetric Survey and Report; Engineer's Estimate of Probable Cost and Quantities; US Army Corps of Engineers' Hydrologic Engineering Center River Analysis System (HEC-RAS) Model; and Preliminary Park Specifications list, which was completed by Merrick & Company / McGlaughlin Whitewater, among other specialized subcontractors in August 2024; and

**WHEREAS**, the Consolidated Appropriations Act, 2023 included an award of \$3,000,000 to the City of West Carrollton as the grantee for the Development and Low Dam Revitalization Project under grant number B-23-CP-OH1211; and

**WHEREAS**, on November 12, 2024, the West Carrollton City Council authorized the execution of a grant agreement with the United States Department of Housing and Urban Development for the purpose of directing grant number B-23-CP-OH1211, in the amount of \$3,000,000, to be used for detailed final design, development of construction documents, and other eligible costs under the program; and

**WHEREAS**, in 2022, the West Carrollton City Council worked with elected officials in the legislature of the State of Ohio in order to advocate for and to receive an appropriation of \$250,000 in Capital Budget funding through the Ohio Department of Natural Resources ("ODNR"), with no local matching fund requirement, for the West Carrollton Whitewater Park project; and

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**WHEREAS**, in 2024, Representative Tom Young and the West Carrollton City Council worked together to gain approval from the 135<sup>th</sup> Ohio General Assembly in order to secure a reappropriation of the same grant funding pursuant to Substitute House Bill 2 (the "Act"), in the amount of \$250,000 for the West Carrollton Whitewater Park; and

**WHEREAS**, on June 10, 2025, the West Carrollton City Council authorized the execution of a pass through grant agreement with the Ohio Department of Natural Resources in the amount of \$250,000, to advance the Whitewater Park project including hard and soft costs relating to infrastructure improvements such as design; engineering; permitting; eligible indirect costs under the grant program; development of construction drawings; professional studies as required; surveying; relocation of mussels and / or endangered, threatened, or rare species as required; and costs related to the construction phases of the project if funds are available, and such activity is permitted by ODNR; and

**WHEREAS**, the City of West Carrollton has partnered with Woodard Development and JT Development to further the City's overall efforts to create jobs and to encourage private and public sector capital investment in the River District and Whitewater Park; and

**WHEREAS**, the Dayton Region Priority Development and Advocacy Committee (PDAC) designated the West Carrollton River District and Whitewater Park a priority economic development project for the region; and

**WHEREAS**, the City Council of West Carrollton has taken under consideration as to whether it is in the best interest of the City of West Carrollton to utilize federal Community Project Funding and State of Ohio capital budget bill funding for the design, engineering, indirect costs, and construction for the development of Whitewater Park; and

**WHEREAS**, the City of West Carrollton has interviewed qualified firms and has received proposals to complete final design, engineering, permitting, and development of construction drawings for the West Carrollton Whitewater Park low head dam hazard mitigation, and whitewater course, which includes the high energy wave feature, observation areas, administration building, restrooms, maintenance building, and other key features, which are eligible hard and soft cost expenditures under the grant program; and

**WHEREAS**, City of West Carrollton staff has conducted and has received favorable reference checks related to the performance and execution of similar projects by the Muller Engineering Company of Lakewood, Colorado; and

**WHEREAS**, City of West Carrollton staff is recommending that a professional services agreement, attached hereto and incorporated herein as "Exhibit A", be awarded to the Muller Engineering Company in order to execute the recruitment of a construction manager at-risk, detailed design, permitting, development of construction documents, and construction support for the project; and

**WHEREAS**, the professional services agreement does not include the estimated 6% - 7% cost for construction support services, nor fees associated with work that may be performed by a

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construction manager at-risk during detailed and final design as stated in Exhibit A; and

**WHEREAS**, this Resolution authorizes the City Manager to negotiate, to enter into, and to execute a professional services agreement by and between the Muller Engineering Company and the City of West Carrollton in an amount not to exceed \$2,799,000 for value engineering, detailed design, permitting, development of construction documents, and construction support for the West Carrollton Whitewater Park Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, MONTGOMERY COUNTY, OHIO:**

**Section 1:** The City Manager or her designee is hereby authorized to negotiate, to enter into, and to execute a professional services agreement by and between the Muller Engineering Company and the City of West Carrollton in an amount not to exceed \$2,799,000 for value engineering, detailed design, permitting, development of construction documents, and construction support for the West Carrollton Whitewater Park Project, and to execute all necessary documents to administer the professional services agreement. The City of West Carrollton recognizes and acknowledges that the professional services agreement does not include the estimated 6% - 7% cost for construction support services, nor fees associated with work that may be performed by a construction manager at-risk during detailed and final design as shown in Exhibit A. The City Manager or her designee is authorized to execute the professional services agreement substantially in the form attached hereto and incorporated herein as Exhibit A, together with any modifications as may be necessary, subject to any and all terms and conditions that the City Manager or her designee finds appropriate, to effectuate the purpose of the agreement; provided, that any such modification shall not, in the judgment of the City Manager nor the Law Director, be adverse to the City.

**Section 2:** It is recognized and acknowledged that this project will be principally funded with a \$3,000,000 in United States Housing and Urban Development Economic Development Initiative Community Project Funding Grant (e.g., "US HUD EDI Funds", including funds already received by the City for indirect cost reimbursements under the program), and a \$250,000 Ohio State Capital Budget Bill Grant that will be administered by the Ohio Department of Natural Resources (e.g., "ODNR Capital Budget Funds").

**Section 3:** The City Manager of the City of West Carrollton is directed to utilize US HUD EDI Funds and ODNR Capital Budget Funds to advance the Whitewater Park project including hard and soft costs relating to infrastructure improvements such as design; engineering; permitting; eligible indirect costs under the grant program; development of construction drawings; value engineering to be performed by Muller and the construction manager at-risk; professional studies as required; surveying; relocation of mussels and / or endangered, threatened, or rare species as required; and costs related to the construction phases of the project if funds are available, and such activity is permitted by the respective grant programs.

**Section 4:** The Finance Director is authorized to establish any necessary accounts or funds as may be required by law to handle the funds associated with the administration of and accounting for funds relating to the execution of the professional services agreement.

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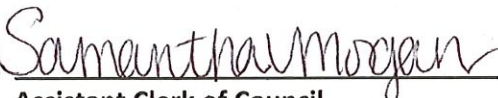
Passed: July 22, 2025

**Section 5:** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 6:** This resolution shall be in full force and effect from and after its date of passage.

Passed: July 22, 2025

  
Mayor

Attest:   
Assistant Clerk of Council

Effective Date: July 22, 2025

### CERTIFICATE

The undersigned, Clerk of Council of the City of West Carrollton, Ohio, does hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 34-2025 adopted by Council on this 22 day of July 2025.

  
Assistant Clerk of Council

Date: July 23, 2025