

ORDINANCE NO. 8093

AN ORDINANCE AUTHORIZING A CONTRACT FOR THE PURCHASE OF COAGULANT MIXING SYSTEM EQUIPMENT AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Environmental Protection Agency (“OEPA”) prohibited the City Water Treatment Plant from mixing ferric chemicals from the water line in 2016; and,

WHEREAS, the OEPA requires the City to install a mechanical mixing system to the coagulant feed location as part of the Permit to Install (“PTI”) system pursuant to the Safe Drinking Water Act of 1974, 42 U.S.C. §300(f); and,

WHEREAS, the proposed services at a cost of \$88,400.00 are exempt from the competitive bidding requirement as expenditures for the performance of professional design services pursuant to §151.04(d) of the Codified Ordinances of Defiance, Ohio; and,

WHEREAS, Council finds that the installation of this equipment will help the City maintain its PTI and compliance with state and federal environmental laws at the lowest possible cost;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is directed to enter into a contract with BissNuss, Inc. for mechanical mixing system equipment as specified by the City and on file with the Law Director at the prices quoted above.

Section 2: The Finance Director is authorized to pay the contract amount of \$88,400.00 from Line 591-537-5-2-980.880 from appropriated funds allocated by expenditure in the 2019 annual budget.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that that the OEPA mandates that the coagulant mixing system be operational by May 1, 2019. The vendor estimates a sixteen week delivery timeframe from the date of purchase. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: January 22 _____, 2019

David McMaster

President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders _____, Clerk

Approved: January 22 _____, 2019

Michael McCann

Mayor

Ordinance No. 8094

AN ORDINANCE ACCEPTING THE DEDICATION OF A RIGHT-OF-WAY TO EXTEND COMMERCE DRIVE IN RICHLAND TOWNSHIP AND IN THE CITY OF DEFIANCE, OHIO

WHEREAS, Council approved a cooperative development agreement that gave the responsibility for constructing public improvements to the City and that Harmon Defiance, LLC (“the Developer”) shall reimburse the City for the construction costs in Ordinance No. 8036 on June 12, 2018; and,

WHEREAS, the proposed right-of-way will allow for a public street between the Norfolk Western Railroad and Domersville Road that will provide access to future economic development projects at the Harmon Business Park of Defiance (“the Park”); and,

WHEREAS, the Planning Commission held a public hearing on January 21, 2019 on the plat submitted by the Community Improvement Corporation of Defiance County, Ohio (“CIC”) and considered a recommendation for acceptance of the right-of-way dedication; and,

WHEREAS, Council finds that approval of the plat and acceptance of the dedication of the right-of-way is a key component to economic growth in the City and is a prerequisite to attracting new business to the Park; and,

WHEREAS, Council further recognizes economic development as a pillar of the Defiance Community Strategic Plan;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The dedication of lands described by the dedication plat submitted by the CIC on December 7, 2018 is hereby accepted.

Section 2: The Clerk of the City Planning Commission and Clerk of Council are authorized to execute the aforesaid Plat approving the Plat and accepting the dedication of the lands in said Plat as a right-of-way for public use and the Law Director is authorized to record said Plat in the office of the Defiance County Recorder.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: January 22 _____, 2019 David McMaster _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: January 22 _____, 2019 Michael McCann _____
Mayor

ORDINANCE No. 8095

**AN ORDINANCE AUTHORIZING MONTHLY TRANSFERS
OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE
YEAR ENDING DECEMBER 31, 2019.**

Whereas, the Council of the City of Defiance has previously provided for the transfer of funds in the annual appropriation ordinance; and

Whereas, the City Finance Director has determined that it is necessary to transfer a portion of the appropriated funds each month in order to meet current expenses and other expenditures of the City:

Now, therefore, be it enacted by the Council of the City of Defiance, Defiance County, Ohio:

Section 1: That the following amounts shall be transferred on a monthly basis for the period January, 2019 through September, 2019:

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 362,500	Police & Fire Fund #201
General Fund #101	\$ 28,333	Police Pension Fund #732
General Fund #101	\$ 30,000	Fire Pension Fund #733
WPC Fund #590	\$ 40,150	General Fund #101
WPC Fund #590	\$ 29,166	Utilities Billing Office Fund #585
WTP Fund #591	\$ 36,325	General Fund #101
WTP Fund #591	\$ 29,166	Utilities Billing Office Fund #585
Refuse #596	\$ 4,833	Utilities Billing Office Fund #585

Section 2: That the amounts necessary for transfer in the months of October, November and December, 2019, upon the further recommendation by the City Finance Director, will be considered during those months.

Section 3: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

Section 4: This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: January 22, 2019

David McMaster
President of Council

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: January 22, 2019

Michael McCann
Mayor