

NOTICE OF PROCEEDINGS
City Council of the City of Defiance, Ohio
Charles D. Beard Council Chambers
City Hall, 631 Perry Street, Defiance, OH 43512

REGULAR MEETING OF COUNCIL
TUESDAY JANUARY 22, 2019
OPENING COMMENTS – 7:00 P.M.

SPECIAL GUEST: NONE
PUBLIC HEARING: NONE

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

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

FIRST READING: AN ORDINANCE VACATING AN ALLEY IN THE FIRST ADDITION TO THE CITY OF DEFIANCE, OHIO

FIRST READING: AN ORDINANCE AUTHORIZING MONTHLY TRANSFERS OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE YEAR ENDING DECEMBER 31, 2019

CITIZEN CONCERNS: NAME & ADDRESS FOR THE RECORD (5 MINS)
STUDY SESSION: NONE

COMMITTEE ASSIGNMENTS	TIME	DATE (2019)	AGENDA
▷SEWER: LUNDBERG , Krutsch, Plant	7:00 P.M.	Tuesday - JANUARY	NO MEETING
▷STREETS & SIDEWALK: HANCOCK , Eureste, Krutsch	7:00 P.M.	Tuesday - JANUARY	NO MEETING
▷UTILITIES, GAS & LIGHTS: PLANT , Waxler, Lundberg	7:00 P.M.	Tuesday – JANUARY	NO MEETING
▷POLICE & FIRE: WAXLER , Hancock, Engel	7:00 P.M.	Tuesday - JANUARY	NO MEETING
▷TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Shafer, Wilkins, Sprow, Waxler, Eureste, Krutsch	5:00 P.M.	Tuesday - JANUARY	NO MEETING
▷FINANCE: LUNDBERG , Hancock, Plant	7:00 P.M.	Tuesday – JANUARY	NO MEETING
▷BUILDING AND LANDS: ENGEL , Eureste, Waxler	7:00 P.M.	Tuesday – JANUARY	NO MEETING
▷WATER: KRUTSCH , Eureste, Engel	5:00 P.M. – 7:00 P.M.	Tuesday - JANUARY 22	FERGUSON COMPANY DISCUSSING NEW WATER METER/METER READING SYSTEM
▷ECONOMIC DEVELOPMENT: EURESTE , Krutsch, Waxler	7:00 P.M.	Tuesday – JANUARY	NO MEETING
▷PUBLIC RELATIONS: PLANT , Lundberg, Hancock	7:00 P.M.	Tuesday – JANUARY	NO MEETING
▷BOARD OF CONTROL MEETING: MAYOR , Leonard, O'Donnell, Lehner	1:30 P.M. MONDAY 9:00 A.M. THURSDAY	MONDAY and THURSDAY	POSTED AT 631 PERRY STREET MEETINGS IN FRONT CONFERENCE ROOM

ORDINANCE NO. _____

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: _____, 2019 _____
President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019 _____
Mayor

Ordinance No. _____

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: _____, 2019

President of Council

Attest: _____, Clerk

Approved: _____, 2019

Mayor

Ordinance No. _____

AN ORDINANCE VACATING AN ALLEY IN THE FIRST ADDITION TO THE CITY OF DEFIANCE, OHIO

WHEREAS, the City received a petition to vacate the alley between Front Street and Third Street between Lots One (1) through Eighteen (18), inclusive, in the First Addition to the City of Defiance, Ohio; and,

WHEREAS, the Planning Commission heard the petition at the January 21, 2019 public hearing; and,

WHEREAS, the subject alley is unimproved and unpaved with no public or private utilities located within the petitioned area; and,

WHEREAS, Council finds good cause for vacating the alley and that the requested vacation will not be detrimental to the public interest pursuant to Section 905.19(a) of the Codified Ordinances of Defiance, Ohio;

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

Section 1: The 11' North to South alley lying between Lots One (1) through Eighteen (18), inclusive, in the First Addition to the City of Defiance, Ohio, as more fully described and depicted by the plat, survey, and legal description now on file in the office of the Law Director, is hereby vacated.

Section 2: The Law Director is directed to record a copy of this Ordinance to document the vacation of all public rights of way lying between these parcels.

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: _____, 2019

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor

ORDINANCE No. _____

**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: _____, 2019

President of Council

Votes Approving Adoption: _____

Votes Opposing Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor