

Ordinance No. 8073

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH THE 1601 BALTIMORE STREET PROPERTY OWNER FOR THE PURPOSE OF SALT STORAGE

WHEREAS, Council authorized the sale of the property located at 1601 Baltimore Street to Let It Ride Properties, Ltd. in Ordinance No. 8060 on September 25, 2018; and,

WHEREAS, the City desires to lease a portion of the property back from the owner for the 2018-2019 winter season until the City can secure a new salt storage location; and,

WHEREAS, Section 2.12 of the Charter gives Council the authority to “purchase, lease, sell and dispose of property”; and,

WHEREAS, the City Administration drafted a proposed lease agreement to cover the salt needs of the municipality for the coming winter; and,

WHEREAS, Council finds that the proposed lease agreement with Let It Ride Properties, Ltd. supports safe and reliable transportation for City residents through the winter;

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

Section 1: The City Administrator is authorized to enter into the lease agreement for a one-hundred-square foot area and on file with the Law Director for a month-to-month term at \$375.00 per month.

Section 2: The lease authorized by Section 1 shall be executed on forms approved by the Law Director and shall substantially conform to the terms and conditions set forth in the proposed document now on file with the Law Director

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: November 13 _____, 2018 David McMaster _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: November 13 _____, 2018 Michael McCann _____
Mayor

ORDINANCE NO. 8074

AN ORDINANCE AWARDING A CONTRACT TO CONSTRUCT A NATURE TRAIL AT THE CITY RESERVOIR AND DECLARING AN EMERGENCY

WHEREAS, the City plans to construct a nature trail through the wooded property north of the City reservoir that will connect the existing asphalt trail at the base of the reservoir on either side; and,

WHEREAS, the City received a grant from the Ohio Department of Natural Resources ("ODNR") in the amount of \$150,000.00 for the trail project; and,

WHEREAS, a private donor plans to contribute an additional \$20,000.00 toward the trail project; and,

WHEREAS, the City solicited proposals to contractors to construct the nature trail pursuant to the plans and specifications established for the project and R.G. Zachrich Construction, Inc. submitted the lowest responsive and responsible bid at \$385,304.32, plus two alternate bid items for a total cost of \$403,668.32; and,

WHEREAS, Council finds that a connected trail system contributes to the health and wellness of the City;

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 R.G. Zachrich Construction, Inc. to construct the nature trail and boardwalk according to the specifications of the City and on file with the City Engineer at the quoted price of \$403,668.32.

Section 2: The Finance Director is authorized to pay the contract price from Section 1 and quoted in the lowest responsive and responsible bid received on October 9, 2018 from appropriated funds allocated by expenditure from Line 403-901-5-2-990.893 of the 2018 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 R.C. §153.12(A) requires the award of a contract within sixty days after the date on which the bids are opened or the delay invalidates the entire bid proceedings. 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: November 13, 2018 David McMaster
President of Council

Votes in Favor of Adoption: 6
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: November 13, 2018 Michael McCann
Mayor

ORDINANCE NO. 8075

AN ORDINANCE ACCEPTING PERMANENT EASEMENTS FOR THE CARPENTER ROAD KETTENRING DRIVE INFLOW REDUCTION PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the City is undertaking a project to minimize storm water inflows along Carpenter Road; and,

WHEREAS, this project requires the City to acquire permanent easements to install storm sewer outlets across the properties located at 909 Corwin Street, 204 Ketterring Drive, and 232 Ketterring Drive from these respective streets; and,

WHEREAS, Charles and Janet Koch are record owners in fee simple absolute of the property located at 909 Corwin Street; and,

WHEREAS, William and Priscilla Pixler are record owners in fee simple absolute of the property located at 204 Ketterring Drive; and

WHEREAS, James B. Grant et alia are record owners in fee simple absolute of the property located at 232 Ketterring Drive; and

WHEREAS, the City will bear no cost for the acquisition to the property owners other than the cost of restoring the ground upon completion and the cost of replacing trees on the affected properties;

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 permanent easement agreements with Charles Koch and Janet Koch, William Pixler and Priscilla Pixler, and James B. Grant et al. The permanent easements from the above referenced property owners are hereby accepted.

Section 2: The City Administrator is authorized to sign and execute the permanent easement agreements and the Law Director and Council Clerk are authorized to indicate their approval on the documents.

Section 3: The Law Director, or his designee, shall record the permanent easements with the Defiance County Recorder.

Section 4: 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 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that obtaining a property right for the sewer outlets and a right to ingress and egress on the project site is necessary prior to beginning construction. 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: November 13 _____, 2018 David McMaster _____
President of Council

Votes in Favor of Adoption: 6
Votes Opposed to Adoption: 0

Attest: Lisa Elders _____, Clerk

Approved: November 13 _____, 2018 Michael McCann _____
Mayor

ORDINANCE NO. 8076

AN ORDINANCE ACCEPTING PERMANENT EASEMENTS FOR THE LATCHAW DRIVE & WEST HIGH STREET SEWER EXTENSION PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the City aims to install a gravity sanitary sewer system along Latchaw Drive and West High Street and install a new pump station; and,

WHEREAS, this project requires the City to acquire permanent easements for the new sanitary sewer, pump station and forcemain across the properties located at 1340 W. High Street, 1320 W. High Street, 1314 W. High Street, 1298 W. High Street, and 210 Latchaw Drive; and,

WHEREAS, Olson Enterprise Park, Ltd., A&M Tuohy, Chad Burtch, Ruben Santos, Jr. and Theresa Santos, and Parks Integrity Properties, LLC are record owners in fee simple absolute of the aforementioned properties, respectively; and

WHEREAS, the City will bear no cost for the acquisition to the property owners other than the cost of restoring the ground upon completion and the installation of connections to the new gravity sanitary sewer;

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 permanent easement agreements with Olson Enterprise Park, Ltd., A&M Tuohy, Chad Burtch, Ruben Santos, Jr. and Theresa Santos, and Parks Integrity Properties, LLC. The permanent easements from the above referenced property owners are hereby accepted.

Section 2: The City Administrator is authorized to sign and execute the permanent easement agreements and the Law Director and Council Clerk are authorized to indicate their approval on the documents.

Section 3: The Law Director, or his designee, shall record the permanent easements with the Defiance County Recorder.

Section 4: 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 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that obtaining a property right for the gravity sanitary sewer extension project and a right to ingress and egress on the project site is necessary prior to beginning construction. 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: November 13, 2018 David McMaster
President of Council

Votes in Favor of Adoption: 6
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: November 13, 2018 Michael McCann
Mayor

ORDINANCE NO. 8077

AN ORDINANCE AUTHORIZING A CONTRACT WITH PROVIDEO SYSTEMS FOR A REPLACEMENT OF THE AUDIO/VIDEO SYSTEM IN CITY COUNCIL CHAMBERS

WHEREAS, City Council and the community endured the frustrations of an antiquated sound system during City Council meetings; and,

WHEREAS, the City submitted requests for quotes and Provideo Systems provided the only quote at \$35,624.00; and,

WHEREAS, Council finds that complete overhaul of the audio/video system is warranted for improving connectivity of the community;

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 Provideo Systems for the purchase, installation, and demonstration of the audio/video equipment at the cost of \$35,624.00.

Section 2: The Finance Director is authorized to pay the contract price from Section 1 from Line 403-901-5-2-963.000 from appropriated funds allocated by expenditure in the 2018 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 shall be effective on the earliest date permitted by law.

Passed: November 13 _____, 2018 David McMaster
President of Council

Attest: Lisa Elders _____, Clerk

Approved: November 13 _____, 2018 Michael McCann
Mayor

ORDINANCE NO. 8078

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF ADDITIONAL IMPROVEMENTS DURING THE CLINTON STREET BRIDGE REPLACEMENT PROJECT (DEF-SR15-14.77 – ODOT PID NO. 96605) AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation (“ODOT”) has identified a need to replace the Clinton Street bridge that carries traffic from State Route 15 over the Maumee River into downtown Defiance; and,

WHEREAS, Council authorized a contract with ODOT in Ordinance No. 8066 on October 2, 2018 to pay the City share of the cost of improvements for an *estimated* cost of \$454,000.19; and,

WHEREAS, ODOT held competitive bidding on October 25, 2018 and the winning bid from Great Lakes Construction Company resulted in the need for an additional \$16,520.00 contract between ODOT and the City; and,

WHEREAS, Council finds that inclusion of the shared use path and aesthetic lookout are necessary additions for pedestrian connectivity;

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 an additional contract with ODOT for the extra cost of the City improvements or \$16,520.00, which amount is hereby appropriated.

Section 2: The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 403-901-5-2-980.881 of the 2018 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 ODOT requires the additional payment for these improvements no later than December 6, 2018 prior to construction. 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: November 13 _____, 2018 David McMaster _____
President of Council

Votes in Favor of Adoption: 6
Votes Opposed to Adoption: 0

Attest: Lisa Elders _____, Clerk

Approved: November 13 _____, 2018 Michael McCann _____
Mayor