

# Ordinance No. 7984

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH STRAND ASSOCIATES, INC. AND DECLARING AN EMERGENCY

**WHEREAS**, the City entered into a contract with Strand Associates, Inc. ("Strand"), dated August 21, 2017 and executed on September 20, 2017, to advise the City on negotiating modifications to the Long Term Control Plan with the Ohio Environmental Protection Agency ("OEPA"); and,

**WHEREAS**, Strand assisted the City in negotiations with the OEPA and helped obtain a court-ordered stay in the stipulated penalties until May 15, 2018; and,

**WHEREAS**, the first contract is complete and the parties desire to enter into another contract to identify new regulatory compliance goals for combined sewer overflow reduction; and

**WHEREAS**, transitioning the Long Term Control Plan from a combined sewer overflow model to a watershed-based model recognized by the United States Environmental Protection Agency will save significant taxpayer resources and result in cleaner rivers; and,

**WHEREAS**, Strand has offered to continue its engineering and consulting services and to assist City officials in negotiations with the OEPA at an hourly rate plus expenses not to exceed a total amount of \$93,500.00;

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

**Section 1:** In accordance with Codified Ordinance 151.03(e), the City Administrator is authorized to execute the Agreement for General Services- Regulatory Compliance Phase 2" currently on file with the City Engineer.

**Section 2:** The Finance Director is authorized to pay costs incurred in accordance with the agreement authorized by Section 1 from Line 589-540-5-2-977.015 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 requiring immediate action and is necessary to preserve the health, safety or welfare of the community for the reason that the City has until May 15, 2018 to agree to a modified Long Term Control Plan with the OEPA or will be exposed to the stipulated penalties from the First Amended Consent Order. City staff require as much time as possible to develop a more effective strategy for the area watershed. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: February 6, 2018

David McMaster  
President of Council

Votes in Favor of Adoption:7  
Votes Opposed to Adoption:0

Attest: Lisa Elders, Clerk

Approved: February 6, 2018

Michael McCann  
Mayor

## ORDINANCE NO. 7985

### AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO MAKE APPLICATION TO THE WATER POLLUTION CONTROL LOAN FUND FOR EAST HIGH STREET IMPROVEMENTS AND TO ENTER INTO AN AGREEMENT TO SECURE THOSE FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the City needs to improve the East High Street corridor prior to the 2019 anticipated Clinton Street bridge replacement project; and,

WHEREAS, an early stage of this improvement requires removal of the clean water connections from the existing combined sewer system along East High Street; and,

WHEREAS, an estimated \$3,500,000.00 in Ohio Water Pollution Control Loan Funds ("WPCLF") may be available at zero percent interest for this project; and,

WHEREAS, Codified Ordinance §131.05(a) delegates continuing authority to the City Administrator to *"prepare and submit all documents now or hereafter required to make application for and accept funds from the Ohio Water Pollution Control Loan Fund to include, without limitation, all loan applications and repayment deemed necessary or appropriate to such transactions"*; and,

WHEREAS, the Ohio Environmental Protection Agency ("OEPA") requires annual reauthorization of the City Administrator's authority to submit applications for WPCLF projects; and

WHEREAS, the City will repay the loan from the Sewer Fund in accordance with Codified Ordinance §131.05(b);

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

Section 1: The authority delegated to the City Administrator by Codified Ordinance §131.05(a) is ratified and confirmed and he is hereby authorized to *"prepare and submit all documents now or hereafter required to make application for and accept funds from the Ohio Water Pollution Control Loan Fund to include, without limitation, all loan applications and repayment deemed necessary or appropriate to such transactions"* for construction of wastewater facilities on behalf of the City of Defiance, Ohio.

Section 2: The City Administrator is further authorized to execute and deliver all contracts, agreements, program compliance covenants, and other documents as may be appropriate to secure such loan funding from the WPCLF.

Section 3: The dedicated source of repayment for this loan shall be the Sewer Fund.

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 the estimated OEPA award deadline for the loan is March 29, 2018. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: February 6, 2018

David McMaster  
President of Council

Votes in Favor of Adoption: 7  
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk  
Approve: February 6, 2018

Michael McCann  
Mayor

# ORDINANCE NO. 7986

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO MAKE APPLICATION TO THE WATER POLLUTION CONTROL LOAN FUND FOR COLLEGE PLACE IMPROVEMENTS AND TO ENTER INTO AN AGREEMENT TO SECURE THOSE FUNDS AND DECLARING AN EMERGENCY

**WHEREAS**, the City plans to complete a street improvement project for College Place that requires removal of the clean water connections from the combined sewer system; and,

**WHEREAS**, an estimated \$1,500,000.00 in Ohio Water Pollution Control Loan Funds ("WPCLF") may be available at zero percent interest for this project; and,

**WHEREAS**, Codified Ordinance §131.05(a) delegates continuing authority to the City Administrator to *"prepare and submit all documents now or hereafter required to make application for and accept funds from the Ohio Water Pollution Control Loan Fund to include, without limitation, all loan applications and repayment deemed necessary or appropriate to such transactions"*; and,

**WHEREAS**, the Ohio Environmental Protection Agency ("OEPA") requires annual reauthorization of the City Administrator's authority to submit applications for WPCLF projects; and,

**WHEREAS**, the City will repay the loan from the Sewer Fund in accordance with Codified Ordinance §131.05(b);

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

**Section 1:** The authority delegated to the City Administrator by Codified Ordinance §131.05(a) is ratified and confirmed and he is hereby authorized to *"prepare and submit all documents now or hereafter required to make application for and accept funds from the Ohio Water Pollution Control Loan Fund to include, without limitation, all loan applications and repayment deemed necessary or appropriate to such transactions"* for construction of wastewater facilities on behalf of the City of Defiance, Ohio.

**Section 2:** The City Administrator is further authorized to execute and deliver all contracts, agreements, program compliance covenants, and other documents as may be appropriate to secure such loan funding from the WPCLF.

**Section 3:** The dedicated source of repayment for this loan shall be the Sewer Fund.

**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 the City Administrator needs to submit the loan application before the OEPA deadline and commence construction in the warmer months of 2018. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: February 6 \_\_\_\_\_, 2018

David McMaster  
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President of Council

Votes in Favor of Adoption: 7  
Votes Opposed to Adoption: 0

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: February 6 \_\_\_\_\_, 2018

Michael McCann  
\_\_\_\_\_  
Mayor