

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 APRIL 4, 2017
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING: NONE

SECOND READING: AN ORDINANCE REPEALING ORDINANCE 7879 AND AMENDING RULE 6.1 AND RULE 12.1 OF THE RULES OF CONDUCT AND PROCEDURE

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE OF A FLYGT PUMP FOR INSTALLATION IN THE KETTENRING LIFT STATION AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT WITH EMNET, LLC TO DESIGN AND INSTALL A DETECTION SYSTEM TO MONITOR OPERATION OF THE SEWAGE SYSTEM AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF PERMANENT EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF SEWAGE FACILITIES ADJACENT TO THE DAVIDSON STREET RIGHT OF WAY

FIRST READING: AN ORDINANCE VACATING AN ALLEY IN CORWIN'S ADDITION

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE SUTPHEN CUSTOM PUMPER THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM, APPROPRIATING MONEYS FOR THAT PURPOSE, AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH YSI INCORPORATED TO SUPPLY AN ALGAE MONITOR AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT WITH GOLIATH TREE SERVICE AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE A GRANITE FLAGPOLE BASE AND FOUR GRANITE BENCHES FOR INSTALLATION IN THE VETERANS' SECTION OF RIVERSIDE CEMETERY

STUDY SESSION: NONE

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣SEWER: KRUTSCH	7:00 P.M.	Tuesday - APRIL 2017	NO MEETING
♣STREETS & SIDEWALK: WAXLER	7:00 P.M.	Tuesday - APRIL 2017	NO MEETING
♣UTILITIES, GAS & LIGHTS: ORZOLEK	7:00 P.M.	Tuesday - APRIL 2017	NO MEETING
♣POLICE & FIRE: LUNDBERG	7:00 P.M.	Tuesday - APRIL 2017	NO MEETING
♣TRAFFIC COMMISSION: LEONARD, Mayor, Cereghin, Shaffer, Wilkins, Warner, Orzolek, Hancock, Krutsch	5:30 P.M.	2 nd Tuesday - APRIL 2017	NO MEETING
♣FINANCE: ENGEL	7:00 P.M.	Tuesday - APRIL 2017	NO MEETING
♣BUILDING AND LANDS: HANCOCK	7:00 P.M.	Tuesday - APRIL 2017	NO MEETING
♣WATER: LUNDBERG	7:00 P.M.	Tuesday - APRIL 2017	NO MEETING
♣ECONOMIC DEVELOPMENT: PIERCE	7:00 P.M.	Tuesday - APRIL 2017	NO MEETING,
♣COMMUNITY INTERACTION: PIERCE	7:00 P.M.	Tuesday - APRIL 2017	NO MEETING
♣BOARD OF CONTROL MEETING: MAYOR , Leonard, Williams, Lehner	9:00 A.M.	Tuesdays and Thursdays	POSTED AT 631 PERRY STREET

Ordinance No. _____

AN ORDINANCE REPEALING ORDINANCE 7879 AND AMENDING RULE 6.1 AND RULE 12.1 OF THE RULES OF CONDUCT AND PROCEDURE

WHEREAS, the Rules of Conduct and Procedure presently allow citizens to address matters that are not on the agenda before consideration of matters for which time has been properly reserved by others; and,

WHEREAS, this practice is inherently disruptive to the orderly conduct of business and frequently introduces subjects of discussion without prior notice to the public in a manner that is inconsistent with the intent and purpose of the Ohio Open Meetings Act; and,

WHEREAS, Ordinance 7879 was passed on December 13, 2016, to eliminate this practice by amending the Council Rules to alter the General Order of Business and require all persons desiring to address Council in open public meeting to reserve time on the agenda; and,

WHEREAS, The Board of Elections has notified the Finance Director that a Referendum Petition was signed by a sufficient number of Electors to delay enactment of Ordinance 7879 and require the conduct of an election; and,

WHEREAS, Council believes a majority of those who object to the enactment of Ordinance 7879 do not object to the reordering of the General Order Business proposed by that measure but only to the proposed requirement that persons seeking to address Council reserve time on the agenda; and,

WHEREAS, Council finds that it is not in the best interests of the community to incur costs associated with the conduct of an election and further finds that the orderly conduct of business requires that the changes to the General Order of Business proposed by Ordinance 7879 be implemented without delay;

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

Section 1: Ordinance 7879 is hereby repealed.

Section 2: Rule 6.1 of the Rules of Conduct and Procedure is hereby amended to provide (deleted text ~~stricken~~, newly added text underlined):

Rule 6.1 Regular Meeting Agenda

Not later than 2:00 o'clock PM on Friday of each week immediately preceding a week in which a Regular Meeting of Council is scheduled to be convened, the Clerk shall publish an Agenda of all pre-arranged business to be entertained by Council. The agenda shall be formatted in accordance with this Rule:

A. **Caption:**

The Agenda shall be captioned as follows:

Notice of Proceedings
City Council of the City of Defiance, Ohio
Charles D. Beard Council Chambers
City Hall, 631 Perry Street, Defiance, OH 43512

B. **Date and Time of the Regularly Scheduled Meeting of Council:**

Immediately following the Caption, the Agenda shall recite the date and time of the next Regularly Scheduled Meeting of Council in the following manner:

REGULAR MEETING OF COUNCIL
Tuesday [Month] [Date] [Year]
Opening Comments–7:00 p.m.

C. **Notice of Pre-Arranged Business:**

All business scheduled to be taken up at the Regular Meeting of Council to be held on the date recited in accordance with Paragraph B shall be itemized in the following order and manner:

1. ***Public Hearings:***
A brief description of each Public Hearing to be conducted in fulfillment of a statutory or regulatory requirement or to comply with a provision of the municipal Charter or Codified Ordinances. The description shall identify the subject to be addressed and the person or organization that is to present information to Council introduce the subject.

2. ***Matters of Public Interest***
A brief description of each subject to be presented with prior approval of the President of Council for the purpose of educating Council or the public about a matter of public interest that does not require legislative action. The description shall identify the subject to be addressed and the person or organization that is to introduce the subject.

23. ***Legislative Actions:***
The caption of each proposed Ordinance and Resolution to be considered shall be presented in full and the status of each item as a First, Second or Third reading shall be noted. A proposed Ordinance or Resolution that has been previously amended shall be identified as being before Council for a Second or Third Amended reading.

34. ***Study Session Items:***
A brief description of each subject for which ~~Council time~~ time has been reserved ~~time~~ for the discussion of legislative proposals with respect to which no Ordinance or Resolution has yet been introduced. The description shall identify the subject to be addressed, and identify the Member of Council or municipal officer that is to introduce the subject for discussion.

5. ***Citizens' Concerns:*** Persons in attendance and desiring to speak to an issue that does not appear on the agenda shall be afforded an opportunity to do so. ~~Rule 12.1 (12).~~

Section 3: Rule 12.1 of the Rules of Conduct and Procedure is hereby amended to provide (deleted text ~~stricken~~, newly added text underlined):

Rule 12.1: General Order of Business, Regular Meetings

The general Order of Business at all Regular Meetings of Council shall be:

1. **Determination of the presence of a quorum:** The Clerk, or in the absence of the Clerk, President of Council or other presiding officer, shall record the names of the Members present and Members absent from the Meeting and determine the presence of a quorum. In the absence of a quorum, no action shall be taken except upon such matters as may be required to compel the attendance of absent Members or adjourn the meeting. In the event a quorum is present, the President shall announce that fact. Any Member may make a *Motion to Excuse an Absent Member* or Members following announcement of the determination that a quorum is present.

2. **Pledge of Allegiance** all persons in attendance shall stand and recite the Pledge of Allegiance to the Flag of the United States.

3. **Approval of Minutes:** In accordance with Rule 7.3(A), the President or other presiding officer shall inquire if any Member present desires to make a *Motion to Correct the Minutes*. If no such Motion is made, all proposed Minutes distributed to Council with the Agenda for the Meeting shall stand approved. If a Motion is made, Council shall proceed in accordance with Rule 7.3(B) before proceeding with other business.

4. **Specialization Reports:** Each Member shall be afforded an opportunity to report on activities undertaken within the area of subject matter specialization to which he or she has been assigned pursuant to Rule 8 and make such recommendations for further Council action with respect to such matters as he or she deems appropriate.

5. **Reading of Correspondence:** The President or other presiding officer shall announce the receipt of correspondence addressed to Council since the most recent Regular Meeting and may read the communication, summarize the

contents of the communication or make copies of the correspondence available to interested Members. The entire text of received correspondence shall be publicly read at the request of any Member.

6. **Council Concerns:** Each Member of Council shall be afforded an opportunity to comment upon any matter of public business or concern that is not on the Agenda and may, with approval of the President, request that such matter be referred to the Member designated to make inquiries into the subject pursuant to Rule 8 or to the appropriate Department Head for investigation or other action. Members desiring to be heard on a matter of Personal Privilege not related to a specific item of business on the Agenda may seek recognition at this time. Members desiring to be heard on a matter of Personal Privilege related to a specific item of business on the Agenda may seek recognition at this time or at the time the Agenda item is raised for discussion or other action.
7. **Reports of Administrative Officers:** The Mayor and each Department Head in attendance shall be afforded an opportunity to report to Council regarding the activities of his or her office and shall respond to such questions relating to departmental operations as may be presented by Members of Council.
8. ~~Citizen Concerns: At the discretion of the President or other presiding officer, any person in attendance may be recognized and permitted to speak briefly to a subject that is not on the published meeting Agenda. The presiding officer shall determine whether the subject raised is appropriate for discussion without prior advertisement of Council's intent to consider the matter presented. In the event the presiding officer determines that the subject is not appropriate for substantive discussion at the current meeting, the person raising the issue shall be informed of appropriate actions to be taken to reserve time for discussion of the issue on the Agenda to be published in advance of a future meeting. A determination by the presiding officer that the subject presented is inappropriate for discussion in the absence of advance notice to the public of Council's intent to consider the subject shall not be subject to appeal and the determination shall be binding on all other persons in attendance desiring to comment on the matter raised. A person granted the floor to address one or more issues not on the Agenda shall be accorded such time as the presiding officer deems appropriate, not to exceed five minutes. The time allowed may be extended by majority concurrence to a Motion duly made and seconded proposing that the speaker be granted additional time. All persons granted the floor to comment on issues that are not on the published Agenda shall comply with all standards of conduct and decorum established by these Rules.~~
Public Hearings: Persons who have pre-arranged to conduct a public hearing in the presence of Council shall be recognized and permitted to speak for the time allotted by the Agenda. Citizens, Members of Council, public officials and municipal employees desiring to comment upon each matter presented shall be recognized and permitted to speak in accordance with the standards of conduct and decorum established by these Rules. The time reserved for each presentation may be extended at the discretion of the presiding officer to accommodate such discussion. In the event more than one public hearing is scheduled for the same meeting, the hearings shall be conducted in the order in which they appear on the Agenda.
9. ~~Introduction of Persons Appearing Before Council Matters of Public Interest:~~ Persons who have pre-arranged to present a matter of ~~concern~~ public interest to the Council or to conduct a public hearing in the presence of Council shall be recognized and permitted to speak for the time allotted by the Agenda. Citizens, ~~administrative officials and~~ Members of Council, public officials and municipal employees desiring to comment upon each matter presented shall be recognized and permitted to speak in accordance with the standards of conduct and decorum established by these Rules. The time reserved for each presentation may be extended at the discretion of the presiding officer to accommodate such discussion. In the event more than one issue of public interest is scheduled for the same meeting, the subjects shall be entertained in the order in which they appear on the Agenda.
10. **Legislative Action on Ordinances and Resolutions:** Proposed Ordinances shall be read by caption only unless Council, upon Motion and concurrence of a majority of the Members present, determines that the entire text of the proposed legislation shall be read. Ordinances assigned for third reading shall be disposed

of prior to consideration of Ordinances assigned for second reading. Ordinances assigned for second reading shall be disposed of prior to consideration of Ordinances assigned for first reading. All Ordinances shall be disposed of before consideration of any Resolution.

11. **Study Session:** Presentation and formal discussion, deliberation and debate of matters requiring a concurrence of Council prior to preparation of legislation. The subject of discussion shall be introduced by the Member of Council or administrative official identified by the agenda. Citizens, Members of Council, public officials and municipal employees desiring to comment upon each matter presented shall be recognized and permitted to speak in accordance with the standards of conduct and decorum established by these Rules. The time reserved for each presentation may be extended at the discretion of the presiding officer to accommodate such discussion. In the event more than one proposed legislative initiative is scheduled for consideration, the subjects shall be entertained in the order in which they appear on the Agenda.

12. **Citizen Concerns:** At the discretion of the President or other presiding officer, any person in attendance may be recognized and permitted to speak briefly to a subject that is not on the published meeting Agenda. The presiding officer shall determine whether the subject raised is appropriate for discussion without prior advertisement of Council's intent to consider the matter presented. In the event the presiding officer determines that the subject is not appropriate for substantive discussion at the current meeting, the person raising the issue shall be informed of appropriate actions to be taken to reserve time for discussion of the issue on the Agenda to be published in advance of a future meeting. A determination by the presiding officer that the subject presented is inappropriate for discussion in the absence of advance notice to the public of Council's intent to consider the subject shall not be subject to appeal and the determination shall be binding on all other persons in attendance desiring to comment on the matter raised. A person granted the floor to address one or more issues not on the Agenda shall be accorded such time as the presiding officer deems appropriate, not to exceed five minutes. The time allowed may be extended by majority concurrence to a Motion duly made and seconded proposing that the speaker be granted additional time. All persons granted the floor to comment on issues that are not on the published Agenda shall comply with all standards of conduct and decorum established by these Rules.

123. **Adjournment.**

Section 4: All provisions of the Rules of Conduct and Procedure not expressly amended by Section 1, Section 2 or Section 3 of this Ordinance are ratified, confirmed and shall remain in full force and effect.

Section 5: 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 duly convened in accordance with law.

Section 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF A FLYGT PUMP FOR INSTALLATION IN THE KETTENRING LIFT STATION AND DECLARING AN EMERGENCY

WHEREAS, The Kettenring Lift Station was fitted with Ebara pumps at the time of construction; and,

WHEREAS, Replacement parts needed to service the Ebara pumps are no longer available from any known North American supplier and must be built to order and shipped from Japan resulting in excessive lead times and exorbitant maintenance costs; and,

WHEREAS, Following failure of a critical part in one of the Ebara Pumps, Council directed that the pump be replaced with a Flygt Submersible Pump; and,

WHEREAS, A second Ebara pump has failed and the quoted price for the replacement parts exceeds \$15,000 and will require a lead time of 16 to 20 weeks during which time the Kettenring Lift Station will be vulnerable to service outages that could result in spillage from the sanitary sewerage system; and,

WHEREAS, Council finds that it would be cost effective to replace the failed pump with a Flygt Pump to facilitate use of common replacement parts and maintenance routines;

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

Section 1: The City Administrator is authorized to purchase one Flygt Submersible Pump, Model NP3202.185 conforming to the product description set forth in Buckeye Pumps, Inc. Quotation No. 3216-022817-KM1 from Buckeye Pumps, Inc., at the quoted price of \$29,775.00.

Section 2: The Finance Director is authorized to pay the authorized purchase price and any incidental expenses incurred to secure delivery and installation of the Flygt Pump from moneys allocated for expenditure by Line 590-540-5-2-980-880 of the 2017 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 duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that immediate purchase of the replacement pump is necessary to assure continuous operation of the Kettenring Lift Station. 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: _____, 2017

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2017

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONTRACT WITH EMNET, LLC TO DESIGN AND INSTALL A DETECTION SYSTEM TO MONITOR OPERATION OF THE SEWAGE SYSTEM AND DECLARING AN EMERGENCY

WHEREAS, The United States Environmental Protection Agency recently adopted regulations requiring all communities within the Great Lakes watershed to report the occurrence of any combined sewer overflow within four hours following the occurrence of such event; and,

WHEREAS, The Ohio Environmental Protection Agency has mandated that Ohio communities comply with the federal regulation by December 31, 2017; and,

WHEREAS, Individual monitors cannot be installed at each of the City's 26 permitted discharge points at an affordable cost; and,

WHEREAS, The City previously engaged EmNet, LLC of South Bend, Indiana, to evaluate data produced by 120 flow monitors temporarily placed throughout the collection system to assist with development of a model that is now used to assess the operation of the collection system and identify improvements needed to maximize efficiency; and,

WHEREAS, EmNet, LLC is confident that the existing model can be adapted to achieve compliance with the newly adopted reporting requirements using only five permanently installed flow monitors; and,

WHEREAS, EmNet, LLC is confident that the model can also be adapted to automate the generation of E.P.A.-required reports that presently cost the municipality \$10,000 per year to produce; and,

WHEREAS, Council finds that EmNet LLC is uniquely qualified to provide the consultative services needed to achieve compliance with the amended regulations by reason of its intimate knowledge of the City's flow monitoring data and predictive model;

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

Section 1: The City Administrator is authorized to contract with EmNet, LLC to perform all services and to supply all hardware and software described by the February 28, 2017, proposal at the quoted price of \$84,930.69.

Section 2: The Finance Director is authorized to pay the contract price and any incidental expenses incurred in accordance with the terms of the proposal from moneys allocated for expenditure by Line 590-540-5-2-980-880 of the 2017 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 duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that immediate award of the authorized contract is necessary to assure project completion before December 31, 2017, as required by Ohio E.P.A. regulations. 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: _____, 2017 _____
President of Council

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

Attest: _____, Clerk

Approved: _____, 2017 _____
Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF PERMANENT EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF SEWAGE FACILITIES ADJACENT TO THE DAVIDSON STREET RIGHT OF WAY

WHEREAS, Separation of the combined sewer within the Davidson Street right of way is necessary to achieve compliance with Federal and State environmental regulations; and,

WHEREAS, There is insufficient land within the Davidson Street right of way to install separate sanitary sewer and storm water drainage facilities; and,

WHEREAS, Napoleon Wash-N-Fill, Inc., Douglas Gerken and O. Leann Gerken have graciously donated easements permitting the installation, maintenance and operation of a sanitary sewer on lands adjacent to the right of way; and,

WHEREAS, Acceptance of the easements must be authorized by Ordinance;

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

Section 1: Council hereby expresses sincere gratitude to Napoleon Wash-N-Fill, Inc., and to Douglas Gerken and O. Leann Gerken, husband and wife, for their cooperation with municipal efforts to improve the sewerage system and their generous donation of lands needed to install, operate and maintain sanitary facilities conforming to the plans and specifications on file as Engineering Project No. 1511.

Section 2: All municipal officials, including without limitation, the City Administrator, City Law Director and Clerk of Council, are hereby authorized to execute the proposed easements now on file in the office of the City Engineer and cause the same to be recorded at public expense.

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 duly convened in accordance with law.

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

Passed: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor

ORDINANCE NO. _____

AN ORDINANCE VACATING AN ALLEY IN CORWIN'S ADDITION

WHEREAS: A Petition has been filed to vacate a platted but unimproved alley bisecting Lot 16 in and of Corwin's addition; and,

WHEREAS: The Planning Commission, by action taken in public meeting on March 20, 2017, unanimously recommended that the Petition be granted; and,

WHEREAS: The Law Director is of the opinion that the alley no longer exists as a matter of law but is also of the opinion the uncorrected plat depicting it as a lawful alley creates an unwarranted cloud upon the title to said Lot 16; and,

WHEREAS: A suitable vacation plat and survey has been prepared and filed with the City Engineer; and,

WHEREAS: The City Engineer has determined that there are no public or public utility facilities located within the right-of-way to be vacated; and,

WHEREAS: Council finds there is good cause to vacate the alley and that the vacation will not be detrimental to the general interest;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:

SECTION 1: The alley beneath the residence located at 222 Corwin Street and more particularly described and depicted by the Petition and Alley Vacation Plat now on file in the Office of the City Engineer is hereby vacated pursuant to and in accordance with §723.05 of the Ohio Revised Code.

SECTION 2: The City Engineer is directed to record a copy of this Ordinance together with the Alley Vacation Plat, approved survey and such other documents as may be appropriate to demonstrate vacation of the alley in conformity with Revised Code §711.39. The City Engineer is further directed to certify all costs incurred, including, without limitation, any sums due the surveyor for preparation of the description and plat, to the Finance Director for payment in accordance with Section 3 of this Ordinance.

SECTION 3: The Finance Director is directed to pay all costs and expenses incurred by the municipality incident to the conduct of proceedings upon the Petition from funds deposited with the Petition and to refund any remaining balance of the deposit to the Petitioner.

SECTION 4: It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council, that affected or influenced any such legislative act, were conducted in public session duly convened in conformity with law.

SECTION 5: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2017

President of Council

Attest: _____
Clerk of Council

Approved: _____, 2017

Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE SUTPHEN CUSTOM PUMPER THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM, APPROPRIATING MONEYS FOR THAT PURPOSE, AND DECLARING AN EMERGENCY

WHEREAS, Capital expenditure plans called for the replacement of one fire truck in 2017 but no appropriation was made for the expenditure due to a lack of funds; and,

WHEREAS, The City of Defiance and Defiance Township filed a joint application for Local Government Safety Capital Grant Program funding to assist with the cost to purchase a suitable pumper; and,

WHEREAS, On March 23, 2017, The Local Government Innovation Council awarded the City \$100,000 and the Township \$100,000, for a total award of \$200,000, to enable purchase of the desired fire engine;

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

Section 1: The City Administrator is authorized to contract for the assembly of one Sutphen Custom Pumper through the Ohio Department of Administrative Services Cooperative Purchasing Program (State Term Contract 800257) at the quoted price of \$478,958.49.

Section 2: The Finance Director is authorized to pay the contract price and such incidental costs as may be incurred in accordance with the terms and conditions of the authorized contract from moneys allocated for expenditure by Line 403-901-5-2-975-044 of the 2017 annual budget.

Section 3: The sum of Four Hundred Eighty Thousand (\$480,000.00) dollars is hereby appropriated for expenditure through Line 403-901-5-2-975-044 of the 2017 annual budget. Said sum is in addition to and intended to supplement moneys previously appropriated and allocated for expenditure by the approved annual budget.

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 duly convened in accordance with law.

Section 5: This Ordinance is declared to be an emergency measure necessary to the welfare of the community for the reason that all funds granted by the State of Ohio have been awarded on a reimbursement basis and will be forfeited if not disbursed within 60 days following the anniversary date of the notice of award. The authorized contract provides for payment of the purchase price upon delivery of the fire engine and lead time to complete assembly of the vehicle is estimated to be 11 to 12 months. It is, therefore, imperative that the purchase order be submitted immediately in order to assure completion of the assembly and payment of the reimbursable purchase price within the period required by the grant. 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: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH YSI INCORPORATED TO SUPPLY AN ALGAE MONITOR AND DECLARING AN EMERGENCY

WHEREAS, Algal blooms release pungent chemicals that adversely affect the taste and odor of potable water and may be harmful to human health; and,

WHEREAS, Early detection of cyanobacteria enables adjustment of reservoir management practices to reduce the likelihood that a harmful algal bloom will occur; and,

WHEREAS, The Ohio Environmental Protection Agency has awarded the City a grant in the amount of \$15,243.00 to off-set approximately 60% of the cost to install a Xylem Model EXO2 Sonde, sensors and communication equipment to enable early detection and monitoring of cyanobacteria colonies in the municipal water reservoir;

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

Section 1: The City Administrator is authorized to contract with YSI Incorporated of Cincinnati, Ohio to supply all equipment specified by Quote Number B129386 at the quoted price of \$24,764.00.

Section 2: The Finance Director is authorized to pay the quoted purchase price and any incidental expenses incurred in accordance with the terms of the proposal from moneys allocated for expenditure by Line 591-537-5-2-980-880 of the 2017 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 duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that immediate purchase of the equipment is necessary to assure that the equipment is delivered and installed before water temperatures rise to a level that is conducive to rapid expansion of cyanobacterial colonies. 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: _____, 2017

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2017

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONTRACT WITH GOLIATH TREE SERVICE AND DECLARING AN EMERGENCY

WHEREAS, the City routinely awards two contracts per year to maintain or remove and replace trees located on public lands; and,

WHEREAS, quotations were solicited to perform all services recommended by the State Forestry Officer in the spring of 2017 and Goliath Tree Service was the only respondent; and,

WHEREAS, the City Administrator is of the opinion that the quoted price is reasonable for the desired work;

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

Section 1: The City Administrator is authorized to award a contract to Goliath Tree Service to perform all work detailed by the March 17, 2017, proposal at the price therein quoted of \$17,400.00.

Section 2: The Finance Director is authorized to pay all costs incurred in accordance with the authorized contract from Line 101-751-5-2-941-001 of the 2017 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 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 the contract contemplates completion of all work before Memorial Day necessitating that it be immediately awarded. 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: _____, 2017

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2017

Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE A GRANITE FLAGPOLE BASE AND FOUR GRANITE BENCHES FOR INSTALLATION IN THE VETERANS' SECTION OF RIVERSIDE CEMETERY

WHEREAS, costs incurred to establish the Veterans' Section of Riverside Cemetery were largely paid with funds donated by the public; and,

WHEREAS, due to age and natural weathering, the Veterans' Section of Riverside Cemetery requires refurbishment; and,

WHEREAS, conceptual plans for the proposed improvements have been displayed in an effort to raise funds with which to purchase the necessary materials; and,

WHEREAS, more than half of the anticipated total project cost has been received in donations from individuals and organizations desiring to recognize the debt of gratitude all citizens owe to those who served in the armed forces; and,

WHEREAS, central features to be installed in accordance with the plans exhibited to the public to encourage charitable donations are comprised of polished black granite that will require significant lead time to obtain;

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

Section 1: The City Administrator is authorized to contract with Homier's Monumental to supply and install a flagpole base and four curved benches conforming to the specifications detailed in the proposal dated March 21, 2017, and at the quoted price of \$32,190.00.

Section 2: The Finance Director is authorized to pay all costs incurred in accordance with the authorized contract from line 403-901-5-2-978-051 of the 2017 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 duly convened in accordance with law.

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

Passed: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor