

ORDINANCE NO. 7902

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: April 4, 2017

Michael Ketcham
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: April 4, 2017

Michael McCann
Mayor

ORDINANCE NO. 7903

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: April 4, 2017

Michael Ketcham
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: April 4, 2017

Michael McCann
Mayor

Ordinance No. 7904

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: April 4 _____, 2017

Michael Ketcham _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: April 4 _____, 2017

Michael McCann _____
Mayor

Ordinance No. 7905

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: April 4, 2017

Michael Ketcham
President of Council

Attest: Lisa Elders, Clerk

Approved: April 4, 2017

Michael McCann
Mayor

ORDINANCE NO. 7906

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: April 4 _____, 2017

Michael Ketcham _____
President of Council

Votes in Favor of Adoption: 7 _____

Votes Opposed to Adoption: 0 _____

Attest: Lisa Elders _____, Clerk

Approved: April 4 _____, 2017

Michael McCann _____
Mayor

ORDINANCE NO. 7907

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: April 4, 2017

Michael Ketcham
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: April 4, 2017

Michael McCann
Mayor

Ordinance No. 7908

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: April 4 _____, 2017

Michael Ketcham _____

President of Council

Attest: Lisa Elders _____, Clerk

Approved: April 4 _____, 2017

Michael McCann _____

Mayor