

# Ordinance No. 8102

## **AN ORDINANCE AUTHORIZING THE LEASE OF ONE MT TRACKLESS SERIES MODEL MT7 TRACTOR WITH SPECIFIED ATTACHMENTS**

**WHEREAS**, the current lease of a 2013 MT Trackless Series Model MT6 with snow blower and leaf collection attachments expires in 2019, and

**WHEREAS**, the City Streets Division seeks to replace the MT6 tractor, but retain the original snow blower and leaf collection attachments, and

**WHEREAS**, the City Streets Division also seeks to add a second set of leaf collection attachments for the purpose of work flow continuity, and add an infrared asphalt heater attachment for the purpose of utilizing recycled asphalt mix for pavement repairs;

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

**Section 1:** The City Administrator is authorized to lease one MT Trackless Series Model MT7 tractor with infrared asphalt heater and leaf collection attachments more fully described by the February 19, 2019 proposal from Bell Equipment Company for a period of 5 years at a cost of \$45,183.00 per year.

**Section 2:** The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 403-901-5-2-978.093 of 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 shall be in full force and effect from and after the earliest date permitted by law.

Passed: March 12 \_\_\_\_\_, 2019      David McMaster \_\_\_\_\_  
President of Council

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

Approved: March 13 \_\_\_\_\_, 2019      Michael McCann \_\_\_\_\_  
Mayor

## ORDINANCE NO. 8103

### AN ORDINANCE GRANTING TO THE TOLEDO EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES, AND PUBLIC PLACES OF THE CITY OF DEFIANCE, OHIO, AND ITS SUCCESSORS, LINES AND OTHER FACILITIES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF DEFIANCE, OHIO, AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES, AND FOR THE TRANSMISSION AND DISTRIBUTION OF THE SAME, THROUGH, OR ACROSS THE CITY OF DEFIANCE, OHIO AND DECLARING AN EMERGENCY

**WHEREAS**, Council has the authority to lease and license the real property of the City under Section 2.12(11) of the Charter; and,

**WHEREAS**, The Toledo Edison Company ("TE") and its predecessors have served the City and its residents and businesses and other customers for over a century; and,

**WHEREAS**, TE has transmission and distribution lines already in place and operating throughout nearly all of the City; and,

**WHEREAS**, Council finds that nonexclusive franchise agreements with utility providers will make the City more competitive and attractive for economic development;

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

**Section 1:** Council hereby grants TE, its successors, and assigns ("Grantee") the right, privilege, franchise, and authority to acquire, construct, maintain, and operate in, above, under, across, and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the City of Defiance, State of Ohio, lines and other facilities for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances and appliances, including electric substations, to render public utility service in said City and to the inhabitants thereof by supplying electric energy to said City and the inhabitants thereof, and persons or corporations beyond the limits thereof for light, heat, power, or any other purposes or purpose for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, or across said City of Defiance, State of Ohio.

**Section 2:** The lines, facilities, appurtenances, and appliances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

**Section 3:** The rights, privileges, and franchise hereby granted shall be in force and effect for a period of ten (10) years from the date of the passage of this Ordinance. Thereafter this franchise shall continue for successive one-year terms, unless either party hereto provides written notice of its intention not to renew at least one year prior to the term expiration.

**Section 4:** The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and the Council of the City of Defiance hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

**Section 5:** Grantee shall indemnify and save the City and its public officials, officers, employees, and agents harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance, or operation of said lines for the distribution and transmission of electric energy, except to the extent such liability arises out of the willful misconduct of the City.

**Section 6:** Whenever said Grantee shall begin the erection or installation of any lines or other facilities or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced.

**Section 7:** Wherever in this Ordinance, reference is made to the City or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges, franchises, and obligations herein contained by or on behalf of said City, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said City, or of said Grantee, whether so expressed or not.

**Section 8:** This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage upon written execution by a duly authorized officer of the Grantee and both this Ordinance and the Acceptance by the Grantee shall constitute the Agreement.

**Section 9:** 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 10:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that time is of the essence to secure competitive electricity rates for residents and businesses. 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: March 12 \_\_\_\_\_, 2019      David McMaster \_\_\_\_\_  
President of Council

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

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

Approved: March 13 \_\_\_\_\_, 2019      Michael McCann \_\_\_\_\_  
Mayor

# Ordinance No. 8104

## **AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONTRACT TO REPLACE THREE POLICE VEHICLES**

**WHEREAS**, the City budget provides for the annual rotation of police vehicles in order to ensure reliable emergency vehicles and prevent large and sudden costs for the City; and,

**WHEREAS**, two vehicles are scheduled for replacement and the 2019 annual budget has made provision for payment of anticipated cost of these vehicles as capital improvements; and,

**WHEREAS**, the City lost another police vehicle to an accident on December 8, 2018, requiring a complete replacement; and,

**WHEREAS**, the City Police Department received bids from local automobile dealers on all three vehicle replacements and found offers to sell two (2) 2019 Dodge Durangos V6 AWD and one (1) 2019 Dodge Charger V8 AWD to be the lowest and best bids to the published specifications;

**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 for two (2) 2019 Dodge Durangos V6 AWD conforming to the specifications on file in the office of the City Administrator.

**Section 2:** The City Administrator is authorized to award a contract for one (1) 2019 Dodge Charger V8 AWD as a replacement for the totaled police sedan.

**Section 3:** The Finance Director is authorized to pay the total cost of the authorized contracts, including the costs of marking and equipping all three vehicles, in the amount of \$80,068.00 from Line 403-901-52-976.054 of the 2019 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 or in Executive Session duly convened in accordance with law.

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

Passed: March 12 \_\_\_\_\_, 2019      David McMaster \_\_\_\_\_  
President of Council

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

Approved: March 13 \_\_\_\_\_, 2019      Michael McCann \_\_\_\_\_  
Mayor

# Ordinance No. 8105

## AN ORDINANCE AWARDING A CONTRACT FOR THE REPLACEMENT OF THE CITY HALL ROOF

**WHEREAS**, the existing City Hall roof sprung several leaks over the last few years; and,

**WHEREAS**, a complete roof replacement is necessary to prevent further damage to City Hall and the property and equipment therein; and,

**WHEREAS**, the City solicited proposals to contractors to replace the roof pursuant to the plans and specifications established for the project and Wagner Metals submitted a bid at a total cost of \$49,700.00; and,

**WHEREAS**, Council finds that construction of the standing seam steel roof will help preserve the City building and contents therein, as well as improve the perception of City Hall;

**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 Wagner Metals to construct a standing seam steel roof replacement according to the specifications of the City and on file with the City Engineer at the quoted price of \$49,700.00.

**Section 2:** The Finance Director is authorized to pay the contract price from Section 1 and quoted in the bid received on February 19, 2019 from appropriated funds allocated by expenditure from Line 101-265-5-2-935.000 of 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 shall be effective on the earliest date permitted by law.

Passed: March 12 \_\_\_\_\_, 2019      David McMaster \_\_\_\_\_  
President of Council

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

Approved: March 13 \_\_\_\_\_, 2019      Michael McCann \_\_\_\_\_  
Mayor