

# ORDINANCE NO. 8006

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO MAKE APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CLEVELAND AVENUE MULTI-USE PATH AND TO ENTER INTO AN AGREEMENT TO SECURE THOSE FUNDS

**WHEREAS**, the Ohio Department of Transportation (“ODOT”) administers the Transportation Alternatives Program (“TAP”) which provides funding to local governments for pedestrian projects; and,

**WHEREAS**, the City desires to construct a sidewalk along the south side of Cleveland Avenue between Ottawa Avenue and Evan Drive that would connect the east side neighborhoods of the City to the new school facilities; and,

**WHEREAS**, Codified Ordinance §137.02 delegates continuing authority to the City Administrator to supervise the improvement of sidewalks and the construction of public improvements and public works; and,

**WHEREAS**, Council finds that construction of a sidewalk at this location promotes the health and welfare of the community because it will offer a safe pedestrian route to and from school; and,

**WHEREAS**, ODOT would fund ninety-five percent (95%) of the project less the engineering costs and the City would be responsible for five percent (5%) of the project or approximately \$20,860.00 plus the engineering costs of approximately \$85,250.00;

**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 §137.02 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 ODOT TAP to include, without limitation, all grant applications deemed necessary or appropriate to such transactions for construction of a sidewalk on Cleveland Avenue between Ottawa Avenue and Evan Drive 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 TAP funding from ODOT.

**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: April 10 \_\_\_\_\_, 2018

David McMaster  
President of Council

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

Approved: April 10 \_\_\_\_\_, 2018

Michael McCann  
Mayor

# ORDINANCE NO. 8007

## AN ORDINANCE ACCEPTING PERMANENT EASEMENTS FOR THE EAST HIGH STREET RECONSTRUCTION AND IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY

**WHEREAS**, the City is undertaking a complete reconstruction of East High Street that includes separation of the storm sewer from the sanitary sewer; and,

**WHEREAS**, this project requires the City to acquire permanent easements to install separate sewer lines across the properties located at 319 East High Street and 321 East High Street from East High Street to East River Drive; and,

**WHEREAS**, Herman R. Dally and Judith A. Dally, record owners in fee simple absolute of the property located at 319 East High Street, signed a permanent easement agreement on March 26, 2018; and,

**WHEREAS**, Joseph A. Konecny, record owner in fee simple absolute of the property located at 321 East High Street, signed a permanent easement agreement on March 27, 2018; 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 permanent easements from Herman R. Dally and Judith A. Dally and Joseph A. Konecny 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 lines and a right to ingress and egress on the project site is necessary prior to beginning construction. Council desires to complete the entire East High Street reconstruction and improvements project during the 2018 construction season. 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: April 10 \_\_\_\_\_, 2018

David McMaster  
\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 6 \_\_\_\_\_

Votes Opposed to Adoption: 0 \_\_\_\_\_

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

Approved: April 10 \_\_\_\_\_, 2018

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

# ORDINANCE NO. 8008

## AN ORDINANCE ACCEPTING PERMANENT EASEMENTS FOR THE COLLEGE PLACE RECONSTRUCTION AND IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY

**WHEREAS**, the City is undertaking a complete reconstruction of College Place that includes separation of the storm sewer from the sanitary sewer; and,

**WHEREAS**, this project requires the City to acquire three (3) permanent easements to install separate sewer lines across property owned by the Defiance College; and,

**WHEREAS**, Codified Ordinance §137.02 delegates continuing authority to the City Administrator to supervise the improvement of sidewalks and the construction of public improvements and public works; and,

**WHEREAS**, duly-authorized officers of the Defiance College, record owner in fee simple absolute of the affected property, signed a permanent easement agreement on April 4, 2018; 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;

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

**Section 1:** The permanent easements from the Defiance College are hereby accepted.

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

**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 lines and a right to ingress and egress on the project site is necessary prior to beginning construction. Council desires to complete the entire College Place reconstruction and improvements project during the 2018 construction season. 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: April 10 \_\_\_\_\_, 2018

David McMaster  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

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

Approved: April 10 \_\_\_\_\_, 2018

Michael McCann  
Mayor

# ORDINANCE NO. 8009

## AN ORDINANCE AUTHORIZING A CONTRACT WITH DGL CONSULTING ENGINEERS, LLC FOR CONSTRUCTION MANAGEMENT AND OBSERVATION SERVICES AND DECLARING AN EMERGENCY

**WHEREAS**, the City intends to undertake three construction projects: to reconstruct East High Street, to reconstruct College Place, and to improve the sanitary sewers at Latchaw Drive; and,

**WHEREAS**, the City Engineer selected DGL Consulting Engineers, LLC to monitor and inspect the quality and progress of these projects; and,

**WHEREAS**, Council finds that the City will benefit from the oversight of a civil engineer on these projects; and,

**WHEREAS**, Costs for these services will not exceed \$230,700.00 for the East High Street reconstruction project, \$151,700.00 for the College Place reconstruction project, and \$141,600.00 for the Latchaw Drive sanitary sewer improvement project;

**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 DGL Consulting Engineers, LLC to perform all tasks specified by the City and on file with the City Engineer at the prices quoted above.

**Section 2:** The Finance Director is authorized to pay the contract amounts of \$230,700.00 from Line 589-019-5-2-977.090, \$151,700.00 from Line 589-011-5-2-977.090, and \$141,600.00 from Line 590-540-5-2-980.880 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 is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that construction of these projects must commence in early May in order to be complete before the end of the 2018 construction season. 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: April 10 \_\_\_\_\_, 2018

David McMaster  
\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

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

Approved: April 10 \_\_\_\_\_, 2018

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

# ORDINANCE NO. 8010

## AN ORDINANCE AUTHORIZING PAYMENT FOR INFIELD DIRT AT THE KINGSBURY PARK AND KNIGHTS OF COLUMBUS BASEBALL FIELDS AND DECLARING AN EMERGENCY

**WHEREAS**, representatives from the Defiance Baseball Association (“DBA”) proposed to share the costs of replacing the infield dirt on the baseball fields with Council in September 2017; and,

**WHEREAS**, the DBA informed Council of plans to replace the infield dirt at Kingsbury Park in the fall of 2017 and at the Knights of Columbus baseball fields in the spring of 2018; and,

**WHEREAS**, based on those discussions, the City included its share of the cost of the replacements in the 2018 annual budget; and,

**WHEREAS**, the DBA’s share of the cost for these replacements is \$16,000.00 and the City’s share of the cost for these replacements is a proposed \$36,397.00 for a total cost of \$52,397.00; and,

**WHEREAS**, Council finds that reimbursement to the DBA for this purchase promotes the health and welfare of city youth by maintaining safe and durable playing fields;

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

**Section 1:** The City Administrator is directed to reimburse the DBA in the amount of \$36,397.00 for the City’s proposed share of the infield dirt purchase.

**Section 2:** The Finance Director is authorized to pay the cost of the reimbursement authorized by Section 1 from Line 704-873-52-979020 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 the DBA has already received the product and has an invoice pending. Payment is due to the vendor as soon as possible. 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: April 10 \_\_\_\_\_, 2018

David McMaster  
\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

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

Approved: April 10 \_\_\_\_\_, 2018

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