

ORDINANCE NO. 8129

AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN OF EMERGENCY REPAIRS TO THE WATER TREATMENT PLANT SLOPE AND DECLARING AN EMERGENCY

WHEREAS, a fifty-foot portion of the embankment on the west half of the Water Treatment Plant slid down the slope into the Maumee River at the confluence of the Tiffin River, jeopardizing the plant and water mains; and,

WHEREAS, R.C. §§153.65-153.73 requires municipalities to solicit a statement of qualifications from professional services firms before awarding a professional design or a design-build contract; and,

WHEREAS, the Mannik & Smith Group submitted a proposal to perform the design work, condition assessment, soil borings, and long-term stability improvement estimates along with a fee proposal for the slope repair guaranteed not to exceed \$43,035.00; and,

WHEREAS, the City Engineer reviewed the proposal and recommends adoption by Council in the above-listed amount; and,

WHEREAS, Council finds that the design project supports Connectivity Pillar of the Defiance Community Strategic Plan by preserving City infrastructure;

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 professional services agreement with the Mannik & Smith Group for the Water Treatment Plant Slope Stabilization Phase 1 Project according to the scope of services documentation on file with the City Engineer and at the quoted price of \$43,035.00.

Section 2: The Finance Director shall pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 591-537-5-2-835.009 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 is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that emergency repairs are necessary to prevent further slope slides at the Water Treatment Plant. 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: May 28, 2019 David McMaster
President of Council

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

Attest: Lisa Elders, Clerk

Approved: May 28, 2019 Michael McCann
Mayor

ORDINANCE NO. 8130

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR A NEWBORN SAFETY DEVICE AND DECLARING AN EMERGENCY

WHEREAS, Safe Haven Baby Boxes, Inc. is a nonprofit organization that provides licensing, instruction, advice, and equipment for the lease and installation of a newborn safety device; and,

WHEREAS, the City desires to install a newborn safety device on the exterior wall of the Fire Station in order to give parents in distress a secure place to drop off their infant with immediate access to emergency medical technicians (“E.M.T.s”); and,

WHEREAS, the Zonta Club of Defiance generously agreed to cover the cost of the \$10,000.00 initial installation fee and the \$200.00 annual fee; and,

WHEREAS, Article II, Section 2.12(11) of the Charter assigns Council with the exclusive authority to lease property; and,

WHEREAS, Council finds that this Lease Agreement promotes newborn safety;

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

Section 1: The City Administrator is directed to execute the Lease Agreement between the City and Safe Haven Baby Boxes, Inc. currently on file in the office of the Law Director for a five-year term.

Section 2: The City Administrator is further authorized to take any and all action required by the terms of the Lease Agreement, including the commencement of any action to enforce all legal and equitable rights afforded thereunder.

Section 3: The Finance Director is authorized to pay any incidental and maintenance costs for this newborn safety device.

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 time is of the essence in executing this agreement so that the City can install this device 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: May 28 _____, 2019 David McMaster _____
President of Council

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

Attest: Lisa Elders _____, Clerk

Approved: May 28 _____, 2019 Michael McCann _____
Mayor

ORDINANCE NO. 8131

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO MAKE APPLICATION TO THE WATER POLLUTION CONTROL LOAN FUND FOR SEWER SYSTEM IMPROVEMENTS AT RALSTON AVENUE AND ELBERT STREET AND HILTON STREET AND CARTER AVENUE, AND TO ENTER INTO AN AGREEMENT TO SECURE THOSE FUNDS, AND DECLARING AN EMERGENCY

WHEREAS, Council authorized the hiring of a design professional for an inflow reduction project at Ralston Avenue and Elbert Street and Hilton Street and Carter Avenue in Ordinance No. 8087 on December 11, 2018; and,

WHEREAS, the Ohio Environmental Protection Agency (“OEPA”) designated this project as eligible for an estimated \$1,500,000.00 in Ohio Water Pollution Control Loan Funding (“WPCLF”) at zero percent interest; 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, OEPA requires annual reauthorization of the authority of the City Administrator 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 hereby ratified and confirmed and the City Administrator is directed 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 water pollution control projects and facilities on behalf of the City of Defiance, Ohio.

Section 2: The City Administrator is further directed to execute and deliver all contracts, agreements, program compliance covenants, and other documents as may be appropriate to secure loan funding for the Group 9.1 and 9.3 Inflow Reduction Project No. 1812 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 execute the loan funding before the OEPA deadline and meet the December 31, 2019 completion date. 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: May 28, 2019 David McMaster
President of Council

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

Attest: Lisa Elders, Clerk

Approved: May 28, 2019 Michael McCann
Mayor

ORDINANCE NO. 8132

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR A SLUDGE PRESS AND DECLARING AN EMERGENCY

WHEREAS, the sludge hauling company that contracted with the City is no longer in operation and the sludge ponds at the Water Pollution Control Division are full; and,

WHEREAS, MSD Environmental Services, Inc. of Eaton, Ohio submitted a quote for a two-month lease for a 1.5-meter sludge press, which includes training and delivery, for \$30,000.00; and,

WHEREAS, Section 2.12(11) of the Charter gives Council the authority to lease property;

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 lease agreement with MSD Environmental Services, Inc. for a 1.5-meter Koline Sanderson Trailer Mounted Belt Press at a two-month term, to include training and delivery, at the quoted price *not to exceed* \$30,000.00.

Section 2: The Finance Director shall pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 590-540-5-2-835.117 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 is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that prompt action is necessary to prevent a breach or overflow of the sludge ponds. 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: May 28, 2019 David McMaster
President of Council

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

Attest: Lisa Elders, Clerk

Approved: May 28, 2019 Michael McCann
Mayor

ORDINANCE No. 8133

**AN ORDINANCE AMENDING ORDINANCE NO. 8086 PASSED
DECEMBER 11, 2018 TO MAKE APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF THE
CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF
JANUARY 1, 2019 THROUGH DECEMBER 31, 2019.**

WHEREAS, the City Finance Director has determined that additional appropriations are necessary to provide for expenditures; and

WHEREAS, that in addition to approving the expenditure of all public funds, Council must approve the appropriation of all public funds;

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

Section 1: That, to provide for expenses of the City of Defiance, State of Ohio, during the period of January 1, 2019 through December 31, 2019, Ordinance No. 8086 is hereby amended by appropriation changes to the following accounts:

201-Police & Fire Fund		
336-Fire Department		
Operating	\$	1,800.00
TOTAL - 336-Fire Department		\$ 1,800.00
249-Probation Grant fund		
Salaries, Wages & Benefits	\$	(9,445.00)
Operating	\$	7,914.00
TOTAL - 249-Probation Grant fund		\$ (1,531.00)
707-Museum Trust Fund		
Operating	\$	2,000.00
TOTAL - 707-Museum Trust Fund		\$ 2,000.00
792-Fire & Rescue Trust Fund		
Operating	\$	47,321.00
TOTAL - 792-Fire & Rescue Trust Fund		\$ 47,321.00
793-Fire Damage Repair/Removal Fund		
Operating	\$	7,200.00
TOTAL - 793-Fire Damage Repair/Removal Fund		\$ 7,200.00
 GRAND TOTAL - ALL FUNDS		 \$ 56,790.00

RECAPITULATION OF APPROPRIATIONS

201-Police & Fire Fund	\$	1,800.00
249-Probation Grant fund	\$	(1,531.00)
707-Museum Trust Fund	\$	2,000.00
792-Fire & Rescue Trust Fund	\$	47,321.00
793-Fire Damage Repair/Removal Fund	\$	7,200.00
 GRAND TOTAL - ALL FUNDS		 \$ 56,790.00

Section 2: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

Section 3: This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: May 28, 2019

David McMaster
President of Council

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 28, 2019

Michael McCann
Mayor

**CITY OF DEFIANCE - FY 2019
SUPPLEMENTAL APPROPRIATIONS ORDINANCE**

May 24, 2019

Members of Council,

Below are the specific line items associated with this week's amending appropriation ordinance. If you have any questions, please contact me. I will discuss some of these in more detail Tuesday night.

Fund No.	Dept No.	Account No.	Account Name	Amount	Division	Notes
201	336	935012	Miscellaneous	<u>1,800.00</u>	Fire	MARCs Radio grant expenditure for user fees
TOTAL - Police & Fire Fund				1,800.00		
249	198	718001	Health Care	(9,505.00)		Budget Adjustments per amended grant agreement
249	198	720000	FICA/Medicare	(208.00)		Budget Adjustments per amended grant agreement
249	198	721000	Workers Comp	268.00		Budget Adjustments per amended grant agreement
249	198	727000	Operating Supplies	611.00		Budget Adjustments per amended grant agreement
249	198	937600	Program Expense	7,303.00		Budget Adjustments per amended grant agreement
TOTAL - Probation Grant Fund				(1,531.00)		
707	737	955000	Miscellaneous	<u>2,000.00</u>		Donated funds for display cases and lighting
TOTAL - Museum Trust Fund				2,000.00		
792	336	730005	Equipment Replacement	<u>47,321.00</u>		MARCs Radio grant expenditure for equipment
TOTAL - Fire & Rescue Trust Fund				47,321.00		
793	338	964000	Refund	<u>7,200.00</u>		Insurance monies received for Fire on Hill Avenue
TOTAL - Fire Damage Repair/Removal Fund				7,200.00		
GRAND TOTAL - ALL FUNDS				56,790.00		

Thank you,



John W. Lehner
Finance Director
City of Defiance

Related Revenue Adjustments

792	810	698002	Grant Reimbursement	<u>47,321.00</u>
Total				47,321.00