

# ORDINANCE NO. 7947

## AN ORDINANCE AUTHORIZING A CONTRACT WITH MOSSER CONSTRUCTION, INC. AND DECLARING AN EMERGENCY

WHEREAS, Routine maintenance inspection of the #5 Primary Tank at the Water Pollution Control treatment works detected voids beneath the floor and subsequent core samples confirmed that delamination of the floor has occurred and is occurring; and,

WHEREAS, Continued operation of the Primary Tank in its present condition threatens costly damage to mechanical systems; and,

WHEREAS, Occurrence of the threatened damage to mechanical systems would prevent use of the tank and greatly increase the risk of spillage of pollutants into the Maumee River, thereby exposing the municipality to penalties for violation of the Clean Water Act; and,

WHEREAS, AECOM was engaged to evaluate the delamination and prepare plans and specifications for repair; and,

WHEREAS, Bids were solicited to remove and replace failing materials in accordance with the engineer's recommendations and Mosser Construction, Inc. submitted the lowest cost proposal to perform the necessary 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 \$142,000.00 contract to Mosser Construction, Inc., to supply all labor, materials, fuel and equipment required to rehabilitate Primary Tank #5 in conformity with the designs and material specifications now on file in the office of the City Engineer and on the terms and conditions of service established by the accepted bid.

Section 2: The Finance Director is authorized to pay all costs incurred in accordance with the contract authorized by Section 1 from 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 and safety of the community for the reason that prompt commencement of the authorized work is necessary to minimize the risk that the Water Pollution Control Treatment Works will be disabled by a failure of the #5 Primary Tank. 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: September 5, 2017

Michael Ketcham  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 8, 2017

Michael McCann  
Mayor

# Ordinance No. 7948

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONTRACT TO KOESTER CORPORATION

WHEREAS, A Programmable Logic Controller is necessary to assure accurate data collection and proper operation of automated processes at the Water Treatment Plant; and,

WHEREAS, The installed Programmable Logic Controller is approximately 20 years old, technologically obsolete and difficult to maintain due to the unavailability of replacement parts; and,

WHEREAS, Provision was made for replacement of the obsolete Programmable Logic Controller in the 2017 annual budget; and,

WHEREAS, Koester Corporation submitted a proposal to design, assemble and install the required equipment at a cost that is within the budgetary allowance; and,

WHEREAS, Koester Corporation is uniquely qualified to design, supply and install the needed equipment by reason of the company's intimate knowledge of telemetric systems located throughout the Water Treatment Plant;

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

Section 1: In accordance with Codified Ordinance 151.03(e), the City Administrator is authorized to award a contract to Koester Corporation to design, assemble and install a Programmable Logic Controller conforming to the product description recited in the August 22, 2017, Koester Corporation price quote numbered 17-088-CD.

Section 2: The City Finance Director is directed to pay the \$159,900.00 purchase price from 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 shall be effective on the earliest date permitted by law.

Passed: September 5, 2017

Michael Ketcham  
President of Council

Attest: Lisa Elders, Clerk

Approved: September 8, 2017

Michael McCann  
Mayor