

ORDINANCE NO. _____

AN ORDINANCE AWARDDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT EAST SIDE PARK AND DECLARING AN EMERGENCY

WHEREAS, the City acquired the former "Compo Park" property as authorized by Council in Ordinance No. 8096 on February 5, 2019; and,

WHEREAS, an appropriation of \$178,271.87 is necessary for the purchase and installation of the playground equipment; and,

WHEREAS, the City secured funding from the 2018 Community Development Block Grant ("CDBG") to support this purchase; and,

WHEREAS, Council finds that the purchase and installation of playground equipment will enhance the vitality of the East Side Park and neighborhood;

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 GameTime aka DWA Recreation, Inc. for the purchase and installation of playground equipment in the amount of \$178,271.87 and according to the specifications from the quote dated September 3, 2019.

Section 2: The Finance Director is authorized to pay the purchase price from appropriated funds allocated for expenditure by Line 403-901-5-2-920.008 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 immediate execution of this contract is necessary to meet the CDBG deadline. 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: _____, 2019

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor

ORDINANCE NO. _____

**AN ORDINANCE AWARDDING A CONTRACT FOR THE PURCHASE AND
INSTALLATION OF A SHELTER HOUSE AT EAST SIDE PARK AND
DECLARING AN EMERGENCY**

WHEREAS, the City acquired the former "Compo Park" property as authorized by Council in Ordinance No. 8096 on February 5, 2019; and,

WHEREAS, an appropriation of \$77,490.00 is necessary for the purchase and installation of a shelter house for the park; and,

WHEREAS, the City secured funding from a 2018 Ohio Department of Natural Resources ("ODNR") NatureWorks grant towards this improvement; and,

WHEREAS, Council finds that the purchase and installation of a shelter house will enhance the vitality of the East Side Park and neighborhood;

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 DWA Recreation, Inc. for the purchase and installation of a shelter house in the amount of \$77,490.00 and according to the specifications from the quote dated July 2, 2019.

Section 2: The Finance Director is authorized to pay the purchase price from appropriated funds allocated for expenditure by Line 403-901-5-2-920.008 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 immediate execution of this contract is necessary to remain eligible for the ODNR grant. 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: _____, 2019

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor

ORDINANCE NO. _____

AN ORDINANCE AWARDDING A CONTRACT FOR ENGINEERING SERVICES FOR THE ULTRAVIOLET DISINFECTION SYSTEM PROJECT AND DECLARING AN EMERGENCY

WHEREAS, Council authorized a contract with Jones & Henry Engineers, Ltd. for design and bidding services for the ultraviolet disinfection project in Ordinance No. 8062 on September 25, 2018; and,

WHEREAS, Jones & Henry successfully designed the project and Council approved a contract with Kirk Bros. Co., Inc., the lowest and best bidder, in Ordinance No. 8151 on August 13, 2019; and,

WHEREAS, the Water Pollution Control Superintendent desires to retain Jones & Henry Engineers, Ltd. as the engineering firm that will monitor construction; and,

WHEREAS, Costs for this service will not exceed \$73,000.00 under the proposed contract without further approval from Council; and,

WHEREAS, Council finds that the retention of this firm will help to ensure the quality of the 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 Jones & Henry Engineers, Ltd. to perform all tasks specified by the City and on file with the Water Pollution Control Division in the amount of \$73,000.00.

Section 2: The Finance Director is authorized to pay the contract amount in Section 1 from appropriated funds allocated by expenditure from Line 590-540-5-2-980.880 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 construction must occur in 2020 in order for the project to remain eligible for Water Pollution Control Loan Fund administered by the Ohio Environmental Protection Agency. 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: _____, 2019

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor

ORDINANCE NO. _____

AN ORDINANCE AWARDING A CONTRACT FOR THE CONSTRUCTION OF A SANITARY SEWER EXTENSION ON WEST HIGH STREET AND LATCHAW DRIVE AND DECLARING AN EMERGENCY

WHEREAS, the City obtained an opinion of probable costs to extend the sanitary sewer along West High Street and Latchaw Drive of \$1,100,000.00; and,

WHEREAS, the City opened competitive bids for the construction of the project on September 10, 2019 and Underground Utilities, Inc. submitted the lowest and best bid at \$887,973.50; and,

WHEREAS, the current Long Term Control Plan identified this project as a priority to reduce combined sewer overflows into the watershed; and,

WHEREAS, Council finds that this project furthers the Connectivity Pillar of the Defiance Community Strategic Plan by providing reliable infrastructure that keeps harmful material from entering the watershed;

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 Underground Utilities, Inc. to construct a sanitary sewer system in the vicinity of West High Street and Latchaw Drive according to the specifications of the City and on file with the City Engineer at the quoted price of \$887,973.50.

Section 2: The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 590-540-5-2-980.880 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 work must begin as soon as possible in order to comply with the current Long Term Control Plan Consent Order. 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: _____, 2019

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor

Ordinance No. _____

AN ORDINANCE DESIGNATING THE MAUMEE VALLEY PLANNING ORGANIZATION AS AGENT FOR THE CITY TO ADMINISTER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD MITIGATION ASSISTANCE PROGRAM

WHEREAS, the City applied to the Federal Emergency Management Agency ("FEMA") for funding for the demolition of four properties in a flood zone:

- 106 Clinton Street;
- 110/114 Clinton Street;
- 118 Clinton Street; and
- 124 Summit Street;

and,

WHEREAS, Council previously designated the Maumee Valley Planning Organization ("MVPO") to apply for and administer the Flood Mitigation Assistance Program in Ordinance No. 7727 on June 16, 2015; and,

WHEREAS, Council finds that this agency designation promotes the guiding principles of collaboration and safety by working with other agencies to minimize the damage from periodic flooding;

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

Section 1: MVPO is hereby authorized to execute for and on behalf of the City of Defiance, Ohio, a charter municipality established under the laws and Constitution of the State of Ohio, applications for funding and file said applications with the appropriate state agency for the purpose of obtaining financial assistance under the Disaster Relief Act (Public Law 288, 23rd Congress) or otherwise available from the President's Disaster Relief Fund.

Section 2: All actions taken by MVPO to prepare, file, and encourage approval of the application for Flood Mitigation Assistance Program funds are ratified and confirmed.

Section 3: Council hereby authorizes MVPO to provide the necessary assurances and agreements to the Ohio Emergency Management Agency and FEMA for all matters relating to such Federal disaster assistance.

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: _____, 2019

President of Council

Attest: _____, Clerk

Approved: _____, 2019

Mayor

RESOLUTION No. _____

A RESOLUTION IN OPPOSITION TO H.B. 163

WHEREAS, H.B. 163, as introduced in the Ohio House of Representatives, would create a process for withholding local government funds and state water and sewer assistance from municipal corporations that engage in certain water and sewer practices with respect to extraterritorial service; and

WHEREAS, this legislation would limit the ability of the City to set water rates sufficient to recoup its costs or subject the City to potential lawsuits and declaratory judgments in the Court of Common Pleas of Defiance County, Ohio; and

WHEREAS, this bill would impose the burden of proof upon the City to demonstrate that its water and sewer rates are calculated pursuant to generally accepted industry practices; and,

WHEREAS, the City has positive and productive contractual relations with the satellite communities that purchase water and sewer service from the City and has maintained these beneficial relationships on its own for many years; and,

WHEREAS, Council finds that this legislation interferes with the Home Rule powers of the City as well as Article XVIII, Section 4 of the Ohio Constitution, which provides in part:

Any municipality may acquire, construct, own, lease and operate within or without its corporate limits, any public utility the products or service of which is or is to be supplied to the municipality or its inhabitants, and may contract with others for any such product or service...

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

Section 1: Council hereby opposes H.B. 163 in its current form and any further attempt to interfere with the ability of the City to set the price for utility services.

Section 2: Council finds that the City is fully capable of reaching a fair and equitable resolution on water rates with townships, villages, and other satellite communities without the officious intermeddling of the Ohio General Assembly in Columbus.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Resolution 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 Resolution shall be effective on the earliest date permitted by law.

Passed: _____, 2019

President of Council

Attest: _____, Clerk

Approved: _____, 2019

Mayor